

**LANCASHIRE COMBINED FIRE AUTHORITY
PLANNING COMMITTEE**

Meeting to be held on Monday 13 July 2020

**IMPLEMENTING REGULATORY CHANGE &
TRANSFORMING FIRE PROTECTION SERVICES**

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Executive Summary

The Grenfell tragedy in June 2017, and resulting enquiries, highlighted inadequacies in the way the built environment has been constructed and regulated over the past two decades. With sweeping changes to legislation in progress, it is clear that Government intends Fire and Rescue Services (FRS) to play a significant part in the sector wide improvements which are now necessary.

This paper gives an overview of the legislative changes arising in the form of the Fire Safety Bill and Building Safety Bill, explains the national structures which have emerged to drive them and provides local context concerning the impact on Fire Protection services.

Whilst LFRS' Protection function remains strong, as evidenced by the HMICFRS inspection outcomes, the legislative changes have profound implications for the type and number of premises for which LFRS will have inspection and enforcement responsibility. Whilst investment in the Protection function has remained adequately resourced over the austerity period, the new demands will add levels of technical complexity, volume and public/government expectation which will outstrip the existing Protection capacity and accordingly the time is right to review how best to position the Service in response to these challenges. Recognising the impacts across the sector, government has provided surge funding to support fire and rescue services to adapt and LFRS has been allocated a total of £310k per annum.

The whole system changes recommended in this paper relate to alterations to the management structure of Prevention and Protection at Area Manager and Group Manager levels to provide strategic direction, leadership and scrutiny, supported by the creation of a Protection Transformation Team to deliver the extensive organisational change which is required to ensure that LFRS can continue to meet statutory duties throughout this period and into the future. Under the revised arrangements, Prevention and Protection policy will transfer into the Service Delivery Directorate (reporting directly to the Deputy Chief Fire Officer) alongside existing responsibility for Prevention and Protection delivery, to provide more streamlined accountability, decision-making and performance reporting.

Recommendation

Planning Committee is asked to note the national drivers for change, allocation of pump prime funding and endorse the proposed internal restructuring necessary to underpin the transformation plan.

Information

Fire Safety Bill (Due Royal Assent in January 2021)

On 19 March 2020 the Home Office introduced a bill to improve fire safety in buildings in England and Wales. The proposed Fire Safety Bill is a response to the Grenfell Tower Fire. It will amend the Fire Safety Order 2005 to clarify that the responsible person or duty-holder for multi-occupied, residential buildings must manage and reduce the risk of fire for:

- The structure & external walls of the building, including cladding, balconies and windows.
- Entrance doors to individual flats that open into common parts.

This will empower the fire and rescue service to take enforcement action for non-compliance. The bill will also provide a foundation for secondary legislation to take forward recommendations from the Grenfell Tower Inquiry phase one report. This stated that building owners and managers of high-rise and multi-occupied residential buildings should be responsible for:

- Regular inspections of lifts and the reporting of results to local fire and rescue services.
- Ensuring evacuation plans are reviewed and regularly updated, and that personal evacuation plans are in place for residents whose ability to evacuate may be compromised.
- Ensuring fire safety instructions are provided to residents.
- Ensuring individual flat entrance doors, where the external walls of the building have unsafe cladding, comply with current standards.

The bill will also give the Secretary of State for Housing, Communities and Local Government the powers to amend the list of qualifying premises that fall within the scope of the Fire Safety Order by way of secondary legislation, enabling the government to respond quickly to developments in the design and construction of buildings. The government published a summary of responses to the Fire Safety Order 2005 (FSO) call for evidence, which invited views on the application of the FSO and changes that might be needed. While respondents identified some

areas where the FSO could be amended to provide greater clarity, most respondents agreed that the scope and objectives of the FSO remain appropriate for all regulated premises. A consultation will be held later in 2020 on proposals and next steps.

On 2 April 2020, in response to the 'Building a Safer Future' consultation, Housing Secretary Robert Jenrick MP announced steps to introduce mandatory sprinkler systems and consistent wayfinding signage in all new high-rise blocks of flats over 11 metres tall which will come into effect, for buildings constructed after 26 November 2020.

'A reformed building safety regulatory system', Government response to the 'Building a Safer Future' consultation, published by the Ministry of Housing, Communities and Local Government in April 2020 stated that: 'The Home Office's Fire Safety Bill, introduced in Parliament on 19 March 2020, will put beyond doubt that building owners and managers of all multi-occupied residential buildings must assess the risks from external walls (including cladding and balconies) and front entrance doors under the Regulatory Reform (Fire Safety) Order 2005. The Bill will also affirm that Fire and Rescue Authorities have the relevant enforcement powers to hold building owners and managers to account, supplementing the local authority enforcement route. It will also provide a firm foundation for the implementation of the relevant recommendations of the Grenfell Tower Public Inquiry Phase 1 Report requiring law changes'.

Housing Authorities have always had powers to enforce fire safety improvements in residential buildings, although have tended to use these powers to varying extent. Following Grenfell, policy development initially appeared to be focusing on residential buildings over 18m but this has shifted significantly. The scope of the Fire Safety Order is now being broadened so FRS' can use enforcement powers to ensure both residential and non-residential buildings (where housing have no powers) of all heights, that are clad in un-safe materials, are made safer . A recent MHCLG Guidance note '*Advice for Building Owners of Multi-storey, Multi-occupied Residential Buildings*' makes it clear that 'the need to assess and manage the risk of external fire spread applies to buildings of any height'. The amended legislation will:

- Bring all high rise premises fully into enforcement scope for FRS'
- Include all existing high rise with unsatisfactory cladding / internal fire doors
- Bring external cladding on all other premises types into scope, irrespective of height
- Significantly add to the Risk Based Inspection schedule
- Require sophisticated risk profiling to ensure resources are allocated intelligently
- Result in more complex enforcement cases [than has historically been the case] as owners, freeholders and leaseholders are all involved
- Require Fire Safety Inspectors to have increased technical knowledge of cladding systems and associated technical reports

Building Safety Bill (Due Royal Assent in 2021/22)

On 28 July 2017, following the Grenfell Tower fire, the then Communities Secretary, Sajid Javid, announced an independent review of the building regulations and fire safety. On 16 May 2018, 'Building a Safer Future, Independent Review of Building Regulations and Fire Safety: Final Report', was published, setting out more than 50 recommendations for the government to deliver a more robust regulatory system.

One of the key recommendations was the creation of a new Joint Competent Authority (JCA) comprising Local Authority Building Standards, Fire and Rescue Authorities and the Health and Safety Executive (HSE) to oversee management of safety risks in higher risk residential buildings (HRRB) across their entire life cycle. Some coordination planning will be required to create this JCA (also referred to as 'The Building Regulator'), as the three regulators involved are currently overseen by different government departments. The review assumes that the three regulators will work on a full cost recovery basis, so key engagements between duty holders and the JCA will be chargeable. The review suggests that the responsibilities of the JCA should include:

- Creating and maintaining a database of all HRRBs and duty holders for those buildings.
- Ensuring duty holders focus on mitigating building safety risks during the design and construction phase.
- Ensuring duty holders focus on reducing ongoing building safety risks during the occupation and maintenance phase, through periodic safety case reviews.
- Handling and assessing building safety concerns made about specific HRRBs by others through the mandatory reporting of safety concerns by duty holders.
- Requesting testing of construction products that are critical to HRRB building safety on a reactive basis when concerns arise.
- Requesting annual reports from product testing houses providing details of the types of tests carried out and the numbers of passes and fails.
- Helping validate and assure the guidance produced by industry to meet the outcomes-based goals of the Building Regulations.

On 6 June 2019, the Ministry of Housing, Communities & Local Government (MHCLG) published 'Building a safer future: proposals for reform of the building safety regulatory system', seeking views on a new building and fire safety system following the recommendations of the Hackitt Review. This included proposals for the new building safety regulator to provide oversight of the regime.

In crude terms, if the Fire Safety Bill is to be the regulatory device that is used to correct deficient existing building stock, then the Building Safety Bill will be the regulatory device used to ensure future construction of HRRB's avoids the pitfalls of the past. The new legislation will require:

- LFRS to act as part of the new Building Regulator (formerly called Joint Competent Authority) with HSE (lead) and LA Building Control
- LFRS to consult at all [gateway] stages whereas previously consultation was only undertaken at Building Regulation application stage
- HRRB inspectors will, as a minimum, need to be Fire Safety Inspectors with a L4 Diploma, current CPD log and registration to IFE (or similar)
- LFRS to maintain access to Fire Engineers.

Competency Framework & Workforce Planning / Development

The revised Competency Framework for Fire Safety Regulators was agreed by National Fire Chiefs Council on 5th February 2020. The work was completed following recommendations in Dame Judith Hackitt's Independent Review of Building Regulations and Fire Safety – 'Building a Safer Future' following the Grenfell Tower tragedy. Dame Judith identified that there are significant issues across the fire and construction sector, including a lack of competence in key professions. All construction and fire disciplines mentioned within the report have, as part of the Industry Response Group Competency Steering Group, been reviewing their competence standards to make sure that they are fit for purpose to ensure a safe built environment. Specific recommendations were made in 'Building a Safer Future' on fire safety officer competence, and more broadly on the protection role played by firefighters and other technically competent people within the NFCC 'Fit for the Future' report 2020 (draft). To address this, the Competency Framework for Business Fire Safety Regulators was revised.

The revised Framework was produced through sector collaboration across 15 fire and rescue services (including LFRS), the Health and Safety Executive, Local Authority Building Control, Crown Premises Fire Safety Inspectorate and Fire Officers Association. The Framework was also subject to extensive consultation in 2019 within the sector and externally through the Industry Response Group Competency Steering Group 'Raising the Bar' consultation.

It was acknowledged that it will take time for FRS' to fully implement the framework which will need to be supported by substantial training programmes, however, clear direction is now provided on how to develop, achieve, and maintain the competence of fire safety officers. From joining the function, to becoming a competent L4 Diploma trained Fire Safety Inspector, takes circa two years, thus retention also becomes a crucial consideration.

In addition to the gaps identified in the Protection workforce, if improvements are to be realised and sustained more broadly, the initial and ongoing development needs of other roles must be considered (e.g. Operational and Community

Safety). For each role it is possible to identify point of entry and in-service development. This is a detailed piece of work which would be developed over the next 3 years. The resultant performance management framework (aligned to the Inspection Programme) would approximate to the following:

- **Whole-time Operational crews (Operational Fire Safety Check trained)**
Check simple premises as part of the sampling component of the annual Inspection Programme, including light industry, retail, offices, shops, hotels.
- **Community Safety Staff (Operational Fire Safety Check trained)**
Check simple premises as part of sampling component of the annual Inspection Programme, including Houses in Multiple Occupation.
- **BSA (L3 Fire Safety Assessor trained)**
Audit simple premises as part of Risk Based Inspection Programme (RBIP)
- **FS Inspecting Officers (L4 Fire Safety Inspector trained)**
Audit and enforce in complex premises as part of RBIP
- **Accredited FS Inspecting Officers**
Audit and enforce in HRRB portion of RBIP

The Inspection Programme has the potential to include all premises in Lancashire (60,000 plus). It is impossible to check or audit all of these (and FRS' are not expected to) however the theory behind LFRS' approach would be to use Operational Fire Safety Checks on a sampling approach to progressively work through these and undertake a single visit. The findings of these checks, in and of themselves reduce risk, but will also feed into the future Risk Based Inspection Programme (RBIP). The RBIP includes all higher risk premises which, by virtue of being a defined HRRB, their risk and/or previous compliance history, warrant repeated visits. The RBIP formula selects these premises out of the 60,000 plus premises in Lancashire and ensures they are subject to re-inspection.

Governance, National structures and Working Groups:

MHCLG:

In January 2018, as part of a Cabinet reshuffle, it was announced that the Department for Communities and Local Government (DCLG) would be renamed the Ministry of Housing, Communities and Local Government (MHCLG). The Department is responsible for Building Regulations, Planning permission,

Planning policy, Homes England, Architecture (transferred from DCMS in April 2015).

Home Office:

Responsible for Fire and Rescue Services. The Home Office has provided £10 million Protection Uplift funding from to bolster work targeting other higher risk buildings.

NFCC Fire Protection Board:

NFCC established the Fire Protection Board in 2019, initially to facilitate a building risk review exercise to ensure that the interim measures in place in ACM-clad high-rise residential buildings awaiting remediation are appropriate and allow for safe continued occupation. This work is now expanding to all high-rise residential buildings over 18 metres and to support this, the government will provide £6 million of funding to local FRA's. The funding allocations will be based upon the number of high-rise residential buildings over 18 metres within each FRA area, and used to deliver the wider building risk review programme

NFCC Building Safety Programme Team:

The NFCC's Building Safety Programme (BSP) Team, led by Nick Coombe MBE, was formally established on 1st March 2019 using grant funding provided by Government partners; the Home Office and Ministry of Housing, Communities and Local Government (MHCLG), with partial match funding from the NFCC. Members of the team have been seconded on a full-time basis from a diverse range of FRSs around the country, each with their own area of expertise including fire safety and operational experience. This expertise allows the team to provide effective support and technical advice to the government's Building Safety Programme, which was established in the wake of the Grenfell Tower Fire, and includes work to pursue the recommendations of Dame Judith Hackitt's Independent Review of Building Regulations and Fire Safety. The BSP team also engages closely with FRSs by representing their views and providing professional support and guidance on fire safety matters. The BSP Team work collaboratively with a number of key stakeholders and partners to contribute to a range of Government working groups and provide advice in sector forums.

LFRS Current Protection Team:

The current Protection Development and Delivery Team are utilising all existing capacity delivering the current Inspection Programme (and progressing the resultant enforcement action and prosecutions) alongside recruiting and developing new staff. Consequently it is difficult for the tactical leadership team to devote sufficient time to keeping pace with the regulatory change, respond to consultations, attend national meetings and process and assimilate these into appropriate training/policy change in LFRS.

The GM role is currently responsible for Prevention, Protection, Fire Investigation, Road and Water Safety as well as having wider Project

Management and operational responsibilities. This arrangement makes it challenging to maintain sufficient attention on any one aspect (many FRS' have a dedicated GM or AM role for Protection).

The extent of change required by the new legislation does not lend itself to the existing team simply adding to their additional workload. Given the scale and complexity of their work, alongside existing workforce challenges within Protection, such an approach is unlikely to prove successful. The scale of the work (as indicated by the extent of government investment) is such that the additional focus and resource of a project team is needed, the additional £310k of government funding provides an opportunity to enhance existing resources.

The optimal approach would see a Protection Transformation Team (PTT) delivering a carefully conceived project plan, whilst working alongside the existing Protection Development and Delivery Teams. In this way, each 'packet of work' would be led by the PTT but be co-developed through consultation with the existing staff such that on completion the new work streams were easily passed on and integrated. Whilst transition is being managed the future demand levels and ability to meet them would be assessed with a view to providing options for resources to be injected into the delivery function at that point in time i.e. PTT disestablishment will provide the funding source to increase the number of Inspecting officers on completion of the project.

Management Information Systems and generating future efficiencies

The 'Fit for the Future' report highlights the need to exploit the use of new technology and improve data management¹ to assist in addressing the issue of building safety. In particular, data about building risks should be standardised and inspection processes digitised to ease the burden on newly qualified inspectors. LFRS has recently upgraded CFRMIS to version 6.3. Technically speaking, in conjunction with ICT support, this upgrade could facilitate a wealth of additional functionality:

- Using 'Short Audits' for premises with good inspection histories and where qualified FSI's judge their use to be in the best interest of the premises (respecting the Regulators Code where compliant premises should experience less frequent and shorter audits) and LFRS, as using such an approach frees up valuable time for FSI's to audit new premises and those requiring improvement
- Developing an easy to use digital audit form on a mobile device linked to CFRMIS
- Automatic movement of certain information into the Site Specific Risk Information which is displayed in appliance cabs (links to the Built

¹ P17. Fit for the Future Report (Draft)

Environment Assessment Team work and to a number of Grenfell recommendations).

- Storing Building Regulation consultations digitally thereby making building plans more readily available for operational use via remote access (linking to Grenfell recommendations)
- Scanning existing files into digital storage

Protection Transformation Team

Reporting to the GM Protection, the temporary Protection Transformation Team (in place until Mar 2022) would work through a series of deliverables governed under Corporate Programme Board. The concept essentially being that each 'packet' of work would be completed by the PTT and then handed to the Protection Support and Protection Delivery Team as appropriate. The PTT would not work in isolation of Delivery and Support as certain packets of work would require ongoing collaboration / resourcing (e.g. Clad Building Surveys which would be coordinated by the PTT but delivered by Protection Delivery). In readiness for the Building Safety Bill coming into force, the PTT would be dis-established to support a longer term uplift in Inspecting Officers (x4).

Short-Term Objectives (2020/21)

- Lead a risk profiling exercise on all 18m+ residential, 18m+ other use, all clad buildings
- Nominate targeted audits of clad buildings for the 2020/21 Inspection Programme
- Keep pace with national developments via Protection Board & Building Safety Team
- Respond to all consultations linked to development of the new Regulations
- Co-ordinate delivery of Grenfell Actions (Protection aspects)
- Co-ordinate delivery of agreed BEAT recommendations (Protection aspects)
- Co-ordinate delivery of Protection Board Building surveys
- Lead digitisation of Protection
- Scope and cost additional training requirements resulting from the new legislation
- Produce internal briefings and management reports
- Assess number of risk premises versus distribution of FSI's, factoring in quota of HRRB's

Medium-Term Objectives (2021/22)

- Align FSI location to distribution of risk premises (considering uplift if required as well as more agile ways of working, or adapting BSA role in due course)
- Embed operational planning from B/Regs stage & maximise Ops benefits of digitisation
- Brief & develop external stakeholders (Housing Providers, Managing Agents, LA's etc.)
- Ensure initial & annual Protection Training Plans, for all functions, include appropriate objectives and content to progressively develop the organisation (linking with TOR)
- Support HoHR to produce Protection element of Organisational Development Plan ensuring investment in Fire Safety & Engineering training are realised within the Protection Function
- Support GM CPI & HoCC to produce Protection element of ASP addendum upon publication

Staffing Considerations

Further digitisation of services will improve efficiency and capacity to deliver and improve outputs but the Protection function will inevitably need to grow further in relation to the significant new asks being placed upon them. The volume of inspection work that is likely to be needed to support the ongoing building safety work will be significant². We will need to gather intelligence about risks in the county, identify priorities for inspection and potentially take enforcement action within a new regulatory environment.

Area and Group Manager roles and implications for Directorates

It is proposed to:

- Increasing to 5 Area Manager roles. Establishing a new AM P&P reporting to Director of Service Delivery. Strengthening capacity beneath this role by creating a new dedicated GM Protection (with a temporary transformation team) and a repurposing GM Central to GM Prevention to continue to lead FI, Road Safety, Prevention policy and in addition, Youth Engagement.

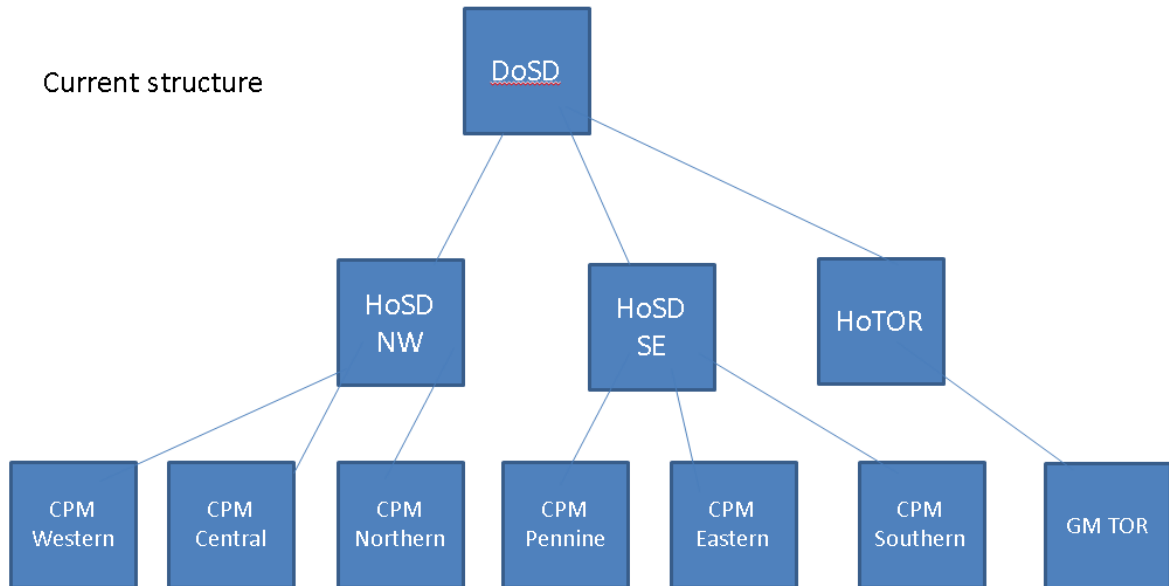
Advantages: Aligns responsibility for Protection Delivery, and associated performance management and reporting to CFA, under the Director of Service Delivery. Provides dedicated AM leadership of Protection,

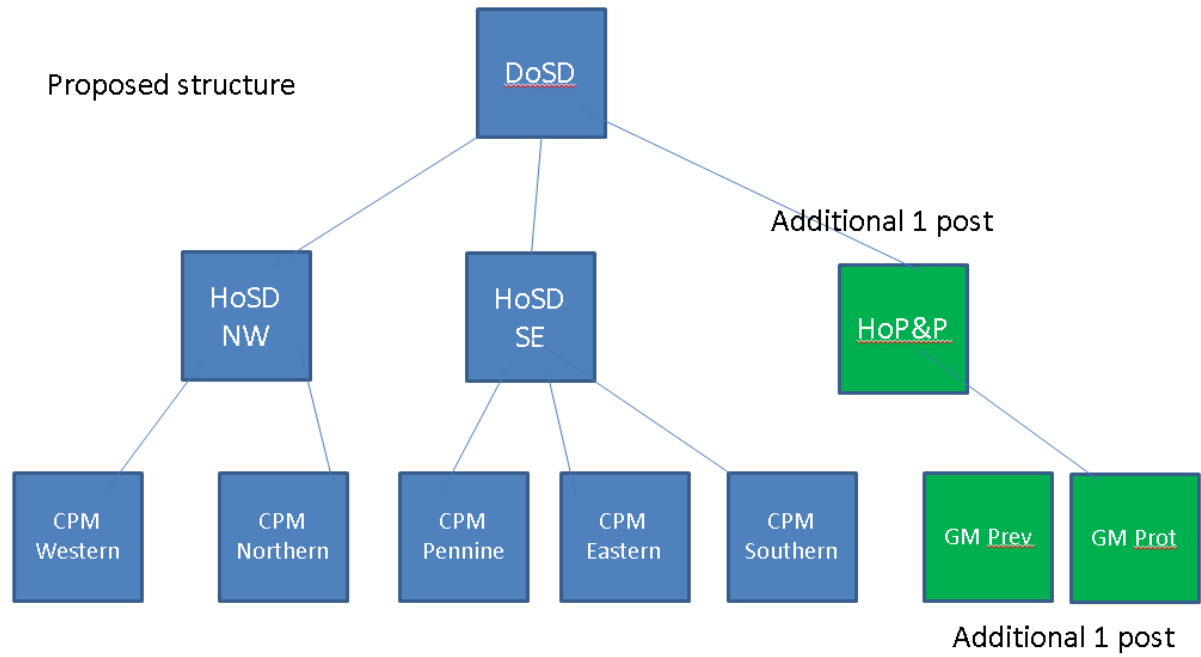
² P16. Fit for the Future Report (Draft)

provides dedicated GM management of Protection. Reduces HoSDD spans of control to more manageable levels. Aligns Fire Investigation to Community Safety. Aligns Youth Engagement more closely to Community Safety. Creates capacity to both deliver and innovate in all areas.

Disadvantages: Significant amount of restructuring – would require careful timing and effective communication to staff.

The proposal is to add to the establishment an AMB role into the Head of Department structure and use the opportunity to realign Directorate reporting such that Protection performance management and delivery moves to Director of Service Delivery. This move allows the future Head of Prevention & Protection sufficient capacity and spans of control to lead the Prevention & Protection functions in a manner commensurate with the expectations of the Building a Safer Future Report, will place LFRS in a strong position to deliver the NFCC Competency Framework and successfully implement the new Fire Safety Bill and Building Safety Bill. The changes also afford the Head of Service Development more realistic spans of control and capacity to exploit to drive the level of innovation a future LFRS will be required to demonstrate. In summary;

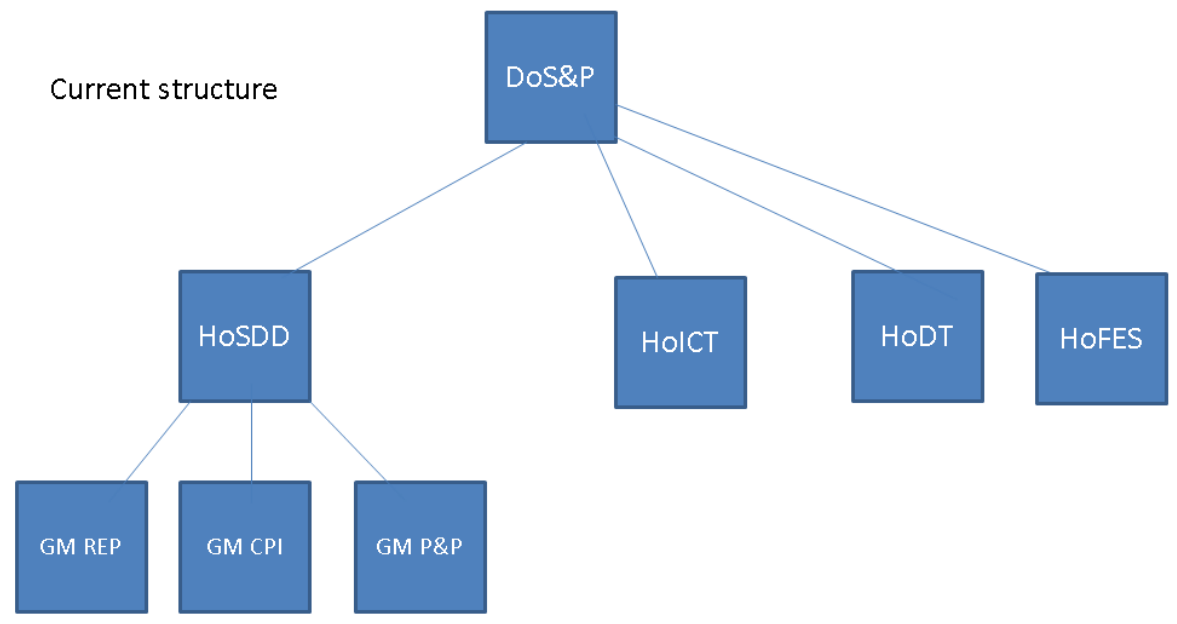


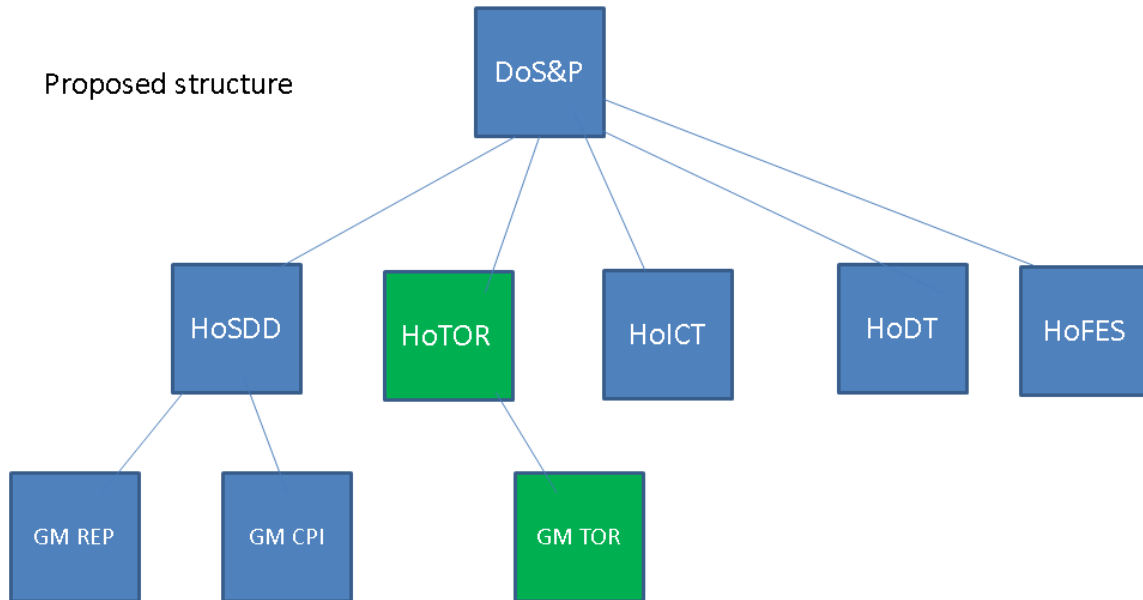


Remove 1 post



Current structure





Station Manager roles

The proposal is to temporarily add 1 SMB role into the Protection structure. The Protection Transformation SM role is not permanent. After 2 years, the roles will change from transformational and leadership based roles to functional roles leading the core work such as HRRB's or planning consultant type roles as may be required under Building Safety Bill. This agility in approach is crucial as moving to the new Regulatory Regimes is largely uncharted territory and assumptions made at this early stage are likely to change over time.

Watch Manager roles

The overall proposal is to add 4 WMBs into the Protection structure. The rate at which these roles can be added is to a large extent dictated by the number of competent WMA's in the current workforce who also possess the necessary attributes. Currently, due to the shortage of competent staff in the function, it is simply not possible to establish all roles. In addition, the use of the roles will vary over the course of the transformation and the eventual return to business as usual.

Year 1 (July 20 to Mar 21) add 2 new WMB roles:

x1 WMB Protection Transformation Team

x1 WMB Protection Trainer (would also inspect HRRBs to maintain CPD and add capacity)

Year 2 (April 21 to Mar 22) maintain the 2 new WMB roles:

x1 WMB in Protection Transformation Team

x1 WMB Protection Trainer (would also inspect HRRBs to maintain CPD and add capacity)

Year 3 (April 22 to Mar 23) – add 2 additional WMB role:

x2 WMB Protection Trainer (would also inspect HRRBs to maintain CPD and add capacity)

x2 WMB Member of Joint Competent Authority (The Regulator)*

Financial Implications (included on cost and at pro-rata rate for Year 1)

Year 1 (July to Mar 21 unless otherwise stated)

x1 AMB from Oct @ £50 = £50k

x3 BEAT SMB for 6 months @£37 = £111k

SMB @ £50k = £50k

x2 WMB @ £35K = £70k

x1 Project Admin @ £20k = £20k

OVERALL = £301k

Year 2 (April 21 to Mar 22)

x1 AMB @ £100 = £100k

SMB @ £75k = £75k

X2 WMB @ £54k = £108k

x1 Project Admin @ £20k = £20k

OVERALL = £303k

Year 3 (April 22 to Mar 23)

x1 AMB @ £100 = £100k

X4 WMB @ £54k = £216k

OVERALL = £316k

Distribution to FRAs of Fire Protection Board and Protection Uplift funding

FRA	Fire Protection Board Funding (£6m)	Protection Uplift Funding (£10m)	Total
Lancashire	£60,000.00	£250,300.74	£310,300.74

The above revenue funding has been allocated from an initial £10 million government grant fund, enabling both NFCC and individual FRS' to swiftly respond to the emerging requirements. Initially this will be a grant allocation for the financial year 2020/21. The initial scope and scale of the remediation related

work is focused upon high rise (18m +) residential buildings and subsequent work is anticipated to focus upon buildings under 18 metres fitted with cladding type materials.

The expectation of this surge funding is to assist building further capacity to support the transformation required as a result of current and proposed changes to legislation that will further grow the requirements of protection activities and subsequent inspection officer resourcing. It is understood that the revenue funds allocated by the Home Office for 2020/21 will be repeated with a second grant in 2021/22 and subsequently will be built into base funding thereafter.

The Fire Safety Bill 2021, The Buildings Safety Bill (anticipated 2022/23), LFRS Integrated Risk Management Plan (IRMP) 2022 and a Home Office medium term financial settlement for FRS' (expected 2021/22) will collectively provide the basis for long term decision making with regards to future resource requirements and any subsequent budget amendments.

Sustainability or Environmental Impact

Will there be an increase or decrease in electricity, gas, fuel or water? Neutral

Will there be an increase or decrease in waste production? Neutral

Will there be an impact on the quality of air, land or water? Yes – reduction

Will this affect biodiversity? No

Will there be an impact on staff or local community travel patterns? No

Will this impact on our ability to adapt to climate change? Yes – positive impact

Equality and Diversity Implications

All changes will be subject to equality impact assessment.

Human Resource Implications

Recruitment and promotion processes

Creation of new Green Book (Team Leader equivalent) roles

Business Risk Implications

Unable to deliver existing statutory duties due to insufficient [competent] staff

Unable to deliver future statutory duties due to insufficient [competent] staff

Unable to keep Lancashire safe, to extent advocated by Government and NFCC

Unable to meet NFCC and HMICFRS expectations

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact
None		
Reason for inclusion in Part II, if appropriate:		