

# Prevention and Protection Establishment increase - Building Safety Regulator

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**Report to:**

**Date:**

Investment & Finance Board.....	1 June 2023
Commissioner's Board .....	13 June 2023
Deputy Mayor's Fire and Resilience Board.....	29 June 2023
London Fire Commissioner	

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**Report by:**

Assistant Commissioner Fire Safety, Strategic Technical Advisor, Fire Safety

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**Report classification:**

For decision

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**For publication**

I agree the recommended decision below.



Andy Roe

London Fire Commissioner

This decision was remotely  
Date signed on 03 August 2023

## PART ONE

Non-confidential facts and advice to the decision-maker

### Executive Summary

There are two elements to the proposals made in this paper. The first is the role of LFB in providing assistance to the new Building Safety Regulator (BSR) as required by the Building Safety Act 2022 (BSA). The recruitment of additional staff to service the request by the BSR for assistance is considered to have a number of benefits to improvement of fire safety coverage in London's built environment.

The second is LFB's potential involvement in coordinating and administering the national programme of assistance to the BSR. London has more than 60% of the national total of buildings within the scope of the Building Safety Act 2022, the National Fire Chiefs Council has consequently proposed to the BSR that the BSR assistance programme development, national coordination, and programme administration to be held within LFB for reasons of efficiency. This has some potential benefit to LFB through enhancement of liaison with the BSR for policy development and implementation that will affect London as well as providing resilience in the administration of the new BSR regime at FSR regional level including the London region.

The resources required by LFB for the first element of LFB's provision of assistance to the BSR as a new burden have been estimated by LFB and NFCC to be 46 Inspecting Officers, 12 Fire Engineers and up to 4 managers commensurate with the high percentage of BSA in scope buildings, predominately high-rise residential blocks of flats, within the London area. Funding is being provided by the Home Office for the development of resources to meet the new responsibilities. The funding will cover recruitment, salaries, development, and overheads for the posts outlined above. After 2025, Government expect costs to be met by fire and rescue services charging the BSR for staff time used using an agreed 'bill back' model. Initial grant funding is also available to cover establishing the second element of a national coordinator, administration, and finance staff for the national programme. The funding will support the programme until it becomes self-funding through re-charging the BSR for any assistance given during the inspection and consultation processes.

#### Recommended decisions

### For the London Fire Commissioner

1. That the London Fire Commissioner (LFC) agrees to commit revenue expenditure of up to £11,343,844 to increase establishment posts in Protection for 46 additional Inspecting Officers (FRS D), 12 additional Fire Engineers (Sub Officer, Station Officer, FRS E and FRS F) and up to 4 additional managers (FRS E) to meet the requirement placed on Fire & Rescue Services to assist the Building Safety Regulator sections 13,14,15 & 16 of the Building Safety Act 2022 and consequently to incur expenditure from Home Office grant funding and subsequently revenue from the Building Safety Regulator to continue to fund such posts.
2. That subject to the receipt of assurances relating to future funding, the London Fire Commissioner agrees to commit revenue of £1,291,933 for the purpose of employing a single National Coordinator, a team leader and up to 11 national administration and/or finance staff to develop, manage and coordinate the national programme for providing assistance to the Building Safety Regulator and consequently to incur expenditure from

Home Office grant funding and subsequently revenue from the Building Safety Regulator to fund such posts.

## **1 Introduction and background**

- 1.1** The Building Safety Act 2022 (the Act) introduces a new and more stringent fire safety regime for high-rise residential premises in the light of failings in construction and building control processes identified following the Grenfell Tower fire on 14 June 2017. The new regime will be operated by a new body called the 'Building Safety Regulator' (BSR) which has been established under the Health and Safety Executive. Sections 13 to 16 of the Act make provision for Fire and Rescue Authorities (FRS) to assist the BSR in the undertaking of the BSR's functions. FRS's may be directed by the BSR, if the Secretary of State gives consent to this.
- 1.2** Government and BSR expectation is that FRS's and their staff will work with the BSR to deliver the checks and inspections necessary for the new regime to operate. Government has recognised that this creates a new burden which will require funding. Consequently, a national grant to FRS's totaling around £26 million over 2.25 years from 1 January 2023 to 31 March 2025 has been provided to be drawn upon on the basis of actual spend during that period which expires at the end of the existing spending review period.
- 1.3** The National Fire Chiefs Council (NFCC) has proposed, and the BSR has agreed, that work should be conducted and managed on an FRS NFCC regional level. This is to facilitate resilience and acknowledges that some FRS's have small numbers of High Rise Residential Buildings (HRRB) and so the apportionment of grant funding would be insufficient to provide a full-time uplift to staffing numbers to address the additional burden created by BSR work.
- 1.4** The grant is being apportioned by the NFCC to regions (of which London is one) on the basis of the proportionate number of HRRBs within scope of the new safety regime in each region. The apportionment also takes into account that a percentage of work that will require specialist fire engineering knowledge. The resultant grant for use by LFB is up to £11,716,720 over the period 2022/3 to 2024/5 to cover salary, training and associated costs for up to 46 additional Fire Safety Inspectors at FRS D, 4 Fire Safety Team Leaders (Regional managers) at FRS E and up to 12 additional Fire Engineers (FRS E or Station Officer) or Engineering Technicians (at FRS D) or a combination of these and upgrading of two posts to senior Fire Engineer at FRS F. As most recruitment will not take place until 2023/24 to 2024/25 the staff cost figures, discounting 2022/23 are lower than the full available grant sum.
- 1.5** Details of the salary and on-costs together with training costs used by the NFCC for these purposes, which are primarily based on figures for London, are provided within Appendix 1. These assume a 5% salary increase each year.
- 1.6** After expiry of the grant funding, the Government propose that additional FRS staff costs will be met by 'billing back' hours used to support the BSR at an agreed hourly rate that has been developed by FRA Finance Officers through the NFCC.
- 1.7** With BSR work being undertaken at NFCC regional level, the NFCC have proposed a single national strategic lead officer and a national administration hub to deal with the BSR workload for FRAs and to calculate and undertake financial billing and remuneration work

for English Fire Services as a whole in respect of the BSR. This is in the interests of efficiency and consistency. The Home Office has allocated £1,291,933 over the 2022/23 to 2024/5 financial period for this function.

**1.8** The NFCC has advised officers that due to the NFCC's charitable status it is unable to undertake the national role and has proposed that it should be centralized within a single FRS. The proposal made being that, as the largest FRS, the London Fire Brigade should host the national administration hub and employ the relevant staff. As with additional Inspecting Officers and Fire Engineers, it is proposed by the Government that running costs will be met until 31 March 2025 by grant funding (billed in arrears) of up to £1,291,933 and thereafter by billing the BSR through a cost recovery premium added to the number of Fire safety Inspecting Officer and Fire Engineer hours nationally spent on BSR work. It is anticipated that actual spend will be in the region of £944,386 between 2023 and 2025 however, the request to spend up to the full available grant figure is made to allow for any necessary staffing adjustments in the light of experience or additional set up costs that require additional or specialist short term staffing.

**1.9 A decision on whether to accept the NFCC proposal for LFB to undertake the national administration function is required. If this is not agreed, either the national function will need to be taken on by another FRS or body (an alternative would be for NFCC to identify). If in the event that a national administration hub is provided then LFB will still need to take on an administrative function to meet LFB's needs in discharging BSR work. If the decision is taken to not provide a national administration hub and consequently administration is left solely at NFCC regional level then LFB will need to resource that using BSR grant and (then bill back) to around 65% of the national model given that is the broad level of the national risk located in the capital. The majority of risk identified in this appear and associated business case would consequently remain at that proportional level.**

**1.10** The recruitment, training, development, salaries, and overheads will be initially funded (claimed back) through Home Office grant funding. After the grant fund period annual revenue pressures of £5,237,096 (at anticipated 2024/25 salary costs and oncost rates) will arise for continued employment of staff but are expected to be recovered from the Building Safety Regulator via a recharge process for hours of work undertaken for the Building Safety Regulator. Additional training costs will arise in the region of £16,615 per inspecting officer and £9,956 for fire engineers recruited after 2024/25. Agreement is sought for this subject to negotiations continuing with Government for recovery of such sums if grant funding is not available.

## **2** Objectives and expected outcomes

- 2.1** The overarching objective for providing assistance to the BSR is to make buildings within the scope of the BSA safer and therefore ensure the occupants of those buildings are also safer. This includes new buildings and existing occupied buildings.
- 2.2** The LFC objective to provide assistance to the BSR within London also supports a number of mayoral strategic priorities. In particular, it directly supports and underpins the delivery of key parts of the London Plan including, specifically, Chapter 4 (Housing) Policies H1 to H16. In addition, Policy GG 3 Creating a Healthy City, Policy GG4 Delivering the Homes Londoners Need and Chapter 3 Policy D12 Fire Safety. It also indirectly supports a number

of other objectives within the London Plan within the planning and building of safer new housing and safety in existing housing.

- 2.3 The anticipated outcome of the BSR, subject to its work being supported, will be safer high-rise housing within London and all the advantages that brings to resident wellbeing, mental health, housing mobility and safety for vulnerable people. For the LFC, use of additional staff will mean risk-based Inspection of other premises types will be less adversely impacted once sufficient staff are in place and have been brought to the requisite competence levels through training and experience.

### **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. LFC will continue to have due regard and consideration to the Public Sector Equality Duty throughout the recruitment training and development of staff to deliver assistance to the BSR through its current policies and through the development of policies and procedures to deliver this service.
- 3.3 The purpose of this report is to describe and request agreement for the resources and methodology to implement the LFC's legal requirement under the BSA to provide assistance to the BSR and the LFC's support for the national delivery of the assistance to the BSR, to provide better regulation of new and existing occupied residential buildings. It is not in itself, therefore, creating any policy that affects delivery of the LFC Public Sector Equality Duty. This has already been considered within the legislation that LFC is assisting the BSR to deliver.
- 3.4 Alongside the governmental generic legislative EIA, the actual matters covered by this report are covered by existing EIAs: EIA 210616 (Recruitment Policy FRS and Control Staff); EIA 210930 (FSR Centre of Learning and Excellence) and the training aspects were subsumed within the EIA accompanying report LFC-0736y. Changes to inspection activities due to changes in staff numbers fall to be considered within the EIA associated with paper LFC-23-004 (Risk Based Inspection Program) and should be kept under review with the EIA during the ongoing development of that program from which the work associated with this this paper is indivisible as 'demand led' work.
- 3.5 All activity arising from the decisions within this paper will be considered within and under those extant policies. Each extant EIA has therefore been reviewed by the report author. This has not resulted in the identification of additional positives or negatives arising from this report's proposals. The potential for acceleration of recruitment of staff from under-represented groups is possible due to higher on recruitment rates but the this primarily highlighting the benefit of the policy associated with EIA 210616 and remains dependent on applications made for employment. Therefore, it is considered that a separate EIA is not required for this report and associated decisions, but an EIA will be required as any additional operational delivery policies and guidance are developed. The latter cannot yet be conducted as the detail of what will be required or expected of the LFB is yet to be received from the BSR.

## **4. Other considerations**

- 4.1** Potential risks: The employment of significant numbers of additional inspecting officers and fire engineers to permanent positions to service the levels of work to support the BSR, anticipated by NFCC and government, is not without a degree of financial risk. This risk is exacerbated for the national roles where reliance is placed on funding arising from work being undertaken by other FRS. This is explored in Appendix 2. Overall, the financial risk is minimal during the grant funded period (till 2024/25) and then may be alleviated by provision of termination clauses in memorandum of understanding with the Home Office and others covering the undertaking of national BSR work.
- 4.2** Separately there is some reputational risk if the LFB and so the LFC is regarded as being responsible (through the national coordinator and national administration functions) for any FRS failings across the country in respect of the functioning of the new regime; or of the timely free flowing of invoices and refunding of monies from BSR to the FRS. Subject to any further information from the BSR, this does appear manageable by the National Coordinator through reporting to the BSR and consequent exercise of BSR powers to request action by each FRS. In the alternative, should the LFC choose to refuse the national administration role then this could be seen by some as seeking to subvert the operation of the Building Safety Regulator and the associated regulatory regime. Clearly the latter is not the intent of LFC or LFB.

### **Workforce comments**

- 4.3** If the LFC agrees to the proposals in this report there will be some workforce issues to overcome.
- 4.4** The employment and development of a large cohort of people, their induction and management and their training and development will put pressure on existing systems. This can be contained through management, BSR funding of additional middle manager/team leaders, and use of the Centre of Learning and Excellence through reallocation of internal resources and use of Home Office Protection Uplift funding to address short term needs. Additional pressures on senior managers may arise due to the increase in staff numbers and oversight of the national work (if agreed) and will need to be kept under review.
- 4.5** The national/regional coordination staff will be collaborating with a number of agencies and services with MOUs and policies and guidance required to enable this work to deliver the outcomes required.
- 4.6** Consultation with representative bodies will be important to ensure the collaborative working in the national role is effective but it is not likely that negotiation will be required as the staff roles are similar to existing roles.

### **Sustainability comments**

- 4.7** There are no specific sustainability issues associated with this report or the decisions associated with it. There is some prospect of additional travel by Inspecting Officers, however in the areas with the higher numbers of HRRB travel is almost exclusively made using public transport. For the national coordinator role, means of travel to other parts of the country has yet to be assessed given the final nature of the role is yet to be agreed. This will be kept under review.

## Procurement comments

- 4.8** The increase in number of staff will increase the call for uniform and associated equipment for staff at Fire Safety Inspecting Officer, Team Leader and Fire Engineer levels. However, given this is a normal issue it is not anticipated that any undue pressures will arise for the procurement and provision to staff. In relation to IT equipment Inspecting staff normally use an electronic mobile device. Initial work with recruiting under existing agreements allows for orders to be placed sufficient in advance of a cohort of recruits starting so as to minimize risk from the supply chain. Other IT equipment (e.g. such as for home working) can be ordered under existing central contracts with significant notice given through staff on-boarding procedures and a 25-week training period at LFB office locations where IT equipment is available. Procurement issues are not therefore anticipated. The costs for equipment and training can be recharged to the Government funding for the new additional posts and refunded to departments or directed to central funds. This will be agreed between departments and the arrangements are further developed.
- 4.9** If the undertaking of the national coordination role is accepted, some procurement issues may arise in the short term for the setting up of fire and rescue services as suppliers and customers, together with the BSR, to establish the 'bill back' charging system that is expected to follow on from the initial grant funding. The extent of this is presently unknown while the BSR itself develops relevant working practices and systems. Consequently, it will be kept under close review.

## Communications comments

- 4.10** Once there is a clear understanding of the commitment and scope of the BSR work, an appropriate communications plan will be instigated. This will consider the need to communicate and engage with both staff and communities.

## 5. Financial comments

- 5.1** This report sets out recommendations to increase the establishment within Prevention and Protection as a result of the implementation of the new Building Safety Regulators. This increase is set out in two elements.
- 5.2** The first recommendation is to increase the establishment by an additional 46 Inspecting Officers, 12 Fire Engineers and up to 4 Managers. This is at an annual revenue cost of £6,106,748 in 2023/24, £5,237,096 in 2024/25 and then an ongoing revenue cost of £5,237,096 from 2025/26 and all future years. The total cost of £11,343,844 in 2023/24 and 2024/25 will be met from Home Office grant funding. It is expected that there may be movement in costs between years according to recruitment and training dates. The ongoing revenue cost from 2025/26 will be met from a recharge process to the Building Safety Regulator.
- 5.3** The second recommendation is to increase the establishment by a single National Coordinator and up to 11 national administration and finance staff to develop, manage and coordinate the national programme for providing assistance to the Building Safety Regulator. This is at an estimated annual revenue cost of £376,570 in 2023/24, £567,816 in 2024/25 and then an ongoing revenue cost of £567,816 from 2025/26 and all future years. The total cost of £944,386 in 2023/24 and 2024/25 will be met from Home Office grant funding. The ongoing revenue cost from 2025/26 will be met from a recharge process to the Building Safety Regulator.



- 5.4 The report notes that this may result in a financial risk to the LFC where costs are incurred in paying for staff, with no guarantee that work will be provided by the BSR to fully offset those costs. This risk is exacerbated for the national role, where reliance is placed on funding arising from work being undertaken by other FRS.
- 5.5 The report also notes that the funding position for staff under training after 2024/25 remains unclear, as it may not be possible to bill back their time to the BSR after the grant funding ends. Government Officials have given some assurance on this but are unable to give financial commitments outside of the current spending review period.

## 6. Legal comments

- 6.1 This report seeks approval to commit revenue expenditure for the purpose of recruiting additional posts to meet and discharge new obligations under the Building Safety Act 2022.
- 6.2 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.
- 6.3 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...". Accordingly, the expenditure identified for the recruitment of new posts as identified in this report requires prior approval.
- 6.4 LFB is the enforcing authority for the Regulatory Reform (Fire Safety) Order 2005 in relation to the large majority of premises in Greater London, including those that are also to be regulated by the Building Safety Regulator. LFB has a positive duty to enforce the Order (in Article 26) and may employ inspecting officers to do so, who will then have statutory investigative powers (under Article 27) such as rights of entry to premises, to require production of relevant records and a (limited) power to take samples. By s13(1) Building Safety Act 2022 the LFB has a general power to facilitate the BSR's regulatory function at the BSR's request. By s13(2) the BSR might, with the consent of the secretary of state, ultimately direct LFB to do so. LFB can exercise this power to host the national strategic lead officer and a national administration hub to deal with the BSR workload for FRAs.
- 6.5 The BSR proposes that its officers will work in multidisciplinary teams with other regulators, including fire services. LFB officers will therefore be exercising their investigative powers under Article 27 RR(FS)O 2005 when working with the BSR. By s15(2) BSA 2022 LFB must ensure officers assisting the BSR have appropriate skills, knowledge, experience and behaviours for this. This funding proposal recognizes that this framework requires LFB to reassess its establishment of officers trained and experienced to exercise the relevant Article 27 statutory investigation powers and to facilitate the BSR's regulatory functions.
- 6.6 The recommendations are therefore within the powers of the LFC and will assist the LFB to discharge its functions efficiently and effectively.



## List of appendices

Appendix	Title	Open or confidential*
1	Details on BSR national model	Open
2	Further information on considerations of the NFCC proposal	Open

### 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

<b>Proposal/Project Name:</b>	Building Safety Regulator (BSR) staffing in the London Fire Brigade
<b>Completed By:</b>	Andy Jack
<b>Proposal Project Sponsor:</b>	Charlie Pugsley
<b>Directorate/Department:</b>	Fire Safety (Prevention & Protection)

<b>Document Version History</b>		
Version Number	Date	Summary of Changes
2	Undated	Change from NFCC to LFB format
3-4		Drafting amendments
5		Amendment to recommendation for ongoing liabilities

<b>Distribution List</b>		
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Name	Title/Role	Approval Date

## **Executive Summary**

There are two elements to the proposals made in this paper. The first is the role of LFB in providing assistance to the new Building Safety Regulator (BSR) as required by the Building Safety Act 2022 (BSA). The recruitment of additional staff to service the request by the BSR for assistance is considered to have a number of benefits to improvement of fire safety coverage in London Built environment.

The second is LFB's potential involvement in coordinating and administering the national programme of assistance to the BSR by the English Fire and Rescue Services (the BSA does not apply in the other home nations). London has more than 60% of the national total of buildings within the scope of the Building Safety Act, the National Fire Chiefs Council has consequently proposed to BSR that the BSR assistance programme development, national coordination, and programme administration to be held within LFB for reasons of efficiency. This has some potential benefit to LFB through enhancement of liaison with the BSR for policy development and implementation that will affect London as well as providing resilience in the administration of the new BSR regime at FSR regional level including the London region.

## **Overview**

The resources required by LFB for the first element of LFB's provision of assistance to the BSR as a new burden have been estimated by LFB and NFCC to be 46 Inspecting Officers, 12 Fire Engineers and up to 4 managers commensurate with the high percentage of BSA in scope buildings, predominately high-rise residential blocks of flats, within the London area. Funding is being provided by the Home Office for the development of resources to meet the new burden. The funding will cover recruitment, salaries, development and overheads for the posts outlined above.

After 2025 Government expect costs to be met by fire and rescue services charging the BSR for staff time used using an agreed 'bill back' model. Initial grant funding is also available to cover establishing the second element of a national coordinator, administration and finance staff for the national programme. The funding will support the programme until it becomes self-funding through re-charging the BSR for any assistance given during the inspection and consultation processes.

## **Summary of Recommendation**

The recommendations for consideration are as follows:

- i. That the London Fire Commissioner (LFC) agrees to increase establishment posts in Protection for 46 additional Inspecting Officers (FRS D), 12 additional Fire Engineers (Sub Officer, Station Officer, FRS E and FRS F) and up to 4 additional managers (FRS E) to meet the requirement placed on Fire & Rescue Services to assist the Building Safety Regulator sections 13,14,15 & 16 of the Building Safety Act 2022 and consequently to expenditure from Home Office grant funding and subsequently revenue from the Building Safety Regulator to fund such posts.
- ii. That subject to receiving government assurances to his satisfaction relating to future funding and to the obtaining of adequate cessation/withdrawal clauses in the MoU with Government, the London Fire Commissioner agrees to LFB employing a single National Coordinator and up to 11 national administration and/or finance staff to develop, manage and coordinate the national programme for providing assistance to the Building Safety Regulator and consequently to expenditure from Home Office grant funding and subsequently revenue from the Building Safety Regulator to fund such posts.

## **Costs and Benefits**

- i. Both recommendations should be cost-neutral, although longer term (past the current spending review period), recommendation 2 may require further assurance as to long term funding.
- ii. While there is a requirement (arising from a statutory duty) for the LFB to meet the requirements of the BSR, there is not a defined requirement for LFB to host the National coordinator and associated roles. The potential benefit relates to efficiencies, with LFB holding the majority of in-scope buildings.

The level of staff resource that can be provided during the grant funded period is itself constrained by the level of government funding provided which has to be apportioned across the English FRS. It is, in the absence of firm and final details from the BSR about the work to be undertaken and the scheduling of that work, not possible to say whether the proposed resource levels will be correct for the potential workload. It has been made plain to NFCC, BSR and the Home Office (through meetings and other interactions) that any excess workload cannot be achieved at the expense of LFBs other statutory duties, most particularly enforcement of the Regulatory Reform (Fire safety) order 2005 through our Risk Based Intervention Program as part of our Community Risk Management Plan. Any excess will therefore need to be addressed through BSR scheduling of work and the timespan over which that may be achievable.

Costs of staff for both the local and the national work, together with relevant training costs have been calculated by LFB staff who are seconded to the NFCC and who have used LFB salary levels and associated on-costs including employer's national insurance etc. for the purposes of these calculations. Consequently, officers consider that reasonable reliance can be placed upon them. The Home Office has stipulated maximum charges per officer which account for the maximum salary brackets so as to not prohibit transfers for other areas or those may re-join an FRS; and equipment purchase on initial joining together with initial courses that are not otherwise funded. This does mean that figures will appear differently to usual staff cost projection figures where only salary and associated on costs are used. These maximums, together with the anticipated totals are:

For London

Max Amounts	2022/23		2023/24		2024/25	
	Salary	Training	Salary	Training	Salary	Training
Inspecting Officer	£71,400	£0	£74,970	£16,615	£78,719	£0
Fire Engineer	£90,300	£0	£94,815	£66,527	£99,556	£0
Senior Fire Engineer	£100,800	£0	£105,840	£13,380	£111,132	£0
Regional Manager	£90,300	£0	£94,815	£16,615	£99,556	£0
National Coordinator	£105,000	£0	£110,250	£16,615	£115,763	£0
Admin support	£37,275	£0	£39,139	£0	£41,046	£0

Note: Salary amounts are pro-rata for a year

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London	Qty	2022/23		2023/24		2024/25	
		Salary	Training	Salary	Training	Salary	Training
Inspecting Officer	46	£194,208	£0	£2,911,835	£764,282	£3,621,051	£0
Fire Engineer	10	£72,240	£0	£948,150	£798,321	£995,558	£0
Senior Fire Engineer	2	£16,128	£0	£211,680	£26,761	£222,264	£0
Manager	4	£90,300	£0	£379,260	£66,459	£398,223	£0
National Coordinator	1	£26,250	£0	£110,250	£16,615	£115,763	£0
Administrator	11	£0	£0	£249,705	£0	£452,053	£0
<b>Sub Total</b>		<b>£399,126</b>	<b>£0</b>	<b>£4,810,880</b>	<b>£1,672,438</b>	<b>£5,804,911</b>	<b>£0</b>
<b>Total</b>		<b>£399,126</b>		<b>£6,483,318</b>		<b>£5,804,911</b>	
						<b>£12,687,355</b>	

Within this, most costs for 2022/23 will now fall into 2023/24 given the late notification of available funding and so delay to any ability to recruit.

The grant funding is limited to the financial years 2022/23 to 2024/25 and cannot be held over as it is billed in arrears. However, where items such as a training course has been booked but will take place after the cut off that can still be re-imbursed. A large part of the issue is that the cut off relates to the end of the current government spending review period and so, at present the Government cannot offer any tangible reassurance on an extension of that grant. Discussion with NFCC and the Home Office includes the likelihood of making bids at national level for fresh grant funding to ensure fire and rescue services are not placed out of pocket due to the timing of the end of the spending review.

As the proposed system moves to a charge back / bill back system for recouping costs, the charge per hour will be based on cost recovery for the hours spent by specialist staff on BSR work. The total figures are different to those used based on cost of salary (and associated on costs) and training shown above. This is because the recharge / bill-back figures account for ongoing costs such as IT/phone contracts and the costs of the national administration work for billing purposes. In outline terms, as 2022.23 rates, that is:

Table 1 - 2022/23	WMB (LFB)	Grade 7 NOIO	Inspecting Officer	Fire Engineer	Senior Fire Engineer
Pay	£46,849	£42,668	£44,758	£47,401	£58,828
Allowances	£4,685	£4,267	£4,476	£4,740	£5,883
NI	£5,210	£4,633	£4,921	£5,286	£6,863
Pension	£12,035	£6,528	£9,282	£7,252	£9,001
Apprentice Levy (0.5%)	£234	£213	£224	£237	£294
<b>Total Direct Cost</b>	<b>£69,013</b>	<b>£58,309</b>	<b>£63,661</b>	<b>£64,917</b>	<b>£80,869</b>
<b>Other Costs</b>					
ICT Recharge Rate	£8,450	£8,450	£8,450	£8,450	£8,450
Estates	£9,060	£9,060	£9,060	£9,060	£9,060
Procurement	£2,836	£2,836	£2,836	£2,836	£2,836
Training	£9,349	£9,349	£9,349	£9,349	£9,349
Central Managers & Administrators	£15,708	£15,708	£15,708	£15,708	£15,708
Travel Costs	£4,466	£4,466	£4,466	£4,466	£4,466
	£49,870	£49,870	£49,870	£49,870	£49,870
<b>Total Cost</b>	<b>£118,883</b>	<b>£108,179</b>	<b>£113,531</b>	<b>£114,787</b>	<b>£130,739</b>
<b>Annual Cost</b>	<b>£118,883</b>	<b>£108,179</b>	<b>£113,531</b>	<b>£114,787</b>	<b>£130,739</b>
<b>Daily Cost</b>	<b>£540.38</b>	<b>£491.72</b>	<b>£516.05</b>	<b>£521.76</b>	<b>£594.27</b>
<b>Total Hourly Cost</b>	<b>£91.28</b>	<b>£83.06</b>	<b>£87.17</b>	<b>£88.13</b>	<b>£100.38</b>
<b>Hourly cost contribution to M&amp;A</b>	<b>£12.06</b>	<b>£12.06</b>	<b>£12.06</b>	<b>£12.06</b>	<b>£12.06</b>
<b>Hourly cost payable to FRS</b>	<b>£79.22</b>	<b>£71.00</b>	<b>£75.11</b>	<b>£76.07</b>	<b>£88.32</b>

Although LFB understands that the level of travel costs remains subject to negotiation and possible separate billing according to the nature of the function undertaken (e.g. if a site visit is not required this should not be included).

In both cases (grant funded posts or bill back of hours) the figures used as maxima will be liable to upgrade due to pay awards as they arise in London. NFCC are currently working on this with government for recent and forthcoming awards. In addition, the NFCC have confirmed that for reimbursement through grant funding (for which a maximum charge has been set); and for charging on a 'bill back of hours' basis, they have included a 10% 'allowance' to account for salary uplifts for technical staff which operate in other parts of the country and NFCC are aware this is being considered by the London Fire Commissioner. Approval of future pay awards, and/or market rate supplements within the 10% rate allowed, would consequently be expected to be contained within proposed grant funded and bill back funded regimes and in the case of the market supplements are already prospectively built into the regimes.

## Strategic alignment and scope

### Project Objectives

1. To provide sufficient resource to address demand for consultation and advice requests and statutory requests for inspection of high-rise residential premises as part of multi-disciplinary teams of led by the Building Safety Regulator, without significantly negatively impacting on the London Fire Commissioner's Risk Based Intervention Programme under the Community Risk Management Plan.
2. To ensure consistent management of the national workload of requests and inspection required by the Building Safety Regulator and billing for time spend on work for the regulator to ensure, so far



as practicable that English Fire and Rescue Services recoup their costs.

## **Strategic Alignment**

To meet the requirement placed on Fire & Rescue Services to assist the Building Safety Regulator under sections 13,14,15 & 16 of the Building Safety Act 2022.

The Government and Building safety Regulator in conjunction with the NFCC propose that the workings of the new regime, including provision of grant funding and then operation of a bill back' scheme will be governed through use of Memorandum of Understanding between all the relevant parties. This would be expected to be, for LFB if both recommendations are accepted, MoU between:

- LFB and the Home Office for grant funding for employment and training of inspecting officers, fire engineers and a number of local managers;
- LFB and the Home Office for grant funding for employment of the national Administrator and local administration staff;
- LFB and the BSR for the work expected to be undertaken to manage the national work
- LFB and all other English FRS in respect of carrying out the national work and the roles of each NFCC regional team including operation of the bill back model
- Each of the other English FRS and the Home Office for their funding

Work on the majority of these MoU is continuing between NFCC and the government and we expect to be consulted on them as appropriate according to the role the LFC determines LFB will play. The Commissioner has himself made it plain to government that there must be an ability for parties with draw from these MoU if they are not working having stated "We expect the memorandums of understanding which are still to be agreed between the government, BSR and fire and rescue services to include terms for each party's ability to withdraw from the agreement, particularly to protect against a shortfall in future funding.". This will allow the LFC to ensure that if BSR demands or funding affect other statutory functions that the agreements can be ceased so as to mitigate that risk. The same expectation has been made plain to NFCC who are party to negotiations with government.

## **Scope of Work**

The overarching objectives of providing assistance to the BSR are to make buildings within the scope of the BSA safer and therefore ensure the occupants of those buildings are also safer. This includes new buildings and existing occupied buildings.

Current proposals arising from the review conducted by Dame Judith Hackitt (The Independent Review of Building Regulations and Fire Safety) are that work for the BSR will include:

- Review by multi-disciplinary teams, led by BSR officers of:
- Submissions for Building Regulations approvals (in addition to the statutory consultation by the Building Control body (BSR);

- Some review of HRRB during the course of their construction and fit out. This is most likely to involve checks in respect of facilities for use by firefighters
- Assessment of documents relating to fire safety and fire strategy for the purposes of an accountable persons 'safety case' for the HRRB;
- Assessment of the fire safety of buildings in use 'post occupation' to verify ongoing safety and the effective operation of the Accountable Persons Safety case for the HRRB.

The precise manner in which these will work with existing consultation duties, notably under the Building Act 1984 (as amended) and inspection and enforcement under the Regulatory Reform (Fire Safety) Order 2005 (as amended) is the subject of ongoing work with NFCC and the BSR to avoid duplication of effort and the need for this has been specifically drawn to the attention of government officials at the Home Office, DLUHC and BSR. It is not intended that the Commissioner would be invited to sign any Memorandum of Understanding about operating/working practices until these issues have been resolved to LFB's satisfaction.

Overall the scope of work in broad terms fits well with the LFC objective to provide assistance to the BSR within London also supports a number of mayoral strategic priorities. In particular they directly support and underpin the delivery of key parts of the London Plan including, specifically, Chapter 4 (Housing) Policies H1 to H16. In addition, Policy GG 3 Creating a Healthy City, Policy GG4 Delivering the Homes Londoners Need and Chapter 3 Policy D12 Fire Safety. They also indirectly support a number of other objectives within the London Plan within the planning and building of safer new housing and safety in existing housing.

The relevant local and national work will need to correlate with LFB projects and work areas. Notably ensuring that there is sufficient accommodation across the estate for higher staffing levels (both for local and national work) to operate successfully taking into account post covid ways of working. This will be kept under review in line with the separate review of HQ accommodation requirements. Impact and demand on other departments such as for People Services will also be kept under review to ensure adequate resource is provided for successful recruitment and maintenance of staff, if necessary supplementing the additional staff resource already provided using Home Office Protection Uplift funding.

The significant increase in staffing numbers in the protection arm of the Prevention and Protection Department (for both local and national purposes) has, within the proposals, what are thought to be adequate middle manager resources at team leader and (in the case of the national administration piece at strategic supervisory level (FRS G). However, additional pressures may arise at DAC level to the numbers increase and there is potential for this to distract from other work and project areas at both DAC and AC levels (in the latter case also given the oversight of performance elsewhere in the county via line management of the national administrator function). This is an area where further work will be required and for which Prevention and Protection intend to liaise with People Services to access current specialist knowledge on organizational structures and workloads.

## **Outcomes**

The anticipated outcome of the BSR, subject to its work being supported, will be safer high-rise housing within London and all the advantages that brings to resident's wellbeing, mental health, housing mobility and safety for vulnerable people. Use of additional staff will mean Risk Based Inspection of other premises types should not be significantly prejudiced and can be enhanced by reduction of the need for audit of HRRB by the existing workforce.

The proposed outcome of the LFB hosting the national coordinator and supporting functions will be to support the delivery of London's BSR commitments as well as national requirements in the most resource efficient way.

### **Local to LFB**

The outcomes for employment of additional fire safety inspecting and fire engineering staff can realise significant benefit for LFB beyond merely satisfying the statutory request of the BSR made under the BSA 22. Nonetheless, some degree of risk does arise and should be recognized:

### **Benefits to the London Fire Commissioner as statutory fire and rescue authority for London in respect of local (London) work for the BSR**

An increased flexible workforce of fire safety specialist staff who, within reason, can be allocated to address high risk premises of all types across London as the need arises. The increase in the number of inspecting officers should allow for rotation of competent officers across work groups to undertake BSR and normal regulatory work on a risk basis agreed under the RBIP and with the BSR so that at times of lower LFB staff resource usage by BSR more staff can be allocated to BSR work and vice versa. An increase in the number of Fire Engineering trained staff on the same financial basis will enhance the availability of qualified staff to assess plans and building control submission as well as issues fire engineering issues identified during fire safety audits. Although much of this work will be at the behest and request of the BSR it nonetheless served to enhance protection in the build environment across London.

Payment by Government for the recruitment, salary, on-costs and training of a significant number of personnel who will become specialist staff able to implement and enhance the Risk based Intervention Program and prevent adverse effect on it that have been seen over the period 2017 to 2023 due to requests for higher levels of interaction with HRRB; and those staff subsequently not falling to require LFB funding to maintain their employment.

### **Risks to the London Fire Commissioner as statutory fire and rescue authority for London in respect of local (London) work for the BSR**

- **That the level of staffing the Government grant funding provides for is insufficient to meet the demands made by the Building Safety Regulator for delivery of service local to London.**

The level of staff resource that can be provided is itself constrained by the level of government funding provided which has to be apportioned across the English FRS. It is, in the absence of firm details from the BSR about the work to be undertaken and the scheduling of that work, not possible to say whether the proposed resource levels will be correct for the potential workload. It has been made plain to NFCC, BSR and the Home Office (through meetings and other interactions by officers) that any excess workload cannot be achieved at the expense of LFBs other statutory duties, most particularly enforcement of the Regulatory Reform (Fire safety) order 2005 through our Risk Based Intervention Program as part of our Community Risk Management Plan. Any excess demand will therefore need to be addressed through BSR scheduling of work and the timespan over which that may be achievable. This continues to be discussed with NFCC and the Government. Within the first five years of initial work by the BSR, with 18 months being grant funded, this risk appears low but this will be kept under close review by officers in Prevention and Protection.

Given the request for assistance being made by the BSR will be of a statutory basis (under sections 13,14,15 & 16 of the Building Safety Act 2022) the risk of not meeting the requests made will be of similar order to a failure in respect of other statutory functions such as enforcement of the Regulatory Reform (Fire Safety) Order 2005. Primarily this is reputational though it would be a reasonable expectation for His Majesty's Inspectorate of Police and Fire and Rescue Services (HMCFIRS) to review this area of work and to comment should either form of statutory duty (BSR work or enforcement of the RRFSO) not be being met or if one is met at the expense of the other. If adverse findings were made in this area by HMCFIRS this may impact on the overall finding of the inspection report and the rating given to LFB. Equally an incident occur in premises for which a duty exists and it were found that the relevant actions had not been taken when programmed that would potentially form part of the evidence for any investigation or inquiry into the matter.

- **That the level of work demand arising from the Building Safety Regulator is insufficient to fund the level of staff employed to carry out BSR work in the London area**

In the event that the level of work being put to LFB by the BSR is insufficient to meet the staffing costs using the Government 'bill back' model developed with the NFCC, the Home Office intent is to review the cost levels used within the model to ensure fire and rescue authorities are not, taking one year with another as an average, placed out of pocket.

It is recognized that should the work demand be or become significantly unfunded and the Home Office do not honour funding in accordance with their stated intent, it is possible a redundancy situation could occur.

To attract, recruit and train inspecting officers (and fire engineers) it is necessary to provide them with a job offer of a permanent contract. Experience is that not doing so fails to attract candidates and if they are provided with a temporary contract under usual LFB terms then it is open to the individual to walk away to another role more readily than is otherwise the case. Essentially the LFB becomes a free training provider to an even greater extent that we find to be the case. Taking this into account in relation to a possible redundancy position, this would be by necessity across the IO and/or Fire Engineer workforce. In the fairly unlikely event this were to occur, the margin by which the underfunding related to a number of IOs posts is considered to be small (a handful) and so given usual turnover of staff in the IO and Fire Engineers function, it is considered that it is more likely than not that such staff could quite rapidly be assimilated in LFB establishment posts and in the interim ongoing vacancy margin (where not accounted for elsewhere, would be sufficient to fund the posts in the short term.

- **That LFB is unable to recruit and train sufficient staff into Fire Safety Inspecting Officer or Fire Engineer roles**

Recruitment of staff into fire safety protection roles has historically proven somewhat difficult given the relatively small pool of trained staff around the country. There have been significant challenges with regards to recruitment which have greatly increased in the years since Phase 1 of the Grenfell Tower Fire Inquiry. Fire and Rescue Services, Local Authorities and private sector organisations are all competing for skilled staff to support them through the changes in legislation and their new responsibilities. The drive to improve safety and competency among building control professionals is one of the key functions of the Building Safety Regulator, placing greater demands on the market for building and fire safety professionals.

Approximately 3 years ago, Home Office grant funding was introduced which was used to fund the setting up of an in-house training academy so that we could train people without fire safety skills to be Inspecting Officers (via the 'Fire Safety Advisor' role) due to a lack of available competent staff in the market place. Training an person up to be a competent Inspecting Officer role takes circa 2.5 years, whereas the pathway to becoming a Fire Engineer can be significantly longer (we continue to explore cross-training people with an approved non-fire related engineering degree as a way of speeding this process up).

The requirements of the Building Safety Regulator mean that further recruitment is required (as detailed elsewhere). It should also be noted that there are ongoing separate workstreams looking at a range of measures to enable recruitment of staff and increase retention of staff.

In mitigation of this risk, Prevention and Protection have been recruiting externally for non-fire safety specialists and training those recruits them from scratch (or in the case of fire engineers recruiting those with a linked qualification and providing degree conversion and qualifications) has proven more successful than seeking to recruit staff with existing fire safety qualifications.

A recruitment program has been formulated with current indications being that it will be possible, utilizing government funding to recruit sufficient numbers in or close to the 2-year grant funding period and commence them in to government funded training. Nonetheless there remains a tangible risk that the grant funding will end while recruits are still under training or have yet to reach full competence and so cannot have their salary and training costs met through the government bill back methodology as they do not yet have the competence to undertake BSR work. Officers are working with NFCC and the Home Office in respect of this issue with a view to a bid for further grant funding in the new spending review period or to use protection uplift funding to bridge this potential gap.

Replacement of specialist staff with new staff as and when they choose to leave LFB has not been factored into the ongoing cost calculations by government and remains the subject of discussion and negotiation. This could mean that as resignations are received in 2 or more years' time, payment of salaries and training costs could fall to the LFC unless a suitable negotiated resolution is achieved with the Government. With the impending end of the spending review period, it is not anticipated that such a resolution can be achieved and finalized in the near future and this risk may consequently remain for some time though it has been noted that while the Government cannot make a formal commitment at this time, their position remains consistent that each FRS should not be out of pocket for undertaking BSR work.

- **That influx of significant numbers of additional staff is not sustainable and overwhelms existing management structures at the expense of other work and projects**

The grant funding and bill-back arrangements do not directly account for involvement of senior and strategic managers. There is some risk that work generated through increased staff numbers and the needs of the BSR project will impact adversely on the existing workloads of officers at AC, DAC, FRS G and FRS F levels in the protection functions, notably those operating in the specific fire safety delivery function. This risk should diminish as local managers at team leader level are appointed and as the national administration hub is established and staff within it can take on much of the necessary work to deliver the project overall. In the short term, available resource at Group Commander level will be used to help establish the functions and the overall make up of the department will be kept under review (taking advice from specialist staff in People Services as required) to ensure adequate available

resource for project oversight and where necessary adjustments within existing spending envelopes. Specific work is underway to review local fire safety team make up and management so as to minimize risk and to spread workloads.

## **Unknown factors**

Requests for LFB assistance to the BSR are a statutory request for aid made under sections 13 (to the LFC) or section 14 (in respect of appointed officers (inspectors)). What remains unknown is the precise detail of what the request being made will entail as the BSR continues to develop their thinking on how they will themselves operate under the new regime. This has the potential to result in ongoing changes to thinking over the coming months as the BSR develops further consultation on its thinking or proposals. Such changes may affect the levels of attendance at premises, the anticipated schedule of requests and the level of building control consultations according to how the regulator may wish to handle those as the building control body for HRRB. This does impact of the risks identified above, however there is no indication that the BSR will seek to delay the bringing forward and implementation of the new more stringent regime for which it is responsible. HRRB registration remains set to commence in October 2023 and work on safety cases, building certification and the BSR acting at the building control body for HRRB from April 2024 and LFB will need to be in a position to respond to that statutory workload and so prepare on the basis of what is known.

## **Conclusion for local work**

Overall, the work to support the BSR can be required of the LFC and of his staff under the BSA 2022. Regardless of the statutory element, the increase of staffing levels has the potential for significant benefit to the regulatory coverage of London's built environment. Though not without risks arising for longer term funding, taking into account the Government's stated intent that FSR should not be placed out of pocket and instead should be fully funded (as an average over time in accordance with normal cost recovery metrics) and the statutory element the recommendation to recruit and train is made on the basis of both statutory and beneficial elements.

## **National work**

In respect of the outcomes for the employment of a National Administrator for the work of the English FRS and associated administration staff, the NFCC has identified a number of benefits to national FRS delivery of BSR work. They consider that the benefits to having the FSR BSR Administration Function and Financial Administrator centrally located are :

- Administration systems and processes are likely to be developed and reviewed close to delivery start dates so training and system review will need to be dynamic and this is easier to achieve than if the function is spread throughout the regions
- It is likely that the initial BSR IT solution for managing the workload will be basic and in continuous development early in the delivery period so temporary solutions to recording, reporting and managing workload will be more easily achieved and coordinated in a central admin team.
- Recharge model hourly rates would be easier to calculate if the administration team and coordinator are all employed by one fire and rescue service.
- Resilience - sickness / vacancies / holidays will be easier to cover if the admin team are located together rather than single posts and half posts located around the regions. the delivery model may/is likely to change as delivery moves from a funded model to a recharge model. If change to the delivery



methodology is required, this will be easier to manage from a central function to a regional function than the other way around.

And consequent to this that as the largest fire and rescue service, LFB is the most appropriate home as it potentially has the greatest flexibility and ability to absorb (paid) work into its existing systems given the quantities / volume already dealt with on a daily basis.

### **Benefits to the London Fire Commissioner as statutory fire and rescue authority for London in respect of LFB undertaking the national administration work**

The benefits to the LFC of LFB undertaking the national administration piece are somewhat less tangible. The primary coinciding benefit is considered to be one of efficiency and resilience for the operation of the national work which would also provide a higher degree of efficiency and resilience for administration work in the London region. This is of particular benefit given that over sixty percent of the HRRB are in the London area and consequently the impact of a loss of resilience on turn-around of work would have the greatest effect in London. However that is not to say that high degree of resilience could not be achieved in other ways at regional level.

With the National administrator being based LFB that would provide the LFC with close contact and a comparatively strong voice in policy and workload development at BSR which would supplement and enhance existing working arrangements.

Nonetheless, undertaking the function would also generate a number of risks to the LFC.

### **Risks to the London Fire Commissioner as statutory fire and rescue authority for London in respect of national administration work for the BSR**

- **That the level of work demand arising from the Building Safety Regulator is insufficient to fund the level of staff employed to carry out national administration work**

Lack of BSR work demand at local level would have a knock-on effect for the funding of the national administration piece (if accepted) if the workload at LFB in other NFCC regions were insufficient to generate necessary income levels to fund the national administration piece. Again, the government intent would be to review and if necessary, increase the charge levels. However, as a further safeguard to minimize any negative financial consequently officers, are pressing government for clauses within Memorandum of Understanding between Home Office, BSR and the LFC that would allow the LFC to withdraw from the national administration piece on giving an agreed period of notice. Consequently, the risk is considered to be quite low.

- **That other NFCC regions fail to perform BSR duties**

The risk identified for LFB in the first bullet point above in respect of local risks will also arise for other English fire and rescue services. For LFB, the implications of this arise in respect of the potential national administration piece It is anticipated that the National Administrator (as an LFB employee) will be responsible for oversight of the work of the other NFCC regions (despite having no formal employment based managerial responsibility for those locally employed staff at manager and Inspecting Officer levels). Consequently, there is a risk that failures by others to perform in terms of quantity or quality of work could reflect back onto to LFB. Primarily this is considered to be a reputational risk as the function is not a directly statutory one. As noted earlier should failures of this

nature arise officers anticipate that the LFC will have the ability to withdraw from any agreement and cease responsibility for the work having given notice to quit. That of itself is thought likely to create sufficient room to negotiate a solution to any issues that may have arisen.

- **That influx of significant numbers of additional staff is not sustainable and overwhelms existing management structures at the expense of other work and projects**

The grant funding and bill-back arrangements do not directly account for involvement of senior and strategic managers. There is some risk that work generated through increased staff numbers and the needs of the BSR project will impact adversely on the existing workloads of officers at AC, DAC, FRS G and FRS F levels in the protection functions, notably those operating in the specific fire safety delivery function. This risk should diminish as the national administration hub is established and staff within it can take on much of the necessary work to deliver the project overall. In the short term, additional available resource at Group Commander level will be used to help establish the function and the overall makeup of the department will be kept under review (taking advice from specialist staff in People Services as required) to ensure adequate available resource for project oversight and where necessary adjustments to resource allocations within existing establishment and spending envelopes.

### **Unknown factors**

As noted for local risk, the detail of how the BSR will operate remains subject to development and that includes the operation of regional and national administration. This may affect how the national administration piece is to function and the volume of work with which it is tasked. Even once the new regime is in place it is likely to be subject to ongoing change which will need to be discussed in real time and any necessary adjustment negotiated, including variances to funding and linked matters.

### **Conclusion National Administration work**

Though the tangible direct benefits for LFB of hosting the national administration work are less clear than they are for the FRS as a whole, there are benefits to be had, albeit as some degree of funding risk. The recommendation to accept the proposal is made taking into account the limited local benefit and wider national benefit given London's place as the largest and consequently leading fire and rescue authority which may be seen to have a moral duty to assist smaller brigades. Nonetheless, the issue is quite narrowly in favour and clearly must be taken subject to the view of the Deputy Mayor as it can be seen to be potentially novel, contentious or repercussive should the potential risks arise in practice.

### **Deliverables and Outputs**

Proposed deliverables/outputs for the developed national BSR model are as follows:

The NFCC delivery model for assistance to the BSR is based on a regional approach. There are 9 regions with London being a region in itself. The regions are outlined in the table below:

Region	Buildings	Inspecting Officers	Fire Engineers (FE + SFE)	Total	Management	Support Staff
London	6,100	46	12	58	4	11
South East (East Sussex)	1,080	9	2	11	1	0
South West (Dorset & Wiltshire)	504	4	1	5	0.5	0
Eastern (Essex)	543	4	1	5	0.5	0
East Midlands (Leicestershire)	262	2	1	3	0.5	0
North East (Tyne & Wear)	348	3	1	4	0.5	0
North West (Manchester)	867	7	2	9	1	0
West Midlands (West Midlands)	683	7	1	8	1	0
Yorks & Humberside (West Yorkshire)	676	7	1	8	1	0
<b>Total</b>	<b>11,063</b>	<b>89</b>	<b>22</b>	<b>111</b>	<b>10.0</b>	<b>11.0</b>

Some FRS Heads of Protection in other FRS regions have apparently made it clear that they would prefer the regional management function to be held within the region rather than centrally, hence the 'half' management posts, and NFCC are working through how that can be best achieved with the regions affected. The volume of new Inspecting Officer posts allocated to LFB also includes up to 4 x managers (Fire Safety Team leader level) in the London region.

There is, however, apparent general agreement through NFCC and other FRSs that the national coordination of the work within regions, general administration and financial administration would be best managed through a central team hosted by a single FRS as would the overall co-ordination of the delivery of the new burden.

From the available information on current proposals, it is apparent that local regional managers should take responsibility for the local allocation of work for the BSR (as sent from the central (national) administration hub) and for the subsequent vetting of work conducted by local officers and the verification of work undertaken by inspecting officers at local regional level. This hybrid administration has the benefit of reducing the level of liability that rests with the operator of the Central Administration Hub. However, it does potentially reduce the ability of the National Administrator to actually manage the work of local regional officers given they have different employers and potentially different conditions of service. This is an area that the NFCC anticipate the National Administrator (when appointed) will work with NFCC and the BSR to agree and arrange relevant working practices.

Monitoring of all work undertaken will ultimately fall to the BSR working with the National Administrator given it is the BSR that will be commissioning the requisite work and they will hold the ultimate liability for certification of HRRB and the monitoring of the built environment.

Monitoring of grant fund spending will be through the Home Office to whom returns (evidenced as necessary e.g. confirmation of the booking of a suite of training) will be submitted. As the system moved

forward to the bill back model it is anticipated that the invoices will be submitted to the BSR as they will in turn need to invoice the accountable person for the relevant HRRB on a cost recovery basis. However, the detail has yet to be agreed in principle between the NFCC and the BSR / Government and then discussed with the body that will be the national administrator (given it is not yet in place). It is expected that the national administrator will play a role in agreeing the procedures before they are implemented.

**NFCC's anticipated organisational structure for the delivery of the FRS BSR work is as follows:**

A single National FSR BSR Function Coordinator (GM or FRS F) to whom local regional managers report. Each regional manager receives work from a Central Administration Hub (CAH) (which receive work from the BSR) and allocates it to competent Fire Safety Inspectors within their NFCC region. The regional manager vets completed work and submits it, together with the details of time spent, back to CAH. The CAH records the work and submits completed work back to BSR (currently thought to be using a BSR IT system that has yet to be developed) together with associated invoices for the work they have calculated using a national formula which included a premium for the CAH and the national coordinator. On receipt of payment, the CAH would extract the CAH fees and submit the remaining monies to the relevant region.

Central FSR BSR Administration Function and Financial Administrator Function (11 X FRS B/C/D) and 1 manager (FRS E). These staffing levels are broadly equivalent (and based on) the ratio of fire safety inspection staff to administration staff in the Prevention Department. While slightly lower, it is expected that the smaller number of different types of job to be processed and ultimately the availability of IT resources provided by the BSR (under development) will mean this administration resource is likely to be adequate to service the function. Were it not to be that would be reported to the Home Office in respect of their commitment of not letting the FRS be out of pocket (and the option of withdrawing service under the relevant MoU would remain a lever to resolving the issue.

**Programme of Work and Milestones**

High level milestone breakdown		
Key Milestone	Start	End
Agreement to paper for CB, FRB and LFC	May 2023	
Continuation of recruitment to fill remaining IO and fire engineering posts	July 2023	March 2025
National administrator and manager to be in post	1 October 2023	
Use of bill back for hours process expected to be in place and commence use as BSR is fully stood up	1 April 2024	
Grant funding period ends		31 March 2025

Work to recruit new staff at Fire Safety Adviser level (who on achieving fire safety competence at that level will progress to Inspecting Officers) and staff for fire engineering roles commenced in February 2023 under existing approvals for use of Home Office grant funding and delegated authority. 20 new staff at FSA have been recruited to date. They will be moved across from Home

Office Protection Uplift funding to BSR funding once approval decisions have been taken by the LFC. Work has also commenced to recruit staff to the Fire Engineering functions.

During Quarters 2 to 4, subject to the new requested approval for recruitment of Inspecting Officers, Fire Engineers, and Managers, recruitment will continue so that the incoming cohorts fill the places required for BSR staff and a mix will begin with recruitment to fill LFB vacancies arising for retirements and resignations together with any reorganization of the makeup of the inspecting workforce.

The intended milestone will be for all staff who are to be BSR grant funded to be in post by the end of Quarter 4 of 2023 and under booked training before the close of the BSR grant fund period so that as much training as possible can be undertaken under existing grant funding arrangements.

For the National Administrator, subject to approval that LFB will undertake this work, the key milestone will be recruitment to that post, ideally within 3 months of approval so that the appointee can be fully engaged on policy development and administration staff recruitment.

Standing up of the National administration hub (if accepted) would take place during Quarter 4 of 2023 in anticipation of the BSR coming full into effect during Quarter 1 of 2024. That however remains dependent on the decision of the BSR itself as to whether they will commence any work involving fire and rescue services prior to Quarter 1 2024.

## **Related Projects and Dependencies**

### **Recruitment**

Issues with recruitment are noted within the risk to the LFC recorded earlier in this business case. They are repeated here for ease of reference.

Recruitment of staff into fire safety protection roles has historically proven somewhat difficult given the relatively small pool of trained staff around the country. There have been significant challenges with regards to recruitment which have greatly increased in the years since Phase 1 of the Grenfell Tower Fire Inquiry. Fire and Rescue Services, Local Authorities and private sector organizations are all competing for skilled staff to support them through the changes in legislation and their new responsibilities. The drive to improve safety and competency among building control professionals is one of the key functions of the Building Safety Regulator, placing greater demands on the market for building and fire safety professionals.

Approximately 3 years ago, Home Office grant funding was introduced which was used to fund the setting up of an in-house training academy so that we could train people without fire safety skills to be Inspecting Officers (via the 'Fire Safety Advisor' role) due to a lack of available competent staff in the market place. Training a person up to be a competent Inspecting Officer role takes circa 2.5 years, whereas the pathway to becoming a Fire Engineer can be significantly longer (we continue to explore cross-training people with an approved non-fire related engineering degree as a way of speeding this process up).

The requirements of the Building Safety Regulator mean that further recruitment is required (as detailed elsewhere). It should also be noted that there are ongoing separate workstreams looking at a range of measures to enable recruitment of staff and increase retention of staff.

In mitigation of this risk, Prevention and Protection have been recruiting externally for non-fire safety specialists and training those recruits them from scratch (or in the case of fire engineers

recruiting those with a linked qualification and providing degree conversion and qualifications) has proven more successful than seeking to recruit staff with existing fire safety qualifications.

A recruitment program has been formulated with current indications being that it will be possible, utilizing government funding to recruit sufficient numbers in or close to the 2-year grant funding period and commence them in to government funded training. Nonetheless there remains a tangible risk that the grant funding will end while recruits are still under training or have yet to reach full competence and so cannot have their salary and training costs met through the government bill back methodology as they do not yet have the competence to undertake BSR work. Officers are working with NFCC and the Home Office in respect of this issue with a view to a bid for further grant funding in the new spending review period or to use protection uplift funding to bridge this potential gap.

Replacement of specialist staff with new staff as and when they choose to leave LFB has not been factored into the ongoing cost calculations by Government and remains the subject of discussion and negotiation. This could mean that as resignations are received in 2 or more years' time, payment of salaries and training costs could fall to the LFC unless a suitable negotiated resolution is achieved with the Government. With the impending end of the spending review period it is not anticipated that such a resolution can be achieved and finalized in the near future and this risk may consequently remain for some time though it has been noted that while the Government cannot make a formal commitment at this time, their position remains consistent that each FRS should not be out of pocket for undertaking BSR work.

### **Additional specialist staff for set up of the National Administration function**

The ability to set up the national administration hub into a working operating model will be dependant on our ability to (a) recruit appropriate personnel which is consider above and (b) our ability as an organisation to set up working methods, using existing systems, for administration of the invoicing and reimbursement between other FRS, ourselves and BSR. Initial discussions indicate use of existing systems, without physical amendment to them, is entirely feasible. If it becomes apparent that specialist staff or additional resource are required that can be obtained through temporary use of the allocated administration posts and funding.

### **IT Systems**

In the longer term it is expected that much of the administration will take place using an online IT system. Current expectation from discussion with NFCC and BSR are that this system will be developed and provided by the BSR. Access would be across the web given integration with all the separate IT systems used by the FRS is considered by BSR to be unworkable. Consequently, costs for development or maintenance are not anticipated for the LFC. Nonetheless a fully usable web-based IT system is unlikely to be fully operational by April 2024 and further development will be required by the BSR at their own expense. AS the initial months of the BSR will see them building up work levels progressively, the manual undertaking of passing information and invoices using existing systems in place (including email and standard forms such as fire safety audit forms and Farynor records) will be sufficient to deal with the work arising using the proposed administration resource.

Further discussion will be had with IT colleagues once some detail of the BSR system design is available and NFCC are being asked to ensure that such discussions happen across the FRS to ensure access is obtainable and the proposed system can function successfully.



## **Opportunity costs**

The recruitment of large numbers of staff over a comparably lengthy period of about 2 years, does carry some resource costs issues with it. Overall, the recruitment of the staff discussed in this business case relates to only about half of anticipated necessary recruitment of fire safety specialist staff of that time frame. Prevention and Protections' recruitment and training processes have therefore been set up to account for this turnover and recruitment requirement. Where additional administration has been required, including in People Services this has been provided utilising Protection Uplift funding for staffing relevant work items, including additional staff to assist in HR. Should further resource be required over the coming two years this will be within PU funding parameters and not as an additional cost to the LFC.

One impact of recruiting and training is the need to use experienced staff to mentor new staff in practical inspection practice and other fire safety functions. This can adversely impact on local fire safety delivery teams' turnover of inspections. This is being mitigated through use of staff at the Centre of Learning and Excellence together with other adjustments to improve the central mentoring function so that recruits leaving the CLE are at a much more advanced state of readiness and competence than has historically been the case. Consequently, new staff are better prepared to commence fire safety work in the field while still being subject to QA processes and ongoing development. Where possible PU funding is being utilised and no additional LFB staff funding is required for this purpose.

## **Project management and costs**

Prevention and Protection will be utilizing some available resource to further development of plans for the recruitment and implementation of the staffing necessary to give effect to the anticipated BSR requests so that the system within LFB is in place and available to conduct BSR work. This will be conducted on a project basis and such additional or staffing costs as can be claimed back from Government funding will be sought. That remains under negotiation as a memorandum of Understanding with the Government for release of funding for the national work cannot be agreed to until the matters relating to the acceptance or otherwise of the national administration work have been determined. It is expected that any work on the national piece will transfer to the national administrator in due course.

## **National Policy development**

It is the NFCC's expectation that the national Administrator will work with them and the BSR to develop relevant national policies and agreements (such as for staff management of those carrying out regional managers functions in the regions across the country). At present elements of this are conducted by existing LFB staff (such as the Strategic Technical Adviser) through ongoing work with NFCC and the Government. However, it is expected the function will be undertaken by the National Administrator, once appointed, who will then work directly with NFCC and BSR together with the regional managers and named points of contact in FRS Protection Departments to consult on proposals.

## Roles and Responsibilities

### Project Team Roles and Responsibilities

Role	Name	Summary of Responsibilities
Project lead	Andy Jack	Take business case through governance process
Project Sponsor	Charlie Pugsley	First-line checks and approval
Finance Advisor	David O'Sullivan	Advice on financial viability
Legal Advisor	Roger Giess	Advice on legal viability
Communications Advisor	TBC	Advice on and facilitation of communications strategy

### Resource & Change Assessment Sheet

#### Options Analysis

##### Solution Requirement(s):

For LFB local inspection, sufficient competent resource at Inspecting Office and Fire Engineer levels to adequately address work demands arising from the work of the Building Safety Regulator under the Building Safety Act 2022. This is estimated by NFCC to be 46 Fire Safety Inspectors and 4 Fire safety Team Leaders.

For national administration work, sufficient resource to handle and allocate all requests arising from the work of the Building Safety Regulator, including preparation of invoices and billing the BSR and submitting payment to local FRS. The NFCC estimate this to be 1 National Administrator, 1 Team Leader, 9 administration staff and 2 finance staff.

#### Options

##### Staffing the BSR requirements

- i. Do nothing and fail to deliver the requirements of the BSR.
- ii. Undertake a lower level of staffing and fail to meet the full requirements of the BSR.
- iii. Agree to recruit in line with anticipated requirements of the BSR.

##### Undertaking the hosting of the National BSR functional requirements

- i. Do nothing and work with NFCC to support an alternative National (or potentially regional) model.
- ii. Agree to host the National BSR functional requirements subject to receiving assurances regarding future funding.

<b>Options comparison of the recommended options</b>		
<b>Indicator</b>	<b>Staffing BSR requirements</b>	<b>Hosting the National BSR functions</b>
<b>Summary description of option</b>	Increase establishment posts in Protection for 46 additional Inspecting Officers (FRS D), 12 additional Fire Engineers (Sub Officer, Station Officer, FRS E and FRS F) and up to 4 additional managers (FRS E) to meet the requirement placed on Fire & Rescue Services to assist the Building Safety Regulator sections 13,14,15 & 16 of the Building Safety Act 2022 and consequently to expenditure from Home Office grant funding and subsequently revenue from the Building Safety Regulator to fund such posts	Subject to receiving government assurances relating to future funding, LFB employs a single National Coordinator and up to 11 national administration and/or finance staff to develop, manage and coordinate the national programme for providing assistance to the BSR and consequently to expenditure from Home Office grant funding and subsequently revenue from the Building Safety Regulator to fund such posts
<b>Advantages</b>	Being able to meet the requirements of the BSR. There continues to be a shortage of competent staff and it is likely that even in the event of the BSR work not meeting expected levels, staff could be redeployed into core Protection work.	With the majority of the national work taking place within London, there is a potential benefit in terms of efficiency/effectiveness by having the national functions being based within LFB e.g. direct communications, improved understanding of London requirements etc.
<b>Disadvantages</b>	At the present time, the funding position for staff under training after 2024/25 remains unclear. Such staff will not yet be competent to undertake BSR work and their staff time cannot, therefore be 'billed back' to BSR after the grant fund period ends. Unless further firm guarantees of funding are provided by government then a risk will remain that LFB could be left with additional staffing and training costs to meet from our own funds. However, Home Office have provided a level of reassurance.	In respect of the national coordination role, a lack of BSR work or any inability to conduct work due to vacancies, lack of competent staff and so forth, by brigades in any NFCC region has the potential to result in a shortfall of revenue to reimburse the LFC for expenditure paid in respect of staff s in the national coordination team. If there is a shortfall of work, in terms of hours, for LFC inspecting staff arising from BSR then as with other regions, that would result in a shortfall for reimbursement for IO salaries and for the national function salaries
<b>Timescale</b>	There is a current and pressing requirement to staff BSR requirements in order to be ready to deliver the requirements of the Building Safety Act. Full working of the BSR is expected to commence in April 2024	There are pressures to implement the National BSR functions ASAP due to the commencement of BSR work in April 2024 and the need for preparatory work prior to this.
<b>Constraints</b>	The BSR, with the agreement of the Secretary of State, could require this of the LFC under the powers granted by section 13 of the BSA.	There is a lack of capacity in terms of LFB Protection leadership/ support due to current workstreams. While there are plans to bring in a Project Manager, such a role would still require support.

	<p>Capacity for staff development, as staff require training from (generally) a baseline of no fire safety experience.</p> <p>There is a lack of capacity in terms of LFB Protection leadership/ support due to current workstreams. While there are plans to bring in a Project Manager, such a role would still require support</p>	
<b>Major Risks</b>	<p>The level of work from the BSR in the future is not yet fully understood, therefore with the chargeback model, there may be a risk of staff not fully being utilised within the BSR work remit.</p> <p>Staff require training and development and there is a significant shortfall of competency in Protection which could lead to staff being diverted from LFB RBIP work to BSR work.</p>	<p>Logistical requirements from recruitment to IT requirements could create additional burdens for enabling services that already struggle with capacity.</p> <p>Reputational risk – delays in delivering the National BSR functions could generate concerns about how LFB are managing the process.</p>

## **FURTHER INFORMATION on consideration of the NFCC proposal**

At the time of writing (May 2023) the BSR (with NFCC) is still formulating what the work to be undertaken by fire safety inspecting officers and fire engineers will actually be. Various models for evaluation of premises are still being considered. Whether the number of staff proposed to meet demands placed on LFB by the BSR will be correct is an unknown factor. If the staff levels are too high then after 2024/2025 there is a risk that insufficient funding to cover staff costs will be available through the billing mechanism proposed by the NFCC and BSR. Consequently, staff may therefore have to be redeployed or have their positions reviewed.

At the present time, the funding position for staff under training after 2024/25 remains unclear. Such staff will not yet be competent to undertake BSR work as they will not have completed all necessary training and achieve the associated qualifications or the necessary post qualification practical experience to be regarded as fully competent'. Because they will not be able to undertake BSR work until they are recognized as fully competent, their staff time cannot, therefore be 'billed back' to BSR after the grant fund period ends. Unless further firm guarantees of funding are provided by Government then a risk will remain that LFB could be left with additional staffing and training costs to meet from our own funds. To date no such 'cast iron' assurance is available, with government officials stating the position to be:

*"As you're aware, we cannot give financial commitments post the SR period, but hopefully by setting out the principle that BSR costs should be fully covered by charges, and that these charges can and should be reviewed, this will provide the assurance the sector are asking for.*

*"The Government's position is that the costs to Fire and Rescue Authorities (FRAs) of the Building Safety Regulator (BSR) should be covered by the charges made by the FRAs to the HSE. There is no expectation that the BSR should be funded either from the Local Government Settlement nor from Council Tax. This is why DLUHC has funded the costs of the first three years via the New Burdens policy. Fire and Rescue has determined the level of charges that will apply to both the Inspecting Officers and Fire Engineers, and those charges can and should be reviewed and updated where they are not commensurate with the costs of the BSR operation. The Government will keep matters under review as the new regulator gets up and running and will continue to work closely with NFCC on this matter".*

Nonetheless, although this risk exists, on balance, LFB Prevention and Protection Department's view is that the Home Office assurance should be taken at face value as acceptance of the need by government to ensure the FRS is not financially disadvantaged by operation of the new BSR led safety regime. The benefit to London and its communities of fully committing to supporting the evaluation and certification processes of the BSR under the BSA by use of the suggested higher number of Fire Safety Inspectors and Fire Engineers is preferable. In saying this it is noted that ultimately the BSR, with the agreement of the Secretary of State, could require this of the LFC under the powers granted by section 13 of the BSA.

The position is slightly different for the national administration of the BSR work on behalf of the English FRS as a whole. In respect of the national coordination role a lack of BSR work or any inability to conduct work due to vacancies, lack of competent staff and so forth, by brigades in any NFCC region has the potential to result in a shortfall of revenue to reimburse the LFC for expenditure paid in respect of staff s in the national coordination team. If there is a shortfall of work, in terms of hours, for LFC inspecting staff emanating from BSR then as with other regions

that would result in a shortfall for reimbursement for IO salaries and for the national function salaries.

The extent to which the Home Office assurances can be relied on for this purpose becomes more marginal as the deficit will inevitably be in arrears against salary paid. Nonetheless if the assurance is accepted and chargeable rates can be reviewed and adjusted then averaging over time would be expected to avoid significant shortfalls or excesses arising. Should this not prove to be the case we would recommend to the LFC withdrawal from the arrangements and that the ability to do so, will need to be included in the Memorandum of Understanding that will be brought forward for working with the BSR and the NFCC Regions. Discussions with government on this latter point are in hand.

Alternative models considered by NFCC and BSR have been:

Employment of the National Administration team by the NFCC. It is understood from NFCC that this is not currently possible due to their charitable status and the terms (and role type) that they are consequently able to directly employ permanent staff. LFB Officials have not sought to go further behind this statement.

Employment of the National Administration team by another Fire and Rescue Service. The size of the National administration Team would be significantly disproportionate in size to the Protection department of other FRS and consequently it would be difficult for a smaller FRS to absorb additional staffing at this level to undertake the national to work. The option has not been considered further but NFCC would revisit it should the London Fire Commissioner decline to undertake the national role.



## Project Cost Analysis

Project Cost Analysis				
Description				Total
Estimated cost p.a.	£0 to LFC	Fully government grant funded	Funded through cost recovery	
Increase vs current	N/A			
<b>Total Project Cost</b>	<b>£0</b>			

### On-going Annual Charges and Future Cost Analysis

The costs in the table above represent an on-going annual cost that assumes pay increases at 5%.

### Benefit Analysis

### Summary of Benefits – BSR staffing requirements

Benefits Category	Benefit Description	Benefit Type *	Options achievable for	Return on Investment #	Current Baseline Position	Measure of Success	Benefit owner
Statutory requirements	Assessment not undertaken. Due to this being a statutory requirement that cannot be avoided	(Awaiting for further guidance)		Cost to be met by government and then refunded through bill back.		Achievement of Planning gateway and other requests from BSR within required timescales. Safer premises for residential use.	LFC The public
Increase in staffing	As above						

### Summary of Benefits – National BSR functions

Benefits Category	Benefit Description	Benefit Type *	Options achievable for	Return on Investment #	Current Baseline Position	Measure of Success	Benefit owner
Statutory requirement	Successful national operation of the BSR remine across NFCC regions  Specific benefits to the LFB have not been identified.					TBC as role is determined by BSR	BSR



### **Commercial Case (if procurement is required)**

No procurement or contracts are required.

### **Recommendations**

1. Increase Protection establishment as proposed
2. Agree to host national administration and recruit accordingly

### **Next Step & Considerations**

Due to the cost implications, this proposal will need to progress to Corporate Investment Board and Mayoral sign-off.

### **Impact Assessment Engagement**

Please provide an overview of the engagement that has taken place with the following mandatory impact assessment leads and their observations on the proposals. This does not include any delivery impacts on other receivers of change.

<b>Equalities</b>	Ongoing. Further determination required once the role of the national coordinator is clearer.
<b>Sustainability</b>	To be undertaken once role of the national coordinator is clearer
<b>Data Protection</b>	N/A
<b>Health and Safety</b>	N/A all Within existing policies and practices
<b>Training</b>	Undertaken in house within P&P