

Freedom of Information request reference number: FOIA608.1

Date of response: 29 July 2010

Request

A copy of your Business Continuity Plan and Degradation Strategy.

Response

In common with other UK fire and rescue services, the London Fire Brigade (LFB) has a legal duty to provide a fire and rescue service at all times. We can no longer rely on support from the military with their green goddesses as we did in the past.

To comply with our statutory duties alternative arrangements has been put in place. The LFB also have a duty under section 2 of the Civil Contingencies Act 2004 to plan for emergencies and that if an emergency occurs take reasonable steps to make sure we are still able to continue to perform our functions.

CapitalGuard is the name of the arrangement that will now provide London with a contingency level of fire and rescue services if our firefighters are not available, for example, in the event of severe pandemic illness, industrial action, natural disaster or catastrophic incident. Approval to enter into a contract to provide the arrangements was approved by the Authority on 25 June 2009.

The service provision within the CapitalGuard arrangements will be provided by AssetCo, the company who currently provide our operational vehicles and equipment, and will be paid for by the LFB. The arrangement in place secures the ability to deploy up to 27 fire appliances, deployed from one of 27 strategic locations across the LFB operating area.

I attach the following documents in response:

- Copy of a London Fire Brigade (LFB) policy 701 Business Continuity Management, and;
- Copy of a LFEPA report entitled: - Business continuity arrangements - Contracted Emergency Fire Crew Capability (FEP 1370).

I am sorry to say that I am not able to provide all the information contained within the said LFEPA report (FEP 1370). I have set out reasons for the non-disclosure below:

Information redacted on paragraphs 1, 8, 14, 24, 25, 26, 27, 29, 40, 54 and Appendices 1, 3, 4, 5 and 6 are exempt under S43 FOIA – Commercial interests and S41 FOIA – Information provided in confidence.

Section 43* – Commercial Interests

Under the Freedom of Information Act 2000, the commercial interest exemption (s.43) states that information is exempt information if it constitutes a trade secret or if its disclosure under the FOIA would, or would be likely to, prejudice the commercial interests of any person.

The tender proposals received contain special commercial formulas and pricing which are exempt under section 43 (1). The proposals detail commercial know-how, work methodology and project management structures and the owners of this information limit dissemination or at least do not encourage or permit its widespread publication. If this information was disclosed to competitors, there would be a real and significant harm to the owner of the trade secret.

The tender proposals also fall under section 43 (2) because public disclosure would, or would be likely to prejudice the commercial interests of the firms in question, in particular their ability to successfully engage in a competitive commercial market. By disclosure of the tender proposals to the public, competing firms would be permitted to gain access to strategic commercial and business information which has been provided in confidence to the London Fire and Emergency Planning Authority (LFEPA). This would give an unfair advantage to competitors in submitting and negotiating future tenders with LFEPA or other public bodies.

With regard to LFEPA's own commercial interests, we consider that disclosure of proposals would, or would be likely to prejudice LFEPA's business reputation and confidence that suppliers, contracting parties and investors may have in it. This would have a detrimental impact and threaten LFEPA's ability to successfully participate in commercial activity, in particular the ability to negotiate best value terms of contract in the best interests of LFEPA and the public.

Commercial Interests – Public Interest Test

The information you have requested also requires careful consideration and application of the "public interest" test, this is to consider whether the public interest in disclosing the information outweighs the Authority's interest in withholding it.

I have set out my public interest considerations as follows:

- There is a strong likelihood that commercial prejudice to LFEPA and the firms concerned would materialise if the tender proposals were disclosed to the public.
- The degree of prejudice suffered by the firms is likely to be substantial and over a considerable period of time.
- Public disclosure of the information would undermine the ability of LFEPA to perform its statutory functions and, in particular, to secure best value.

On this basis, I believe that the Authority's interest in withholding this information outweighs the public interest in disclosing it.

Section 41 – Information Provided In Confidence**

It is also my view that under the Freedom of Information Act 2000, the information provided in confidence exemption (s.41) applies to the tender proposals. Section 41 states that (1) information is exempt information if it was obtained by the public authority from any other

person and the disclosure of the information to the public (otherwise than under this Act) would constitute a breach of confidence actionable by that or any other person.

The proposals have been received by LFEPA as a result of a competitive tender process which carries with it a "quality of confidence" to the firms concerned. Furthermore, the information has been imparted in circumstances importing an obligation of confidence and disclosure of this information would be detrimental to the firms wishing to keep the information confidential. Disclosure of the information would also constitute a breach of confidence which may result in substantial harm for the relevant firm (commercial) as well as exposing LFEPA to common law action for the breach.

Therefore, information falling under the section 41 exemption has been withheld. Section 41 is an "absolute" exemption which means that there is no public interest test to be applied.

You will also find that information on paragraphs 32, 34, 38, 42, 43, 45, 46, 47, 48, 49, 50, 51, 52, 53 and Appendix 2 have been redacted from disclosure and the exemption which applies is S42 FOIA – Legal professional privilege.

Section 42* – Legal professional privilege**

Under the Freedom of Information Act 2000, the legal professional privilege exemption (s.42) states that information in respect of which a claim to legal professional privilege could be maintained in legal proceedings is exempt information.

Section 42 FOIA also requires us to consider the public interest test and I have set out my considerations below:

It is in the public interest that the decisions taken by the LFEPA are taken in a fully informed legal context. The fact that the Authority has considered legal implications arising is in the public interest.

- The legal adviser needs to be able to present the full picture to his or her client (LFEPA) which includes not only arguments in support of his or her final conclusions but also the arguments that may be made against them. This also means that legal advice will often set out the perceived weaknesses of the LFEPA's position. Without such comprehensive advice the quality of LFEPA's decision making would be much reduced because it would not be fully informed and this would be contrary to the public interest.
- Disclosure of legal advice has high potential to prejudice the LFEPA's ability to defend its legal interests, both directly, by unfairly exposing its legal position to challenge, and indirectly by diminishing the reliance it can place on the advice having been fully considered and presented without fear or favour. Neither of these are in public interest. The former could result in serious consequential loss or at least waste of resources in defending unnecessary challenges. The latter may result in poorer decision making because decisions themselves may not be taken on a fully informed basis.

I conclude from the above that the public interest in withholding this information outweighs the public interest in disclosing it.

In accordance with the Freedom of Information Act 2000, this letter acts as a Public Interest Refusal Notice in relation to some of the information you have requested.

Business Continuity Management

New policy number: **701**
 Old instruction number:
 Issue date: **17 March 2010**
 Reviewed as current:
 Owner: **Head of Strategy and Performance**
 Responsible work team: **Planning and Performance Team**

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Last amended date:

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1 Introduction

- 1.1 This document sets out the general principles for the development and maintenance of a Business Continuity Management (BCM) framework that meets the requirements of a Category 1, Fire and Rescue Service under the Civil Contingencies Act 2004. This policy has been developed in accordance with the requirements of the British Standard for Business Continuity Management (BS 25999) and details the procedures that must be followed in order to ensure that the Brigade's key services and products are resilient, the interests of key stakeholders are considered throughout the BCM process and that the Brigade's reputation as a resilient and well prepared organisation is safeguarded.
- 1.2 As an emergency service the London Fire Brigade is committed to providing London, its population and its visitors with a number of essential services, some of which need to be maintained at all times. To help secure the effective availability of these essential services, this policy has been developed in order to detail how a comprehensive Business Continuity Management System (BCMS) is to be delivered and maintained across the Brigade.
- 1.3 At the core of effective BCM is an understanding of the organisation, its key services and products and the types of strategy that can be developed in order to recover these key services and products during disasters and other disruptive events. BCM therefore forms an important part of the organisation's risk management framework and provides the Brigade with a number of arrangements that can be deployed at short notice in order to reduce the impact of a disaster or emergency.
- 1.4 Finally, the Civil Contingencies Act 2004 identifies the London Fire Brigade as a Category 1 Responder and imposes a statutory requirement on the Brigade to have robust BCM arrangements in place (see Appendix 5 for more information on statutory duties). Adherence to the BCMS detailed within this policy will ensure that this requirement is satisfied.

Business disruptions and planning assumptions

- 1.5 Although a lot of research has been carried out to help facilitate an understanding as to the causes and effects of high profile disasters, the reality is that even the most unassuming of events (if left to the right conditions) can lead to a business disruption. As a result, the Brigade's BCMS must be sufficiently developed in order to minimise the disruptive effects of significant untoward events, and yet flexible enough to deal with any scenario, regardless of its scale.
- 1.6 Rather than focusing on each and every plausible scenario (i.e. terrorism, flooding etc), the Brigade focuses on a series of common outcomes that relate to these scenarios. As a result, the Brigade recognises the following generic impact criteria¹:
 - Large-scale temporary absence of staff
 - Permanent or long-term loss of staff
 - Denial of site or geographical area
 - Disruption to transport
 - Loss of mains electricity
 - Loss of main water and sewerage
 - Loss of availability of oil, fuel and gas
 - Loss of electronic communications

¹ These also feature as part of the BCM planning assumptions identified by the Civil Contingencies Secretariat

- 1.7 It must be understood that the impact categories referenced above may not be mutually exclusive, for example, extreme weather can lead to a loss of electricity, disruption to the transport infrastructure, restrict staff from travelling to work and so on. With this in mind, the organisation's BCMS (as set out in this policy) has been designed to be sophisticated enough to deal with multiple impacts that may occur in combination, or independently of each other.
- 1.8 In addition to the planning assumptions that support this policy, the BCM framework is also underpinned by the following objectives:
- (a) To provide a level of organisational resilience sufficient to continue to receive 999 calls and mobilise the appropriate level of resource to respond to an emergency in order to take effective actions to reduce, control or mitigate the effects of the emergency.
 - (b) To ensure that all critical LFB support services (provided to internal and external stakeholders) are identified and can support operational functions during all forms of business disruption.
 - (c) To ensure the health, safety and welfare of LFB employees during a business disruption.
 - (d) To ensure compliance with the Civil Contingencies Act 2004 and voluntary codes of practice such as the British Standard for Business Continuity Management BS: 25999.
 - (e) To develop a framework that will provide sufficient assurance, through continual exercising and testing, that the continuity arrangements are robust and will work when required.
 - (f) To protect the Brigade's contribution to the Mayor's priorities and our corporate social responsibilities.
 - (g) To maintain the public credibility and reputation of LFB during a business disruption.
 - (h) To prevent breaches of contractual, statutory and regulatory requirements that could lead to litigation against the Authority².
 - (i) To ensure that BCM strategies are appropriate to the needs of the organisation and are developed in accordance with the acceptable level of risk defined within the Risk Management Policy - <http://www.london-fire.gov.uk/Documents/fep1217.pdf>.

2 Policy statement

- 2.1 The London Fire Brigade will take all reasonable steps to ensure that, in the event of a business disruption, all identified critical activities are recovered to pre-determined levels and that normal levels of service are restored as soon as possible in a planned and controlled manner. To ensure that this happens, the senior management team are committed to this policy, the accompanying procedures and the continual maintenance and development of the BCMS.

3 Scope

- 3.1 Although BCM is a top down process that is driven forward by senior management, this policy applies to all staff that contribute towards the delivery of identified key services and products (see below). Adherence to this policy will therefore contribute towards the successful integration of the BCMS within the working practices and culture of the organisation.

² See appendix 5 for details on all contractual, statutory and regulatory requirements on the Brigade.

Key services and products

- 3.2 In order to determine the extent to which the BCMS is applied across the organisation, a number of key services and products have been identified and agreed with the Corporate Management Board (CMB) that take into account the organisation's objectives, obligations and statutory duties. An illustration and list of these key services and products within the context of the BCMS has been included in figure 1 below³.

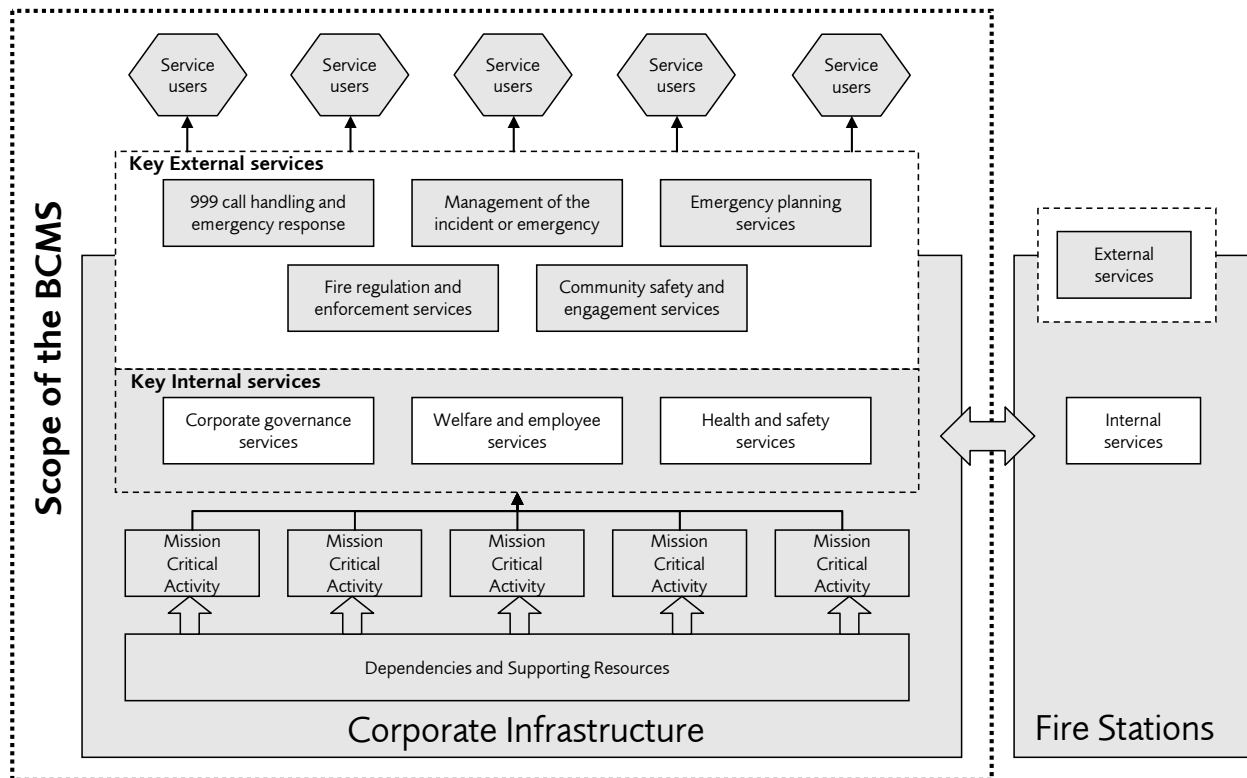


Figure 1

- 3.3 Where key services and products are supported by formal business partnerships with other organisations (the details of which should be recorded in the relevant section of the business impact analysis in line with Policy Number 571 - Departmental plans, departmental risk registers and business impact analysis 2008/09 - 2010/11), robust business continuity arrangements must be developed at the partnership interface and, as far as practical, back through the supply chain. The third party organisation itself will then also be required to develop and implement a BCMS that is supportive of the needs of the Brigade.

Key stakeholders whose interests relate to the Brigade's key services and products have been listed in Appendix 6.

Limitations and exclusions

- 3.4 The Brigade's BCMS focuses on the management processes that enable the organisation to direct its resources in order to deliver pan-London cover, irrespective of local operational disruptions. The ongoing provision of cover and management of locations for appliances is managed dynamically through Brigade Control and the Resource Management Centre and therefore, whilst fire stations have a vital role to play in terms of the overall emergency response, there is no need to include provision for the maintenance of each and every fire station within the scope of the

³ Corporate governance (illustrated in figure 1) relates to the services covered by the Annual Governance Statement and can be defined as the framework that brings together the underlying legislative requirements, governance principles and management processes used within the organisation.

BCMS. For this reason, fire stations and local operational arrangements are considered as outside of the scope of the BCMS and are therefore exempt from the processes detailed within this policy (please refer to figure 1 for an illustration of this exclusion within the context of the Brigade's BCMS).

Acceptable level of risk

- 3.5 Through its measurement of impact over time, the Business Impact Analysis (BIA) enables the organisation to assess the extent to which all critical activities are exposed to risk and to understand exactly how a business disruption could affect the Brigade. In terms of bringing business continuity risk to within acceptable levels, the approach adopted by the Brigade has been informed by the wider Risk Management Policy and as a result the same risk impact criteria have been used.
- 3.6 Where appropriate, the Risk Management framework itself is used to evaluate the level of risk (including likelihood) and to bring the risk exposure to within the Brigade's risk appetite as follows:
- (a) BIA identifies and records the risks to critical activities.
 - (b) Risk management impact criteria are applied to each risk.
 - (c) Risks are incorporated in the BIA report (see "determining business continuity strategy" for more information on the BIA report).
 - (d) Senior management review the BIA report and, where necessary, decide on the most appropriate course of action for each risk. In order to bring the level of individual risks to within acceptable levels, it may be necessary at this point to escalate the risk through to either the departmental or corporate risk register framework for treatment as per Risk Management Policy.
 - (e) The effectiveness of the preferred risk treatment method is monitored and used to inform the direction of business continuity strategy.

4 Policy applicability

- 4.1 This policy is intended for use by all staff, but is particularly relevant to anyone with responsibility for:
- Managing or carrying out critical activities.
 - Managing or carrying out recovery/continuity activities.
 - Overseeing business continuity management within LFB.
 - Reporting on business continuity management activities to senior management.
- 4.2 A shared strategic approach is important if business continuity is to be developed systematically and consistently across the organisation and so this policy must also integrate with existing frameworks and policies. This policy has therefore been drawn up with reference to the:
- Procedures which form the management arrangements of the Authority.
 - The London Safety Plan, which outline the Authority's approach to its aims, objectives and delivery of services to the community.
 - Performance, programme and information management frameworks.
 - Legal duties under the Civil Contingencies Act, the Fire Services Act and the national framework for fire and rescue services.

5 Definitions and common terms

Business continuity management (BCM)

- 5.1 A holistic management process that identifies potential threats to the organisation and the impacts to key products and services that those threats, if realised, might cause, and which provides a framework for building organisational resilience with the capability for an effective response that safeguards the interests of its key stakeholders and reputation.

Business disruption

- 5.2 Any event, whether anticipated (e.g. a labour strike or hurricane) or unanticipated (e.g. a blackout or explosion), which causes an unplanned, negative deviation from the expected delivery of services according to the organisation's objectives.

Critical activities

- 5.3 Activities that have to be performed in order to deliver the key products and services which enable the organisation to meet its most important and time-sensitive objectives.

Key services and products

- 5.4 Beneficial outcomes provided by the organisation to its customers, recipients and stakeholders that are time sensitive.

Resilience

- 5.5 The ability of the organisation to resist being affected by an incident.

6 The business continuity management process

- 6.1 The British Standards Institute has developed a six-stage planning approach that has been incorporated into the Business Continuity Management Standard (BS 25999). As the industry standard, the BS 25999 life-cycle approach has been adopted by the Brigade and has been placed at the core of the processes referred to throughout this policy⁴.
- 6.2 BS 25999 establishes the following stages to the life-cycle:
- Establishing BCM programme management.
 - Understanding the organisation and its BCM needs.
 - Determining business continuity strategy.
 - Developing and implementing BCM responses.
 - Exercising, maintaining and reviewing.
 - Embedding BCM in the organisation's culture.

Establishing BCM programme management

- 6.3 Effective programme management is an essential part of the Brigade's BCMS as it defines the level of support and resources available to the organisation in order to sustain and develop the system.

⁴ For more information on BS 25999 please refer to the standard itself which can be obtained through the LFB Library Service.

- 6.4 The Planning and Performance team and the Business Continuity Manager (Strategy and Performance department) are responsible for the implementation and maintenance aspects of the BCMS. Responsibility for the operation of the system on a daily basis resides with the Business Continuity Manager and the nominated Departmental Business Continuity Coordinators from each department. For further information on the specific roles of LFB staff, please refer to the section titled "Roles and Responsibilities".

Understanding the organisation and its BCM needs

- 6.5 The organisation's key services and products (described in the previous section) set out the scope and context for the application of the Brigade's BCMS, but in order to fully understand the BCM needs of the organisation, it is necessary to determine the supporting critical activities and resources that feed into the key services and products.

Business impact analysis (BIA)

- 6.6 The BIA is an integral part of this stage of the process as it enables departments to determine all critical activities, dependencies and supporting resources. On an annual basis, each department and non-departmental delivery unit is required to carry out a review of its departmental activities using the BIA toolkit provided by the Planning and Performance team. Once complete, the BIA document enables the Brigade to determine and document the impacts of a disruption on the critical activities that support the identified key services and products.

Full details of the BIA procedure and accompanying guidance can be found in Policy Number 571 - Departmental plans, departmental risk registers and business impact analysis 2008/09 - 2010/11.

Evaluating threats to critical activities and undertaking a risk assessment

- 6.7 In a BCM context, the impact and likelihood of a disruption to each critical activity must be understood, along with the threats that exist to the supporting resources (i.e. people, premises, technology, information, supplies and stakeholders), the vulnerabilities of those resources and the impacts that would arise if a perceived threat became an actual incident that lead to a business disruption.
- 6.8 The BIA document sets out the risk assessment process used by the organisation for this purpose, but in order for departments to effectively evaluate the extent of the threats to identified critical activities this task should be undertaken in conjunction with the guidance detailed in Policy Number 571 - Departmental plans, departmental risk registers and business impact analysis 2008/09 - 2010/11. The Planning and Performance team can advise and assist on the most appropriate course of action, but it will remain the responsibility of the department itself to assess all resource risks and to decide on the ultimate course of action.
- 6.9 Based on the outcome of the risk assessment for each critical activity, departments will adopt either one of, or a combination of the following:
- Continuity Strategy
 - Acceptance of level of risk
 - Transfer of risk ownership
 - Control

Determining business continuity strategy

- 6.10 Following on from each iteration of the BIA programme, each department will be in position to identify appropriate continuity strategies that will enable it to meet its objectives and to understand how critical activities can be recovered. However, the Brigade's BCMS recognises

that departments operate in complex environments and that there are a number of interdependencies and dependencies that influence the recovery times of critical activities. In view of this, it is important that departments carefully consider all available recovery strategies and as far as possible, should involve the Business Continuity Manager in the process.

- 6.11 Within the BIA, departments and non departmental delivery units specify maximum tolerable periods of disruption (MTPD) and recovery time objectives (RTOs) for each critical activity. Once these have been established, the Planning and Performance team collate this information in order to develop a central understanding of the organisation's recovery profile and the dependencies that influence the recovery of all critical activities.
- 6.12 The Planning and Performance team will then analyse the recovery requirements of each department, map out the internal and external dependencies and suggest effective business continuity strategies that will enable the recovery of all relevant critical activities. The outcome of this analysis will then be fed back to the relevant Brigade department in the form of a BIA report that will be finalised and agreed with the Head of Service⁵.
- 6.13 The Planning and Performance team also have a central role in terms of setting strategies that apply across the organisation and will use the information contained within the BIAs in order to develop alternative arrangements for resources such as premises and technology. This will be done with the help of other relevant departments (i.e. Property and ICT).
- 6.14 The Brigade's BCMS recognises the need for strategies in the following areas:
 - Staff resources such as numbers, skills and knowledge (**people**);
 - Work sites and facilities required (**premises**);
 - Supporting technology, plant and equipment (**technology**);
 - Provision of information on previous or current work-in-progress (**information**); and
 - External services and suppliers (**suppliers**).

Developing and implementing a BCM response

- 6.15 As a Category 1 responder under the Civil Contingencies Act 2004, it is essential that the organisation has plans in place that enable it to respond effectively to all forms of business disruption. The Brigade's approach to this duty is consistent with the concept of generic and specific planning (as outlined in the CCA 2004) and is based on the information documented within the BIAs and BIA reports. Through this approach, the Brigade will be able to categorise its activities according to their priority for recovery and document the methods through which they will be restored.
- 6.16 In support of the response and recovery arrangements, the organisation has developed a strategic response structure that will enable it to effectively respond and recover from all forms of business disruption. Under this structure, there are three levels to the Brigade's response and they are referred to as the strategic, tactical and operational elements of the structure.
- 6.17 The Brigade's BCM response is delivered through four types of plan and strategy as illustrated in figure 2 below:

⁵ As part of this process, the Planning and Performance Team may suggest changes to the RTOs assigned to some of the activities within the BIA.

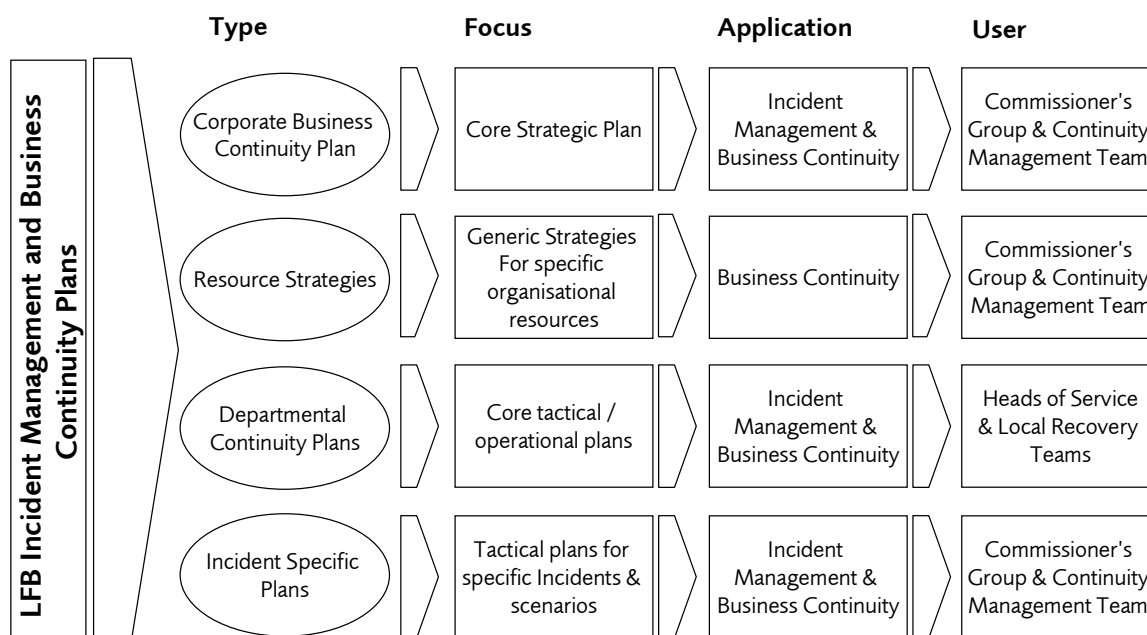


Figure 2

Corporate business continuity plan

- 6.18 As shown in figure 2 the corporate business continuity plan is the core strategic plan that enables the Brigade to respond to a wide-ranging set of circumstances by focusing on elements that will be common regardless of the scenario such as the command and control structure, organisation of existing resources and channels of communication.
- 6.19 The Planning and Performance team are the authors of this document, but as the arrangements detailed within the plan are strategic and cross-cutting the continual input and recommendations of other Brigade departments is essential.

Business continuity resources strategies

- 6.20 In support of the corporate BCP are a series of generic resource plans that focus on the management of some of the Brigade's strategic resources during a business disruption. Without cross-cutting strategies in place for the Brigade's essential resources, the Brigade's ability to deliver both its corporate and departmental continuity plans would be severely jeopardised. There are strategic plans in place for the following resources:
- Premises (for staff, equipment and other resources)
 - Technology (including but not limited to IT)
- 6.21 In addition to the strategic resource plans mentioned above, departmental continuity plans (see 6.22 below) will then need to detail local arrangements for the following resources⁶:
- People (staff)
 - Information (hardcopy and electric)
 - Supplies
 - Stakeholders

⁶ These resources are planned for and managed locally to allow for greater flexibility when deployed.

Departmental continuity plans (DCP)

- 6.22 In support of the strategic documents mentioned above, each department responsible for delivering critical activities will need to have its own continuity plan in place that brings together the tactical and operational aspects of the completed BIAs and the relevant sections of the BIA reports. The ownership and maintenance of these plans sits with the responsible department, but the Planning and Performance team will provide the supporting template for the plan and advise on content.

Incident specific plans

- 6.23 The Brigade also maintains a number of incident specific plans that have been developed for a number of scenarios that pose specific risks to the Brigade. The main purpose of these plans is to detail the specific, or specialist, arrangements that may be required of the Brigade during the response to the event (i.e. pandemic influenza). As with all business disruptions, the corporate BCP has been developed in such a way so as to provide a framework for the delivery of these plans, but the ownership and maintenance of individual scenario plans will remain with the responsible Brigade department.

Management of plans

- 6.24 Plans will be cascaded to all relevant staff within the department(s) in line with predefined distribution lists. The original copies of the business impact analysis and business continuity plan will be held by the relevant department and an additional set of copies will be held by the Business Continuity Manager in the Planning and Performance team. Appendix 1 details how departments and individual members of staff are expected to manage and maintain their departmental continuity plans. This guidance will be issued alongside all DCPs and must be followed in order to ensure the security, document control and distribution is as intended for all DCPs.
- 6.25 Each department is responsible for ensuring that recovery team staff are aware of their individual and team responsibilities during a business disruption. Additional business continuity training will be delivered to all staff through the business continuity training programme managed by the Planning and Performance team. This training will assist staff in understanding the actions associated with the implementation of business continuity plans and will be tailored according to the needs and activities of the department.
- 6.26 The flowchart below (figure 3) illustrates the high-level structural components that contribute towards the maintenance and development of business continuity plans:

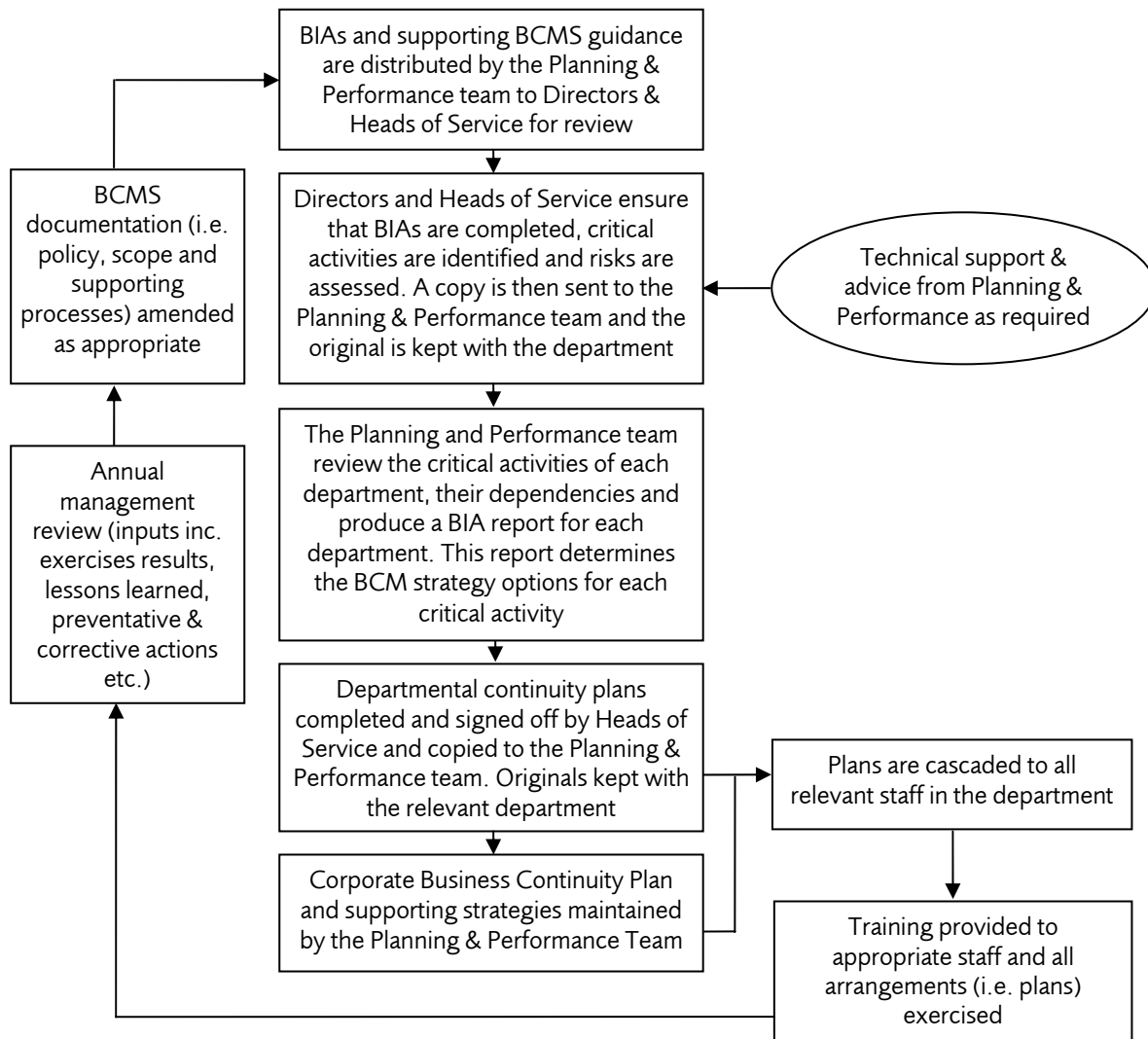


Figure 3

Exercising, maintaining and reviewing

- 6.27 In order to ensure that the LFB's BCM arrangements are regularly reviewed and up-to-date, the organisation must continue to validate its arrangements through a programme of agreed exercises. Exercises provide the only comprehensive way of realistically evaluating continuity plans as they bring together the staff that will be involved in the response and allow for the scrutiny of arrangements under controlled conditions.

Exercise programme

- 6.28 A rolling exercise programme is maintained by the Planning and Performance team that is consistent with the scope of the organisation's business continuity profile. Over time, the exercise programme will aim to provide objective assurance that business continuity arrangements work as anticipated when required and that this assurance extends to departmental as well as corporate arrangements. The programme will continue to:

- Exercise the technical, logistical, administrative, procedural and operational systems documented in plans;
- Exercise the arrangements and infrastructure (including roles, responsibilities, and any incident management locations and work areas) documented in the plan;

- Validate the recovery of key services and products; and
 - Validate the recovery of technology and telecommunications, including the availability and relocation of staff.
- 6.29 In addition, the exercise programme will also lead to improvements in wider BCM capability by:
- Verifying that plans incorporate all organisational critical activities and their dependencies and priorities;
 - Highlighting assumptions that need to be questioned;
 - Instilling confidence amongst exercise participants;
 - Raising awareness of business continuity throughout the organisation by publicising the exercise; and
 - Demonstrating the competence of the local recovery teams and their deputies.
- 6.30 For further information on business continuity exercises and details of the exercise programme, please contact the Planning and Performance team directly.

Actual continuity events

- 6.31 Actual disruptions provide the Brigade with a means of validating the performance of continuity arrangements against actual events. The Planning and Performance team will maintain an event log in order to record business continuity events as and when they occur. This log will provide the Planning and Performance team with the information necessary to continually assess the effectiveness of the Brigade's BCMS and will also assist in identifying areas where improvements need to be made.
- 6.32 All significant business continuity events will be subject to a Business Continuity Debrief in order for the learning points to be identified and analysed. The debrief will then be followed up with a Business Continuity Debrief Report (BCDR) that will be issued in order to highlight the findings and to record any actions assigned to members of staff.
- 6.33 The debrief process provides the Brigade with a means of refining its understanding of the organisation and its business continuity needs. Appendix 2 details the terms of reference for a business continuity debrief. All records and logs created during the invocation of a business continuity plan must be kept in case they need to be relied on at a later date.

Maintaining BCM arrangements

- 6.34 A clearly defined and documented BCM maintenance programme has been developed by the Planning and Performance team. This programme will ensure that any changes (internal or external) that impact on the organisation are reviewed in relation to BCM. The maintenance programme will also assist in identifying the circumstances that should lead to a review of a departmental BIA and will enable the organisation to evidence proactive management and governance of the Brigade's Business Continuity Programme.
- 6.35 As a result of the BCM maintenance programme, the organisation will be able to distribute updated, amended or changed BCM documentation (including BCPs) to key personnel under a formal change control process.

Management review of BCM arrangements

- 6.36 The formal review of BCM arrangements is essential in terms of ensuring they remain suitable, adequate and effective. A senior management review will be conducted once a year in order to verify that the Brigade's approach to BCM is in compliance with all applicable legislation (e.g. Civil Contingencies Act 2004), standards, strategies, frameworks and good practice guidelines. Full details of the management review process can be found in Appendix 7.

- 6.37 To maintain and improve the effectiveness and efficiency of the Brigade's BCMS, the Business Continuity Strategy Group (BCSG) will review all nonconformities with established BCM procedures and requirements as part of the annual management review process. The BCSG will then determine the most appropriate preventative and corrective actions to be taken in line with the BCM policy and objectives. Any resulting changes to BCM processes or procedures will be recorded in the relevant BCM documentation (for the corrective and preventative actions procedure, see Appendix 8).
- 6.38 Review of the Brigade's BCM processes will also be carried out through an internal audit that will look to verify the following:
- All key services and their supporting critical activities and resources have been identified and included in the Brigade's strategies.
 - The Brigade's BCM strategies, framework and plans accurately reflect its strategic aims.
 - The Brigade's BCM competence and its BCM capability are effective and fit for purpose and will permit management, command, control and coordination of an incident.
 - The Brigade's BCM solutions are effective, up-to-date and fit-for-purpose, and appropriate to the level of risk the Brigade is exposed to.
 - The Brigade has an ongoing programme for BCM training and awareness.
 - BCM procedures have been effectively communicated to relevant staff, and those staff understand their roles and responsibilities.
 - Change control processes are in place and operate effectively.

Embedding BCM in the organisation's culture

- 6.39 Through building and promoting awareness and embedding a BCM culture within the Brigade, BCM will become part of its core functions and form an important part of the way the Brigade is managed.

Awareness

- 6.40 It is essential that all staff throughout the organisation are aware of BCM and their specific responsibilities in the event of a business disruption. The Planning and Performance team will continue to identify and deliver BCM awareness requirements to the organisation and will continue to evaluate the effectiveness of the delivery of this activity.
- 6.41 Raising, enhancing and maintaining awareness of BCM is delivered through education and information to staff. The following resources are used for this purpose:
- BCM discussions in the organisation's newsletters and briefings.
 - Inclusion of BCM material on relevant intranet pages.
 - Learning from internal and external incidents.
 - Exercising continuity plans.

Training and skill requirements

- 6.42 On completion of the business impact analysis and business/departmental continuity plans, training will be provided to all relevant staff through a rolling twenty four month programme that is informed by the skill requirements of staff. The training programme and skills matrix themselves are both maintained by the Business Continuity Manager.
- 6.43 Each Head of Service is responsible for ensuring that recovery team staff are briefed over their individual/team roles as soon as they are established. The Head of Service should also ensure that there is access to specialist skills training where there is a requirement for skills that are not directly covered by the wider business continuity training programme.

- 6.44 All staff responsible for the delivery of the BCMS itself must meet the minimum competency criteria as set out in the skills matrix maintained by the Business Continuity Manager. This matrix details the skills and experience required of all BCM staff including the following specialist functions:
- Business Continuity Manager
 - Risk Research and Support Officer
 - Internal Audit
 - External Audit
 - Staff responsible for self-assessment (as detailed in Appendix 7).
- 6.45 For further information on all aspects of BCM training and skill requirements, please contact the Planning and Performance team directly (note: training in risk management is provided separately through the risk management strategy by the Risk Manager).

7 Planning documents and guidelines

Business impact analysis toolkit

- 7.1 The Business Impact Analysis toolkit and accompanying guidance (Policy Number 571 - Departmental plans, departmental risk registers and business impact analysis 2008/09 - 2010/11) are available from the Planning and Performance team and have been designed to allow each department to identify all critical activities and to analyse the effects that a business disruption might have on them.

The business continuity plan template

- 7.2 As detailed earlier in this policy, each department must develop and maintain a business continuity plan based on the information captured in the BIA and BIA report. The template for departmental continuity plans is available from the Planning and Performance team.
- 7.3 Once complete each departmental continuity plan must, as a rule, include the following sections:
- The role of the plan in relation to the wider LFB BCM Framework.
 - The command and control structure that supports the delivery of the plan (see appendix 1).
 - Roles and responsibilities within the teams detailed by the plan.
 - Information on the escalation, notification and invocation of the plan.
 - The critical activities covered by the plan.
 - Recovery arrangements for the critical activities covered by the plan.
 - Communication arrangements.
 - Tasks and responsibilities.
 - Staff contact details.
 - Stakeholder and key supplier contact details.

8 Roles and responsibilities

London Fire and Emergency Planning Authority

- 8.1 London Fire and Emergency Planning Authority (LFEPA) hold the Commissioner accountable for the effectiveness of the Business Continuity activity undertaken by officers and he will exercise this through the Corporate Management Board (CMB).

Audit committee

- 8.2 The Audit Committee scrutinises and monitors the effectiveness of business continuity management within the organisation on a quarterly basis. In particular it receives and reviews information on the following:
- Details on the Brigade's Business Continuity Management Framework and updates on progress.
 - Information on all recent exercises.
 - Information on all business disruptions.

The Corporate Management Board

- 8.3 The Corporate Management Board (CMB) acts as the key oversight body and ensures that the BCMS is sufficiently developed, fit-for-purpose and aligned to the needs of the organisation. It is responsible for developing and reviewing the BCM policy and strategy, assessing the level of impact caused by actual business disruptions, ownership of the Corporate BCP, reporting on performance to the Audit Committee and for informing members as to the consequences of actual continuity events. The BCM responsibilities of CMB can be summarised as follows:
- Ensuring the BCM framework is fit-for-purpose and that it is adequately resourced and funded.
 - Providing strategic direction on key services and products, the appropriateness of identified critical activities, and for setting the business continuity culture within the Brigade.
 - Monitoring compliance with the organisation's BCM policy.
 - Monitoring the adequacy of recovery arrangements.
 - Monitoring changes to the organisation's critical activities.
 - Identifying effective strategic business continuity strategies.
 - Periodically reviewing the effectiveness and appropriateness of the BCM framework.
 - Periodically reviewing the adequacy of BCM resources.
 - By challenging BCM issues and practices.
 - Escalating and reporting business disruptions to the Authority for consideration.
 - Monitoring the level of actual impact sustained as a result of a business disruption.
 - Highlighting common problem areas/knowledge gaps and ensure wherever possible that common solutions are developed, duplication is avoided, and knowledge is effectively transferred throughout the organisation.

Commissioner for Fire and Emergency Planning

- 8.4 The Commissioner for Fire and Emergency Planning has overall responsibility for ensuring that the Brigade has arrangements in place that will enable it to respond to all business disruptions that have the potential to impact the provision of key services and products. As part of this role, the Commissioner is the owner of the overall LFB BCM Strategy and is accountable for BCM policy and its implementation.

Directors/heads of departments

- 8.5 Directors and heads of departments are responsible for ensuring that:
- All departments and teams within their area have completed the BIA process.
 - Business continuity plans are completed based on the information captured in the BIA and BIA reports.
 - Business continuity plans are cascaded to appropriate staff within each department.
 - Business Continuity Plans and BIAs are reviewed annually or sooner as appropriate.

Business continuity manager

- 8.6 The Business Continuity Manager is the appointed officer responsible for implementing and maintaining the BCMS. The Business Continuity Manager is responsible for ensuring that:
- Toolkits and templates are distributed to all directors and heads of services.
 - Completed BIAs and business continuity plans are used to inform the corporate business continuity plan and supporting strategies.
 - Appropriate structures are in place in order to monitor and review the business continuity management arrangements.
 - There is an exercise programme in place that tests the effectiveness of the Brigade's plans.
 - Best practice and all national guidance is identified and used to inform the Brigade's approach to Business Continuity Management.
 - All significant business continuity risks are recorded on the corporate/departmental risk registers.

Departmental business continuity coordinators

- 8.7 Departmental Business Continuity Coordinators are nominated members of Brigade staff who act as the primary interface for all local business continuity matters. Departmental Business Continuity Coordinators are responsible for:
- Ensuring that BIAs and DCPs are reviewed and updated as required.
 - Providing technical support and additional departmental information to the Business Continuity Manager.
 - The operation of the local aspects of the BCMS on a daily basis.
 - Communicating BCM information to departmental staff.
 - Assisting the Business Continuity Manager in planning and delivering training and exercise events.

Departments with specific BCM roles

- 8.8 Although responsibility for maintaining and developing the Brigade's BCMS resides with the Strategy and Performance department (specifically the Planning and Performance team), there are a number of other teams across the Brigade that also undertake related activity that contributes towards the overarching programme. The following teams have been identified as having a role in either developing or maintaining elements of the programme:
- Planning & Performance team - Strategy and Performance department
 - Special Operation Group (SOG) - Operational and Emergency Planning department
 - Emergency Planning - Operational and Emergency Planning department
 - Contingency Planning team - Operational and Emergency Planning department
- 8.9 A full description of the roles and responsibilities of these teams and departments has been included in Appendix 3 for clarity.

All staff

- 8.10 All staff must make themselves familiar with their individual roles as set out in:
- This policy
 - The corporate (where applicable) and departmental business continuity plans.

Communicating roles and responsibilities

- 8.11 The Planning and Performance team continue to work with the Communications department to promote awareness of the BCM Policy and the roles and responsibilities staff have for BCM. To help facilitate this, this policy is published on the LFB intranet (hotwire) where it can be accessed by all staff.

9 Implementation of this policy

- 9.1 This policy will be distributed to all directors and heads of service with an accompanying letter setting out their responsibilities. The policy will be available on the Brigade's intranet to all other staff.

10 Approval and review of this policy

- 10.1 This policy has been developed by the Strategy and Performance department who have consulted widely with all other Brigade departments in order to ensure the objectives, scope and procedures referred to throughout are consistent with those used across the Brigade. This policy has been agreed with all heads of service and approved by the senior management team at CMB where it is signed off by the Commissioner. The minutes of that CMB meeting constitute as the official sign-off of this document.

This policy will be reviewed annually or sooner as required and will be subjected to peer review by the Business Continuity Strategy Group as per the terms of reference detailed in Appendix 4.

Appendix 1 - Guidance for staff on the management and control of BCMS documentation

Introduction

This procedure details the management and control arrangements to be applied to all BCMS documentation. To assist in making this guidance readily available to the appropriate departmental staff, a physical copy of this guidance should be distributed alongside the relevant BCMS document (e.g. departmental BCPs) in order for this important information to be readily available.

Security of BCMS documentation

Brigade BCMS documentation can contain sensitive information on the recovery and continuity arrangements of the organisation and its departments and as a result may require protective markings to be applied (this should be done in line with Policy Number 619 - Policy and procedure on the LFB protective marking scheme. In order to prevent the loss or theft of such information, the instructions detailed below must be followed at all times:

- 1 All staff must keep personal hard copies of protectively marked BCMS documentation in a safe, but accessible place.
- 2 Protectively marked BCMS documentation should not be regularly transported to and from the office environment during normal business (all staff should avoid leaving such documents in brief cases, bags, car glove boxes and car boots at all times).
- 3 Do not take photocopies of protectively marked BCMS documentation either for yourself, colleagues or third parties. If you feel that there is information in such a document that needs to be communicated to other members of LFB staff, you should in the first instance discuss this with your Head of Service and/or the Business Continuity Manager.
- 4 In the event of a member of staff misplacing or losing a protectively marked BCMS document, the Head of Service and Business Continuity Manager should be informed as soon as possible.

Document control

Because the content of BCMS documentation is subject to continual change in line with the organisation itself, it is essential that documents are up to date and that all previous (obsolete) versions of plans etc. are destroyed. All departments must follow the instructions detailed below in order to ensure that BCMS documentation is appropriately controlled:

- 1 Each nominated Departmental Business Continuity Coordinator is to ensure that all plans and relevant documentation are individually numbered, issued to the correct individuals and are available at all relevant points of use.
- 2 Departmental BCMS documentation must be approved for adequacy by the Head of Service prior to issue. The Departmental Business Continuity Coordinator must record the approval of new documentation, the changes, the current revision status and inform the Business Continuity Manager once this has been done so it can be recorded centrally (see figure 1 below).
- 3 It is essential that all BCPs are up to date and accurately reflect the continuity arrangements of the department. Every department must ensure that BCPs are reviewed annually in line with the review of the Business Impact Analysis (BIA) and reissued to all designated staff. However, BCPs should also be reviewed in light of any significant departmental change or restructure that occurs outside of the annual review process.

- 4 The Departmental Business Continuity Coordinator must ensure that all previous versions of BCMS documentation are returned when the latest version is issued. If obsolete versions are not returned (i.e. they have been misplaced) by staff members, then the Head of Service and Business Continuity Manager should be notified.
- 5 Departmental Business Continuity Coordinator must also identify any documents of external origin that are used as part of the Brigade's BCMS and ensure that they are subjected to the same distribution and control as internal documentation.

Distribution and record keeping of BCMS documentation

The issue of BCPs and other BCMS documentation should be carried out in accordance with an established and agreed distribution list. If there are any doubts as to the departmental staff eligible for hard copy documentation, departments are advised to contact the Business Continuity Manager for advice in the first instance.

- 1 Distribution lists for plans should be based on the staff responsible for undertaking critical activity tasks during a business disruption.
- 2 Hard copies of all protectively marked BCMS documentation should be assigned a number that corresponds to a specific member of staff.
- 3 Protectively marked BCMS documentation must be signed for by the identified recipient (please refer to figure 2 as an example of a record distribution sheet). The Departmental Business Continuity Coordinator must then ensure that the record is legible and readily identifiable. The distribution list should then be safely stored away so it can be easily retrieved.
- 4 Protectively marked BCMS documentation should never be issued beyond the established distribution list unless discussed with the Head of Service or Business Continuity Manager first.

Further information

For further information on the management and control of BCMS documentation please contact the Business Continuity Manager (ext. 30070) or Planning and Performance Team (extension 30068).

Figure 1 - BCMS documentation – example of record keeping

DOCUMENT	REVIEWED BY	APPROVED BY	CHANGES MADE	DATE	COPIES IN DISTRIBUTION
Grab Pack check list	Departmental Administrator	Head of Service	Location of grab pack has moved to central fire-proof storage unit	01/01/2010	10

Figure 2 – Example BCP distribution list

NAME	POSITION	ISSUE NO.	PREVIOUS BCP RETURNED	PRINT NAME	SIGNATURE
John Smith	Head of Service	1.00(1)	YES/NO		
Jackie Smith	Deputy Head of Service	1.00(2)	YES/NO		

Appendix 2 - Business continuity debrief

Terms of reference

Aim

The purpose of a business continuity debrief is to explore actual business disruptions in order to identify what triggered the event, what the true causes and affects were and what can be done in order to prevent similar events occurring in the future.

A business continuity debrief is convened in the event of an actual or "near miss" business disruption that jeopardises one or more of the Brigade's critical activities. The debrief will be held within fourteen days of the event and a report will be issued within a further two weeks. The report itself will formally record any actions identified during the debrief, those responsible for their completion and any general recommendations that should be considered in order to prevent the event recurring.

The debrief meeting itself will run in an open manner, enabling the event to be fully discussed and all issues to be tabled. The purpose of a business continuity debrief is not to apportion blame, but to identify in an open environment what the root causes of the event were.

Objectives

- To understand the root cause(s) of the business disruption
- To understand the full extent of the impact on the Brigade
- To identify any gaps in corporate/departmental business continuity planning
- To identify the most appropriate staff to investigate possible solutions that will prevent a similar event from occurring in the future.
- To identify any good practice that can be shared with other departments.

Membership

The membership of a debrief will be dependant on the circumstances at the time and the area(s) of the organisation responsible for the critical activities affected. As a rule, staff from the following groups should form the core of a debrief.

Chair Person – The Director responsible for the critical activity (this can be delegated to a Head of Service at the Directors discretion)

Panel Member (Strategy and Performance) – A senior member of Strategy and Performance with suitable knowledge of Business Continuity.

Panel Member (Independent from event) – This should be a Head of Service independent to the business disruption.

Responsible Head of Service – The Head of Service responsible for the delivery of the critical activity from within their department.

Responsible Senior Managers – The senior manager responsible for the critical activity within their team.

Admin Support - A member of Strategy and Performance to take notes on the proceedings.

Other members:

Other senior staff affected by the disruption may be required to attend the debrief in order to assist in ascertaining the full extent of the impact of the disruption.

Appendix 3 - Roles, responsibilities and coordination of the departments involved in the development and maintenance of the BCMS

Business continuity activity is undertaken by four separate teams within the Brigade, each with a different remit and set of supporting objectives. The purpose of this paper is to highlight the main areas of business continuity activity undertaken by each and to provide clarity as to local remit and responsibilities.

Planning and performance team – strategy and performance department

The Planning and Performance team are responsible for the overarching BCMS used by the Brigade and for delivering the Business Impact Analysis (BIA) programme, BIA reports and for providing assistance in the development of Business Continuity Plans.

As a result of its involvement in the BIA programme, the Planning and Performance team have a thorough understanding as to the types of event that have the potential to significantly impact on the Brigade's critical activities and are therefore in a position to assist in the identification of the most suitable BCM continuity strategies to be developed by the Brigade.

The Planning and Performance team are also responsible for ensuring that the Brigade is aware of the critical activities it needs to focus on during a business disruption as well as the internal and external dependencies that have implications for recovery time objectives. As a result of its central position it also has an identified role in coordinating the Brigade's response to an event once the corporate BCP has been invoked.

Special Operation Group (SOG) – Operational and Emergency Planning department

SOG are responsible for some of the more specific operational elements of the Brigade's response arrangements and as a result have a predominantly external business continuity focus. Responsibilities include the maintenance and development of the Brigade's strategic response arrangements and plans for catastrophic events.

SOG are responsible for the delivery of a number work streams that include the coordination of the Brigade's response with other emergency services, local authorities and other agencies across London via existing LESLP arrangements. Their remit also includes New Dimensions regional co-ordination, inter-agency liaison and the establishment and maintenance of national and international partnerships that focus on multi-agency operational development. In order to support the delivery of these aspects of the Brigade's wider business continuity arrangements, SOG are responsible for developing incident specific plans that ensure that there are appropriate response arrangements in place that address a number of specific emergency situations within London.

Emergency Planning (EP) Team - Operational and Emergency Planning department

EP are responsible for ensuring compliance with the legal responsibilities the Brigade faces with regards to Emergency Planning under four key sets of legislation:

- The Civil Contingencies Act (CCA) (2004)
- The Control of Major Accident Hazards Regulations (COMAH) (1999, Amended 2005)
- The Pipeline Safety Regulations (PSR) (2006)
- The Radiation (Emergency Preparedness and Public Information) Regulations (REPPiR) (2001)

In terms of business continuity, EP contributes towards the wider business continuity objectives of the Brigade and as a result is almost entirely externally focused.

Specifically in relation to BCM, EP's main responsibilities focus on the business management and secretariat of the London Regional Resilience Forum (LRRF) – Business Continuity Promotion Steering Group (BCPSG). The BCPSG is responsible for enhancing and developing the capacity of London local authorities to undertake their statutory role (CCA) of promoting business continuity to businesses, including small and medium enterprises and voluntary organisations.

Under the CCA, Emergency Planning are responsible for supporting local authorities in meeting their responsibilities to prepare for, and respond to pan-London emergencies, including provision of:

- the London Local Authority Gold Arrangements
- the London Local Authority Coordination Centre (LLACC)⁷
- training and exercising of pan-London arrangements.

EP also lead on fulfilling the Brigade's duties under the CCA in terms of providing the secretariat to London's six Local Resilience Forums and the production and maintenance of the six Community Risk Registers (CRR). The CRR ensure that all emergency responders have an accurate and shared understanding of the risks that they face so that planning has a sound foundation and is proportionate to the risks. It also facilitates joined-up local planning, based on consistent planning assumptions.

Because of the role the CRR has in terms of identifying and assessing the risks emergency responders face, the Brigade's BCM Framework takes into account the outputs from these Registers as well as the outputs of the Regional Risk Assessment process undertaken by the London Resilience Team with LFB input provided by both the Emergency Planning and Planning and Performance teams.

Emergency Planning has the lead for the implementation of the relevant legislative requirements of the CCA and works very closely with the London Resilience Team (Government Office for London). However, in support of this, the Special Operations Group assumes some responsibility for delivering certain aspects of the Act as well as additional support coming from the work undertaken by the Strategy and Performance Department.

Contingency Planning Team - Operational and Emergency Planning department

The role of the Contingency Planning team is to prepare and co-ordinate operational plans with other emergency services, local authorities and other agencies across London and surrounding Fire Authorities, that effectively balance response to identified risk in emergencies and major events that may be foreseen. The team support Service Delivery by ensuring that the all operational procedures and policies are effective and reflect current best practice. In order to support the delivery of these aspects of the Brigade's wider business continuity arrangements, the Contingency planning team are responsible for developing incident specific plans that ensure that there are appropriate response arrangements in place that address a number of specific emergency situations within London (e.g. COMAH plans, fuel shortage plans, flooding plans).

Event planning is an everyday aspect of the team ranging from local small scale events to larger events that include New Year's Eve celebrations and Notting Hill Carnival.

Coordination work with the other fire and rescue services that surround the capital also forms an important part of this role.

⁷ The role of the LLACC is one of the Brigade's operational responsibilities (and therefore an operational risk) that places the Brigade at the heart of emergency planning for London.

Appendix 4 - Terms of reference

Business continuity strategy group (BCSG)

Terms of reference

Aim

The BCSG will work over the Business Continuity Working Group (BCWG) and will act as a forum through which the organisation's Business Continuity Management System (BCMS) will be reviewed and developed.

Objectives

To validate the proposed and existing frameworks, structures and processes as they are developed and/or reviewed by the BCWG;

To carry out self assessment management reviews of the BCMS and to report to CMB at the end of the financial year for senior management team approval and agreement of the review;

To provide a forum through which the Brigade and the BCWG can escalate BCMS issues through to CMB in an effective manner;

To allocate resources and delegate work to the BCWG in order to resolve any issues or shortcomings with the BCMS that are identified during the management review process;

To review the high level outcomes of all exercise programmes that test the organisation's business continuity capabilities;

To review reports on business disruptions as they are submitted by the BCWG; and

To measure the performance of the BCMS across the Brigade and to identify the extent to which the Brigade is improving in this area.

Membership:

Job Title	Department
Director of Corporate Services	Corporate Services
Head of Strategy & Performance	Strategy & Performance
Business Continuity Manager	Strategy & Performance
Head of Planning and Performance	Strategy & Performance
Risk Research and Support Officer	Strategy & Performance
AC Operational and Emergency Planning	Operational and Emergency Planning
Head of Emergency Planning	Operational and Emergency Planning
DAC Special Operation Group	Operational and Emergency Planning
AC Service Delivery & Mobilising	Central Service Delivery
AC Service Delivery & Com Safety	Central Service Delivery
AC Training and Development	Training and Development
Head of Communications	Communications

Business continuity working group (BCWG)

Terms of reference

Aim

The BCWG will work to support an open, constructive and representative relationship between the LFB departments responsible for the maintenance and delivery of the Brigade's Business Continuity Management (BCM) framework. The BCWG will work together to ensure that the response and recovery arrangements that would be deployed by the Brigade during a business disruption are maintained and developed as necessary.

Objectives

To work under Business Continuity Strategy Group (BCSG) to develop the frameworks, structures and processes that will assist in the delivery of effective BCM across the Brigade;

To identify the areas and specific work streams that require close collaboration between the departments that make up the BCWG;

To coordinate information through to the BCSG as part of the self-assessment management review process and to implement all decisions and actions that arise as a result of the review output;

To coordinate the planning arrangements that will enable the LFB to (as far as practical) sustain itself during a business disruption and allow the organisation to focus its resources on the most critical areas;

To explore ways of carrying out joint exercises and training sessions in order to ensure the burden on departments and services is minimised;

To review the outcomes of all individual exercises that test the organisation's business continuity capability and to report, on an annual basis, to the BCSG on the outcome of all relevant exercise programmes;

To review the outcomes of all business disruptions that affect the Brigade and to keep a log of all issues that require attention;

To act as a channel through which BCM awareness can be increased throughout the brigade; and

To peer review all business continuity documentation as it is updated and modified.

Membership:

Job Title	Department
Business Continuity Manager	Strategy & Performance
Risk Research and Support Officer	Strategy & Performance
DAC Contingency Planning team	Operational and Emergency Planning
GM Contingency Planning team	Operational and Emergency Planning
Deputy Head of Emergency Planning	Operational and Emergency Planning
GM Special Operation Group	Operational and Emergency Planning
GM Service Delivery	Central Service Delivery

Appendix 5 - Statutory, regulatory and contractual duties

The LFB has various obligations under statutory, regulatory and contractual sources. The following list outlines these obligations and where responsibility for them resides.

Corporate-level duties

The Civil Contingencies Act 2004 and Civil Contingencies Act Regulations 2005

The Civil Contingencies Act places a statutory duty on the Brigade (as a category 1 responder) to prepare for emergencies. This includes a duty to:

- Assess local risks and use this to inform emergency planning
- Put in place emergency plans
- Put in place Business Continuity Management arrangements
- Put in place arrangements to make information available to the public about civil protection matters and maintain arrangements to warn, inform and advise the public in the event of an emergency
- Share information with other local responders to enhance co-ordination
- Co-operate with other local responders to enhance co-ordination and efficiency

Fire and Rescue Services Act 2004

The Fire and Rescue Services Act 2004 details the legislative framework that has been developed to support the Fire and Rescue Service in meeting the challenges of the 21st Century. The Act formally recognises the broader role the Service has taken on over the last 50 years, beyond its traditional fire-fighting role and this includes rescue from road traffic accidents as well as responding to other serious incidents such as major flooding and the new terrorist threat.

The following functions are identified as "core functions" by the Act:

- Fire Safety
- Fire-Fighting
- Road traffic accidents
- Emergencies

The Act also identifies three further functions that are referred to as "other functions" by the Act:

- Directions relating to particular fires and emergencies (these will be issued by the Secretary of State)
- Power to respond to other eventualities
- Other services (i.e. the deployment of employees and equipment maintained by the Fire and Rescue Service to any person for any purpose that appears to the authority to be appropriate)

Other duties

The following legislative and regulatory references have been used to identify the brigade's key services and products and should be regularly consulted (where applicable) as part of the review of critical activities under the Business Impact Analysis programme.

Article 31 (Prohibition/Restriction Notice)
 Authority decision-making framework
 Building and Planning Law
 Codes of Practice for Tending and compliance with European Regulations
 Commercial Training – possible contractual issues
 Corporate Manslaughter and Corporate Homicide Act 2007
 Counter-Terrorism Act 2008
 Data Protection Act 1998
 Disability Discrimination Act (in relation to visual/printed material)
 Disability Discrimination Act 1995 and regulations
 Environmental Law
 Environmental Protection Act 1990 and regulations made thereunder
 Equality Act 2006
 Financial Regulations and Standing Orders
 Fire Precautions (Sub-Surface Railway Stations) Premises 1989 (until subsumed by Regulatory reform (fire Safety) Order 2005.
 Freedom of Information Act 2000
 Greater London Authority Act 1999
 Health and Safety at Work Act 1974 and regulations made thereunder
 Landlord & Tenant Act
 LFB Terms and Conditions of Employment
 Local Government Act 2000 and other associated legislation and regulations
 Local Government Code of Practice on Publicity Legislation
 Local Government Regulations
 London Local Authority Panel (LAP) endorsed Minimum Standards for London
 Payroll contractual and regulatory duties. Inland Revenue and DWP Regulations
 Pollution Prevention and Control Act 1999
 Prevention of Terrorism Act 2005
 Public Sector Accounting Rules
 Race Relations Act 1976 and regulations
 Sex Discrimination Act 1975 and regulations
 Terrorism Act 2000
 The Regulatory Reform (Fire Safety) Order 2005
 Traffic Management Act 2004
 Various Employment Laws

Appendix 6 - Key stakeholders

In BCM terms, the Brigade's key stakeholders are defined as any person, persons or collective body that relies on the services provided by the London Fire Brigade. Some key stakeholders have specific dependencies on the Brigade that will need to be deployed during a regional/national emergency, while others have more general dependencies that relate to the Brigade sustaining appropriate service levels at all times.

Name of stakeholder	Requirements of stakeholder
British Transport Police (BTP)	Cooperating with the BTP during all major incidents.
Cabinet Office Briefing Room (COBR)	To provide vital information to COBR during a significant incident and to maintain lines of communication until the emergency has passed.
Chief Fire and Rescue Adviser (CFRA)	Cooperating with the CLG Emergency Room/National Strategic Advisory Team and to deploy national assets during major/catastrophic events as required
City of London Police	The provision of an appropriate level of service across the City of London at all times, especially during multi agency events that require a Police and Fire Service attendance.
Communities and Local Government (CLG)	Cooperating with CLG to build the resilience and capability required to deal with major emergencies.
Gold Co-ordinating Group (GCG) ⁸	Forming part of the GCG where strategic multi-agency response is required to deal with a significant sudden-impact incident
Greater London Authority (GLA)	Complying with the decisions of the Mayor and responding in partnership with the other members of the GLA Group to significant events
Health Protection Agency (HPA)	Cooperating with the HPA during all major incidents.
London Ambulance Service (LAS)	Cooperating with the LAS during all major incidents and providing and appropriate level of service during multi agency events that require joint attendance.
London Businesses, Landowners, Residential Population and Transient Population (e.g. commuters, tourists)	The provision of an appropriate level of service across London at all times
London Emergency Services Liaison Panel (LES�P)	Providing a response in line with the requirements of the LESLP "Major Incident Procedure Manual" during a major incident
London Fire and Emergency Planning Authority	Complying with the requirements of the Authority at all times
London Local Authorities	Providing an appropriate level of service to each local authority at all times
London Regional Resilience Forum (LRRF)	Contributing towards effective co-ordination and strategic planning across a range of key capabilities.
London Resilience Partnership	LFB cooperate and work with the partnership on resilience issues for London
London Resilience Team	Contributing towards the work of the London Resilience Team to ensure that the response of the London Resilience Partnership to any emergency is quick and effective.

⁸ Only during major incidents that require the deployment of strategic coordination arrangements

Name of stakeholder	Requirements of stakeholder
Metropolitan Police Service	The provision of an appropriate level of service across London Boroughs at all times, especially during multi agency events that require a Police and Fire Service attendance.
Network Rail	The provision of an appropriate level of service across the London rail infrastructure at all times
NHS London	Cooperating with the HPA during all major incidents.
Transport for London (London Underground)	Cooperating with TfL during all major incidents and for providing an appropriate response to all incidents as they occur
Transport for London (Surface Transport)	Cooperating with TfL during all major incidents and for providing an appropriate response to all incidents as they occur
UK Resilience	LFB complying with updates and direction on national emergency preparedness, emergency response and specific assessments on guidance relating to the broad classes of emergency which have been identified by the UK Resilience risk framework. The conduit for UK resilience would be via the Regional Resilience structure (LRT) with SOG acting as the LFB interface.

Appendix 7 - Management review process for BCM arrangements

The continual review of the Brigade's Business Continuity Management System (BCMS) is essential in terms of ensuring that it remains suitable, adequate and effective. A formal review process has been established by the Brigade in order to verify that compliance with the BCM policy ensures compliance with the applicable laws, standards, strategies, frameworks and good practice guidelines that are set out in the main body of the Brigade's BCM policy.

The review process has also been developed so as to address the possible need for changes to policy, strategy, objectives and other elements of the BCM management system in the light of exercise results, changing circumstances and the commitment to continual improvement.

Management review process

The structure that supports the established management review process is comprised of three levels:

- Business Continuity Working Group (BCWG) - coordination of inputs into the review process.
- Business Continuity Strategy Group (BCSG) - the management review itself.
- Corporate Management Board (CMB) - the approval of the management review report and agreement of follow up actions.

Business Continuity Working Group

The terms of reference for the BCWG set out its responsibilities, objectives and tasks. As part of its established set of responsibilities, the BCWG is tasked with coordinating information through to the BCSG in order for the strategy group to conduct its self assessment management review of the BCMS.

As the BCWG meets every two months to consider BCM matters and issues from all relevant areas it is ideally placed to collate and monitor the effectiveness of the BCMS on a routine basis. Specifically, the BCWG receives information and monitors the following:

- Results of BCMS audits and reviews, including where appropriate those of key suppliers and outsource partners.
- Feedback from interested parties, including independent observations.
- Techniques, products or procedures, which could be used in the organisation to improve the BCMS performance and effectiveness.
- Status of all documented preventive and corrective actions.
- Level of residual risk and acceptable risk.
- Vulnerabilities or threats not adequately addressed in the previous risk assessment.
- Recommendations for improvement.
- Exercise results.
- Emerging good practice and guidance.
- Lessons from events.
- Results of the education and awareness training programme.
- Follow-up actions from previous management reviews.
- Any internal or external changes that could affect the BCMS.

Business Continuity Strategy Group

The BCWG will coordinate the above inputs into a review document that will be presented to the BCSG twice a year in order to support the self assessment management review process. During the review, the BCSG will consider the inputs specified above in order to verify the following:

- All key products and services and their supporting critical activities and resources have been identified and included in the BCM strategy.
- The Brigade's BCM policy, strategies, framework and plans accurately reflect its priorities and requirements (the organisation's objectives).
- The Brigade's BCM competence and its BCM capability are effective and fit for purpose and will permit management, command, control and coordination of a business disruption.
- The Brigade's BCM solutions are effective, up to date and fit for purpose, and appropriate to the level of risk faced by the organisation.
- The Brigade's BCM maintenance and exercising programmes have been effectively implemented.
- BCM strategies and plans incorporate improvements identified during events/incidents and exercises and in the maintenance programme.
- The organisation has an ongoing programme for BCM training and awareness.
- BCM procedures have been effectively communicated to relevant staff, and that those staff understand their roles and responsibilities.
- Change control processes are in place and operate effectively.

The outputs from the self assessment management review will then be documented and will include any decisions and follow up actions related to:

- Varying the scope of the BCMS.
- Improving the effectiveness of the BCMS.
- Modification of BCM strategy and procedures, as necessary, to respond to internal or external events that could impact on the BCMS, including changes to:
 - (i) business requirements
 - (ii) resilience requirements
 - (iii) business processes affecting the existing business requirements
 - (iv) statutory, regulatory and contractual requirements
 - (v) levels of risk and/or levels of risk acceptance
- Resource needs.
- Funding and budget requirements.

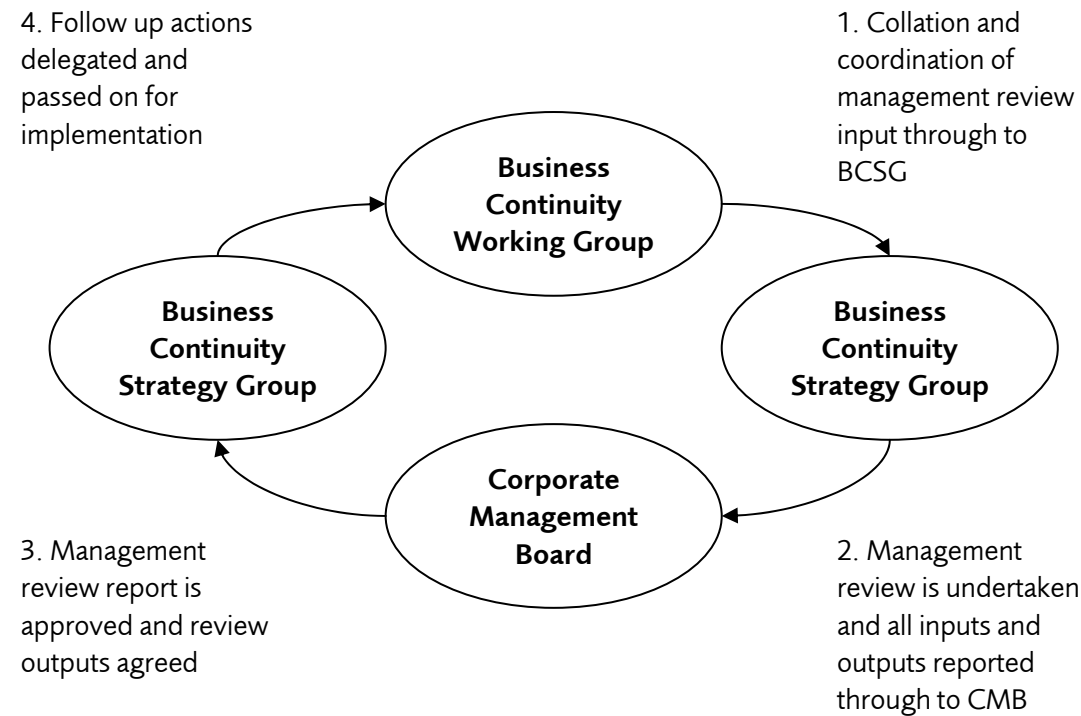
Corporate Management Board

The final stage of the management review process is the annual management review report that is presented by the BCSG to CMB approval. As the senior management team, CMB must satisfy itself that the management review process was thorough and effective in its assessment of the Brigade's BCM capabilities, ensuring its continuing suitability, adequacy and effectiveness. CMB will then agree the review output and recommend any changes or considerations prior to the implementation of all follow up actions.

Frequency of Management Reviews

Although the BCSG will conduct a management review twice a year with an annual management review report going to CMB at the end of the financial year, additional management reviews may be scheduled if it is deemed that there is a need by either CMB or the BCSG. The frequency and timing of any ad hoc review will be influenced by changes to relevant statute and accompanying regulations, but may equally be influenced by the requirements of key stakeholders.

Illustration of Management Review Process



Appendix 8 - Corrective and preventive actions procedure

Objective and applicability

To implement corrective and preventive actions in order to eliminate actual or potential non-conformities with the Brigade's BCM system and their causes, to the extent appropriate to prevent recurrence or occurrence.

Definitions

Corrective action:

Action taken to eliminate the causes of an existing non-conformity in order to prevent recurrence. (i.e. actions to rectify an existing situation)

Preventive action:

Action taken to eliminate the causes of a potential non-conformity in order to prevent occurrence (i.e. actions to prevent the situation to occur).

Responsibility

All staff are responsible for identifying and reporting actual and potential non-conformities to their head of service who will in turn inform the Business Continuity Manager where it will be recorded by the Planning and Performance team in an established log. The head of service will then assign it as an action to an appropriate member of staff who will carry out immediate actions, analyse causes and implement corrective and/or preventive actions. The Business Continuity Manager will log the outcomes of these actions and report on all nonconformities to the Senior Management Team as part of the annual review process.

Description

Corrective action

The task of investigating and analysing the root causes of the non-conformity or complaint related to service, process and/or management system shall be assigned by a head of service to a person or persons having the necessary skill and experience to propose corrective actions.

The following tasks shall be carried out:

- Report the non-conformity
- Review and analyse the non-conformity
- Determine the root cause of the problem
- Decide upon necessary actions to solve the problem and prevent the recurrence
- Implement the agreed actions
- Verify the implemented actions
- Document the actions taken
- Close the nonconformity
- Analyse the relevant existing policies, instructions and guidelines to determine possible changes to the management system. These are to be communicated to the Business Continuity Manager.

Preventive action

Sources of information that are to be used to identify, analyse and eliminate the causes of potential non-conformities and complaints, may include:

- processes and work operations which affect service quality
- results from internal audits that have identified improvement opportunities
- quality records, identifying problem areas
- quality of services
- provision or efficiency of tools
- complaints
- in-service experience.

Each Manager is responsible for continually reviewing the processes under his/her control to:

- determine potential non-conformities
- review and analyse any arising issues and determine the potential root cause of the problem
- decide upon necessary actions to prevent the occurrence of the non-conformities
- implement the agreed actions
- verify the implemented actions
- document the actions taken

Documentation and filing

The handling of corrective and preventive actions shall be recorded and reported to the Business Continuity Manager who will keep a log of all nonconformities and subsequent preventative and corrective actions. Details of investigation, corrective/preventive action and communication with the customer must be copied to the Business Continuity Manager for trends analysis and records purposes and for review by senior management at the Management Review.

Document history

Impact assessments

An Equality or Sustainability Impact Assessment was completed on:

Equality Impact Assessment		Sustainability Impact Assessment	
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Audit trail

Listed below is a brief audit trail, detailing amendments made to this policy/procedure.

Page/para nos.	Brief description of change	Date

Corporate subject list

You can find this policy under the following subjects.

Level 1	Level 2
Risk	Planning



Report title

Business continuity arrangements – Contracted Emergency Fire Crew Capability

Agenda item

23

Meeting

Finance, Procurement and Property Committee
Authority

Date

15 June 2009
25 June 2009

Report by

Commissioner for Fire and Emergency Planning

Document Number

FEP 1370

Non Public

Protect – Commercial

3. Information relating to the financial or business affairs of any particular person (including the authority handling the information). (Information is not exempt under this category if it is required to be registered under the Companies Act 1985, the Friendly Societies Act 1974 and 1992, the Industrial and Provident Societies Acts 1965 to 1978, the Building Societies Act 1986 or the Charities Act 1993).

4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

7A. Information which is subject to any obligation of confidentiality.

Summary

This report advises the Authority of the outcome of the tender process to secure a contracted Emergency Fire Crew Capability (EFCC) to be deployed in the event of a business continuity event causing a significant reduction in the staffing resources available to the London Fire Brigade.

Recommendations

That;

1. The Commissioner, in consultation with the Head of Legal and Democratic Services, be authorised to award the contract for the provision of Emergency Fire Crew Capability Services to Asset Co London Ltd (option 14 (27 Appliances with PPE)) for a set up fee and annual management fee of £9,046,453 for 5 years (year 1 fee of [REDACTED] followed by 4 annual fees of [REDACTED] (plus a daily price per appliance on attendance of [REDACTED] and a mobilisation fee of [REDACTED] per appliance and a demobilisation fee of [REDACTED] per appliance)) which will put in place contingency arrangements which will help the Authority's to meet its

target duties under s. 7 and s. 8 of the Fire and Rescue Services Act 2004 and its duty under s.2 of the Civil contingencies Act 2004 to plan for emergencies.

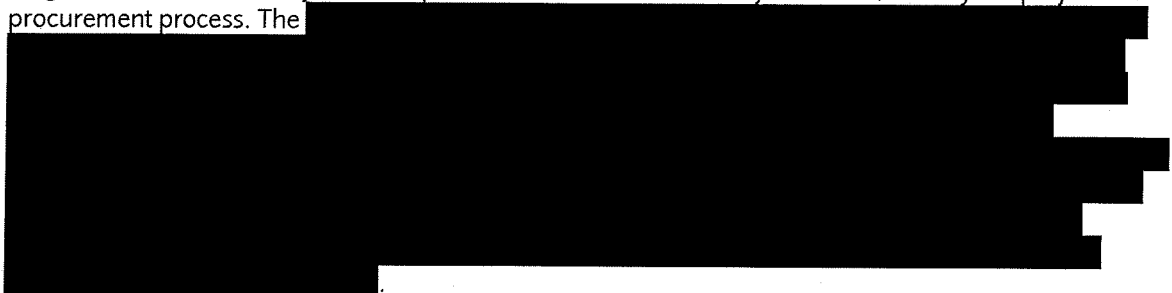
Background

1. Fire and Rescue Authorities (FRAs) have a duty under s. 7 of the Fire and Rescue Services Act 2004 (FRSA 2004), in relation to firefighting, to "secure the provision of the personnel, services and equipment necessary efficiently to meet all normal requirements." A similar duty applies under s. 8 in respect of road traffic accidents. FRA's also have a duty under s. 2 of the Civil Contingencies Act 2004 (CCA 2004) to plan for "emergencies" and to maintain plans for the purpose of ensuring, so far as is reasonably practicable, that if an emergency occurs it is still able to continue to perform its functions.
2. In March 2006 CLG advised that with immediate effect FRAs could not count on securing the same level of support from Central Government as in previous periods of industrial action. Specifically CLG advised that there would be no provision for appliances or equipment and considerably less military support for the provision of emergency fire crews. With effect from January 2007, the Ministry of Defence (MOD) position has been that no military support will be available to FRAs. This position is reflected in the National Framework Document. Exploration of support for business continuity arrangements with CLG was undertaken as part of the national project until January 2009. These discussions concluded without any resolution on further additional support.
3. The Fire and Rescue Service (FRS) National Framework (2006-2008) stated:
 - a. *'3.26 The CCA 2004 imposes a duty on FRA's to put in place business continuity management arrangements to ensure that they can continue to exercise their functions in the event of an emergency so far as is reasonably practicable. It cannot be assumed that the Armed Forces will be available to provide cover in the event of industrial action by fire-fighters. The Government will work with Fire and Rescue Authorities to examine how national contingency planning arrangements can be further improved. This will include linking any revised arrangements with improved regional resilience, the future role of the Armed Forces, raising the public awareness and other elements which comprise emergency fire and rescue services'.*
4. This requirement is confirmed and clarified in the FRS National Framework (2008-2011) which states
 - a. *'1.22 The Civil Contingencies Act 2004 lays down duties for specified "Category 1 responders", including the Fire and Rescue Authorities, to assess, plan and advise in relation to emergencies. For a Fire and Rescue Authority, an emergency includes a period of industrial action.*
 - b. *1.23 Government has worked actively with the Local Government Association and with the Chief Fire Officers Association to support self sufficiency in emergency cover across the country. It is the responsibility of the individual Fire and Rescue Authorities to keep under review the levels of emergency cover that they deem to be appropriate*
 - c. **Each Fire and Rescue Authority must:-**
 - i. *have in place a plan to provide such levels of emergency cover as it regards as appropriate during any period of emergency, liaising as necessary with other relevant organisations, but without reliance upon support from the Armed Forces...*

Introduction

5. On 11 January 2007 the Authority considered a report (FEP 967) on work to ensure that London Fire Brigade could continue to exercise its functions in the event of "an emergency" in the context of the Civil

Contingencies Act 2004. The report emphasised the Commissioner's concern that the Authority would be exposed to a number of risks including failure to perform in accordance with political and public expectations of saving lives and buildings in London if the capital was left without any form of fire cover. The report also describes the work completed on an Emergency Cover Model (ECM) to provide optimal emergency cover with significantly reduced resources. This work identified the need for a minimum requirement of 27 appliances. The Authority agreed:

- a. *The Deputy Commissioner be authorised to*
 - i. *Continue to develop arrangements to provide a reduced, risk based strategic Emergency Cover Model comprising a Stage 1 EAP and Stage 2 Contingency Plan*
 - ii. *To seek competitive tenders for the provision of personnel to support the Stage 1 Emergency Action Plan pending the implementation of Stage 2 contractual arrangements and to award a contract providing that the costs do not exceed £120,000 to be met from the reserves or from identified under spend.*
6. The stage 1 contract was let for a period of 12 months with the option to extend for a further 12 month period. This initial contract was intended to provide a temporary arrangement until more robust arrangements were available. The contract is in its extension period and expires on the 12th August 2009 and includes no provision for and cannot be further extended. Extending a contract which does not specifically permit an extension in the terms of the contract would constitute the award of a new contract. In accordance with European public procurement law, any new contract would need to be advertised.
7. On 22 March 2007 the Authority considered a report (FEP 998) and agreed that:
 - a. *Progress on Stage 1 of the Authority's Emergency Action Plan be noted*
 - b. *Approval be given to:*
 - i. *The Authority's participation in a joint procurement with other fire and rescue authorities for Stage 2 in association with Firebuy for the provision of emergency fire cover*
 - ii. *A contribution of £38,000 to the project costs of the Stage 2 procurement to be funded by a drawing from the general reserve*
 - iii. *Officers report back on the outcome of the tendering process for Stage 2 with details of the tenders received and making recommendations as to contract award*
8. The Authority on 18 September 2008 considered a report (FEP 1259) which advised of progress on the Stage 2 Business Continuity Plan and presented the outcome of the joint CFOA/Firebuy led project and procurement process. The 
9. At its meeting on 18 September 2008 the Authority authorised the Director of Operational Policy and Training to investigate alternative solutions on options for the provision of business continuity

arrangements outside of the arrangements offered by the companies named in the report (FEP1259), and authorised the Director of Operational Policy and Training, if necessary, to seek competitive tenders for an alternative provision for business continuity in accordance with the EU public procurement rules and report back to the Authority on the outcome of the tendering process.

10. As a consequence of the Authority decision officers have investigated alternative approaches to providing a level of emergency service cover in the case of a business continuity event. These have included:
 - a. A solution procured through a competitive process
 - b. The provision of alternative internal options both as an interim plan and as a medium to long term strategy. This is currently subject to ongoing work.
 - c. Discussions with CLG regarding specific business continuity arrangements for London Fire Brigade in recognition of the special risks associated with the capital city.
11. This report provides information on the outcome of the competitive tendering process and details the proposals for the provision of Emergency Fire Crew Capability services (EFCC) which could be called upon to support the Authority in the event of a range of business continuity events such as pandemic flu, industrial action, or as a result of a catastrophic incident or natural disaster, which could see a significant reduction in the staffing resources available to London Fire Brigade.

The Procurement Process

12. An advertisement for EFCC services for London was placed in the Official Journal of the European Union (OJEU) in December 2008. The requirement was advertised as a fully trained and suitably competent Emergency Fire Crew capability with the ability to deploy up to and including 27 appliances with and without the provision of personal protective equipment (PPE).
13. The pre tender and tender stages were extended beyond the time period required to ensure a quality response to a complex tender requirement and to ensure fair and strong competition from the market place.
14. The following three companies responded to the advertisement and all were invited to tender
 - a. Asset Co London Limited, (Asset Co)

[REDACTED]

[REDACTED]

15. Tenders were received from all three companies in April 2009 and evaluated using the model set out in paragraph 17 below.

The Tender Documentation

16. The Tender document and its contents are summarised in **Appendix 1** but the Authority's attention is drawn in particular to:
 - a. **The Strategic requirement.** It has been determined by extensive risk modelling (which took account of normal utilisation rates and most strategically located fire stations to optimise efficiency from a reduced availability of fire appliances) that the minimum level of service to provide a contingency fire service to deliver a minimum level of operational capability would be 27 crews on 27 appliances at any one time with the capability to provide a continuous service. The Authority should note that;

- i. The operation and provision of services from 27 appliances represents approximately 16% of the Authority's normal operational resources.
 - ii. The inclusion within the tender of a reduced level of requirement between 14 to 26 appliances is included solely for reasons of affordability and therefore would not provide the Authority with the minimum level of operational capability as determined by the risk modelling exercise. Any short fall from the minimum level of 27 appliances would need to be supplemented by internal resources, which may or may not be identifiable at the time they are required.
- b. **The Tender options** – To allow for maximum flexibility, the specification provided for bidders to price for;
 - i. Providing the services either with or without PPE
 - ii. Providing the services on a scale of provision for the maximum deployment from between 14 Appliances and 27 Appliances.
- c. **Service delivery** – under the contract it would be the responsibility of the Authority to provide the following;
 - i. Appliances and equipment including Breathing Apparatus (BA) and locations from which to mobilise (i.e. fire stations). This could under a contracted provision also include PPE to be provided by the Authority
 - ii. Ability to mobilise Emergency Fire Crew Capabilities to incidents
 - iii. Higher levels of incident command.
 - iv. Suitable interface arrangements between the LFB and the Contracted service.

In addition, if the Authority were to determine to award a contract which was for less than 27 appliances the Authority would need to source the remainder of the services from alternative sources such as an internal provision, [which as stated above may or may not be identifiable at the time required] and ensure interoperability with the contracted EFCC.

The Tender Evaluation Model

17. The tenders were evaluated on the basis of the criteria published in the tender document which was the most economically advantageous tender (MEAT) in terms of price (40%) and technical ability (quality) to provide the services (60%) using the model set out in **Tables 1, 2 and 3** below.
18. The technical quality criteria was separated into two sections, one including PPE and one excluding PPE. In addition all bids were evaluated against the following compliance criteria which had to be met in full;
 - a. Ability to provide an emergency fire crew capability (EFCC) to ensure the deployment of up to and including 27 Appliances for continuous use within 35 days from initial notification of their requirement.
 - b. Provision of the correct level of supervisory competence for contractor's staff for the provision of EFCC for full deployment of up to and including 27 Appliances for continuous use.
 - c. The provision of contractor's staff to perform to the training outcomes as detailed in the Specification.

- d. Ability to provide fully trained LGV drivers (Specification) to provide EFCC for the full deployment of up to and including 27 Appliances for continuous use.

Table 1

Quality (Technical) Criteria including PPE		
	Quality Criteria – EFCC Including PPE (60%)	Weighting
1	Contract Management	10%
2	Operational Risk & Service Continuity Planning	15%
3	Resource Planning & Contractors Staff	20%
4	Equipment and Licences	10%
5	Training	15%
6	Authority's Additional Requirements	20%
7	Environment, Sustainability, supplier diversity and equalities	5%
8	Health and Safety	5%
	TOTAL	100%

Table 2

Quality (Technical) Criteria excluding PPE		
	Quality Criteria – EFCC excluding PPE (60%)	Weighting
1	Contract Management	10%
2	Operational Risk & Service Continuity Planning	17.5%
3	Resource Planning & Contractors Staff	22.5%
4	Training	17.5%
5	Authority's Additional Requirements	22.5%
6	Environment, Sustainability, supplier diversity and equalities	5%
7	Health and Safety	5%
	TOTAL	100%

Table 3

	Price Criteria (40%)	Weighting
1	Steady State:	60%
1a	Set Up & Standby costs over 5 years (excluding indexation) – One off fee	30%
1b	Set Up & Standby costs over 5 years (excluding indexation) – Annualised Fee	30%
2	Operational State	40%
2a	Mobilisation Fees	20%
2b	Attendance Fees	20%
	TOTAL	100%

19. The pricing weightings are applicable to different types of fees as follows;

- a. 1a the set up fees of the contractor payable in year one plus the annual fee for management of the contract over 5 years

- b. 1b the set up fee of the contract payable over 5 years plus the annual fee for management of the contract over 5 years.
 - c. 2a and 2b are the fees for calling off the services for the provision of emergency fire crew capability services
20. The weighting for the section 1 fees (set up and management) was made higher than that for section 2 (operational state) to encourage reduced costs for the standby phases of the contract with the mobilisation and attendance fees having a lower weighting as the services will be used for business continuity events and it is envisaged that the use of the services will be for infrequent and short periods.
21. The relative weighting of the evaluation criteria and the allocation of marks across the evaluation areas were carefully designed to provide the right balance between provision of a robust business continuity service and affordability. Thus whilst it was recognised that affordability and therefore cost was one of the critical factors, a solution presenting the cheapest cost but presenting concerns over its technical capability was not likely to be desirable. Thus, health and safety, the ability to deliver the services, and the quality of the services are the golden threads running throughout the tender. Whilst there are specific sections for these criteria in the weightings, questions relating to these criteria run through the evaluations and weightings criteria
22. The evaluation process is summarised in **Appendix 2**.
23. The outcome of the tender evaluation for all bidders is set out in detail in **Appendix 3** and the tendered costs from all bidders is set out in **Appendix 4**. The evaluation identified one bidder (AssetCo London Ltd) as the most economically advantageous tenderer on all of the procurement options.
24. **Table 4** below provides a summary of the overall scores for each bidder against the options of 14 to 27 appliances with and without PPE;

Table 4

With PPE	Bidder	Score	Without PPE	Bidder	Score
14 to 27 Appliances	Asset Co London Ltd	94%	14 to 27 Appliances	Asset Co London Ltd	94%
14 to 27 Appliances	[REDACTED]	[REDACTED]	14 to 27 Appliances	[REDACTED]	[REDACTED]
14 to 27 Appliances	[REDACTED]	[REDACTED]	14 to 27 Appliances	[REDACTED]	[REDACTED]

25. AssetCo London Ltd's tender provided both a competent technical proposal (quality) as detailed in **Appendix 5** as well as the most competitive pricing proposal which provided the most economically advantageous tender as determined by the evaluation process. If a contract is awarded, AssetCo London Ltd would commence work to implement arrangements to provide the service in accordance with their implementation plan provided as part of their tender. This [REDACTED] implementation plan would commence in [REDACTED] and provides an [REDACTED] capability to deploy [REDACTED] continuously within 24 hours of contract commencement, rising to 27 appliances within 35 days of contract commencement (if the contract is awarded by the end of June 2009).

Financial implications

26. **Appendix 6** details the costs from AssetCo London Ltd for all pricing options for 14 to 27 appliances with and without PPE. **Table 5** below summarises the cost from AssetCo for 27 appliances with PPE.

Table 5

	AssetCo tendered prices for 27 Appliances with PPE (Option 14)	Cost (£)
1	Steady State:	
1a	Set Up & Standby costs over 5 years (excluding indexation) – One off fee	£9,046,453
1b	Set Up & Standby costs over 5 years (excluding indexation) – Annualised Fee	
2	Operational State	
2a	Mobilisation Fees per EFCC appliance Demobilisation Fees per EFCC appliance	
2b	Attendance Fees per EFCC appliance	

Option to provide PPE

27. AssetCo's tender details cost for with and without PPE. The initial set up and management costs for the five years for 27 appliances with PPE are £9,046,453 and for 27 appliances without PPE it is [REDACTED] representing a difference of [REDACTED]. On the other 26 options (14 appliances to 26 with and without PPE) the cost of PPE reduces in relation to the required number of appliances.

28. In order for LFB to supply PPE the European Procurement and PPE regulations would need to be adhered to and it would cost significantly more for the Authority to provide the PPE. The required amount of PPE for EFCC (to supply 632 EFC) would represent an approximate increase of 10% to the PPE volumes under the Authority's current contract with Bristol Uniforms Ltd. An increase of 5% is allowable in the contract for no charge. Any PPE would need to be manufactured which would mean that PPE would not be available for several months into the EFCC contract. If the current contract was varied it would mean that PPE would be provided for EFCC prior to it being provided to London Fire Brigades operational personnel and may cause disruption to the PPE providers start up programme for London fire-fighters PPE.

29. [REDACTED]

30. In order to ensure compliance with the PPE regulations the maintenance, cleaning and repair of PPE as part of a managed service would be required. This managed service would also need to include the sizing and fitting of PPE, logistics, transportation and storage of PPE and the provision and recording of a robust audit trail for each item of PPE and the managed services.

31. Under a contract where the Authority supplies PPE to the EFCC contractor it would bear not only the direct costs of the PPE provision but a significant amount of additional risk;

- a. There are risks associated with sourcing, sizing, maintenance, cleaning, and the logistic of delivery and general risks of supply of PPE. This would include ensuring compliance with the detailed tracking and recording necessary to comply with the Protective Equipment Regulations.

- b. The more serious risks relate to potential litigation in relation to failure of the articles of clothing and injury to persons.
- c. Unless significant further additional costs were incurred up front, the contractor's staff would not have the opportunity to use the Authority's supplied PPE during their training period which places risk on the Authority in relation to the potential for claims of negligence if it can be shown that the correct fitting of the PPE has not been carried out at the point of deployment at a time of crisis.
- d. It is intended that the contract is for the provision of the service. It is therefore not unreasonable to pass responsibility and risk in relation to equipment to the service provider. This approach reduces any scope for any allegation that the arrangement represents an improper procurement of labour alone.

32. All of these risks would need to be considered against the [REDACTED].

Conclusion and recommendations

33. The Authority's duties under ss.7 and 8 FRSA 2004 are target duties. Although they are not absolute obligations, the Authority must do its best to meet the target duties.
34. S.2 CCA2004 requires the Authority to plan for emergencies and to maintain plans for the purpose of ensuring, so far as is reasonably practicable, that if an emergency occurs, it is able to continue to perform its functions. [REDACTED]
35. In order to meet its obligations under ss.7 and 8 of the FRSA 2004 and s.2 of the CCA 2004, the Authority should have in place a robust plan to provide the minimum cover necessary for London.
36. The work completed on an Emergency Cover Model (ECM) identified the need for a minimum requirement of 27 appliances.
37. The Commissioner does not consider that the internal arrangements, which are being developed, are yet sufficiently robust to provide the minimum cover necessary. Further discussions have recently taken place with CLG and again concluded without resolution, with no additional aid to London Fire Brigade.
38. The evaluation of the tenders set out above indicates that if a contract were to be awarded it should be to AssetCo London Ltd on the basis that the company's bid is the most economically advantageous one across all the options [REDACTED].
39. The level of the costs involved, both in the initial start-up year and subsequently will be significant; this raises questions regarding the benefit to be gained from awarding the contract, particularly in view of the Authority's stewardship duty in relation to public funds. However, balancing the relevant risks against the projected costs in terms of meeting the statutory duties under s7 and 8 of the Fire and Rescue Services Act 2004 (FRSA 2004) and s2 of the Civil Contingencies Act officers recommend that ;
40. The Commissioner, in consultation with the Head of Legal and Democratic Services, be authorised to accept the tender from Asset Co London Ltd (option 14 (27 Appliances with PPE)) for a set up fee and annual management fee of £9,046,453 for 5 years (year 1 fee of [REDACTED] followed by 4 annual fees of [REDACTED] (plus a daily price per appliance on attendance of [REDACTED] and a mobilisation fee of [REDACTED] per appliance and a demobilisation fee of [REDACTED] per appliance)) which will put in place contingency arrangements which will help the Authority's to meet its target duties under s. 7 and s. 8 of the Fire and Rescue Services Act 2004 and its duty under s.2 of the Civil Contingencies Act 2004 to plan for emergencies.

Authority's Strategic Objectives

41. The proposals in this report support the Authority's objective of planning and preparing for emergencies that may happen, and providing an effective and resilient response to them (response).

Head of Legal and Democratic Services comments

42. [REDACTED]

43. [REDACTED]

44. The duty to plan for emergencies is expressed in two ways:

- [1] to "maintain plans for the purpose of ensuring, so far as reasonably practicable, that if an emergency occurs the (Authority) is able to continue to perform ... its functions"; and
- [2] to "maintain plans for the purpose of ensuring that if an emergency occurs or is likely to occur the (Authority) is able to perform ... its functions so far as necessary or desirable for the purpose of
 - [a] preventing the emergency
 - [b] reducing, controlling or mitigating its effects, or
 - [c] taking other action in connection with it"

45. [REDACTED]

46. [REDACTED]

[REDACTED]

47.

[REDACTED]

48.

[REDACTED]

49.

[REDACTED]

50.

[REDACTED]

[REDACTED]

51. [REDACTED]

52. [REDACTED]

53. [REDACTED]

Head of Finance Comments

54. The contracted provision set out in this report represents a significant additional cost to the Authority which has not been not included in the last three year forecast reported in the March 2009 budget report, although it has previously been flagged as a risk. The contract for the provision of the recommended minimum level of operability (option 14) would require funding in 2009/10 for the year 1 fee of [REDACTED] followed by 4 annual fees of [REDACTED]. There would then be a further additional cost for bringing the contract into use in the event of an emergency – this would be a daily price per appliance on attendance of [REDACTED] and a mobilisation fee of [REDACTED] and a demobilisation fee of [REDACTED] per appliance. The additional funding required for this proposal in 2009/10 could be met from reserves though it should be noted, that under section 29 of the Local Government Act 2003, this change would need to be reported to the Mayor and to the Chair of the Assembly. The cost of the ongoing annual fee could be built into the revised medium term financial forecast that is being updated for presentation to members in July. This would add [REDACTED] or [REDACTED] to the current forecast funding gap [REDACTED]

Environmental Implications

55. The environmental implications for London and Londoners if this service is not provided should an 'emergency' occur outweigh the implications of who provides the service. The lesser the level of coverage provided will however reduce the Brigades ability to protect the environment from harm accordingly.
56. If the contract is awarded, mishandling of hazardous materials by the provider is of greatest risk and this has been addressed in the specification requirements. Other less significant environmental impacts including PPE disposal at the end of the contract can be managed through an accredited environmental management system and contract management to which Asset Co is certified to ISO 14,001. Supplier Diversity, although detailed in the evaluation criteria, is of comparatively low level importance for this

contract and therefore it is not significant that the tenderers provided limited or no detail on actions to support supplier diversity.

Consultations Undertaken

57. Consultation has been undertaken with Corporate Management Board, Head of Legal and Democratic Services, Head of Finance, Head of Equalities and Head of Sustainable Development. Further external consultation has taken place with Counsel and CLG. Consultation in relation to this procurement exercise has not been undertaken with trade unions.

Equalities Implications

58. All Authority contracts are subject to equality clauses and contractors being able to demonstrate that they have met the LFB requirements for Equality and Diversity and will contribute to the authority duty to promote diversity.

List of Appendices to this report:

1. Appendix 1 – Summary of the Tender Document
2. Appendix 2 – Evaluation Process
3. Appendix 3 – Evaluation Outcomes
4. Appendix 4 – All Bidders Prices
5. Appendix 5 - Summary of Technical Proposal
6. Appendix 6 – Contract Options for Award

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985	
List of background documents	
1. As stated in the report	
Proper officer	Commissioner
Contact officer	Emma Rice
Telephone	020 8555 1200 ext 31179
Email	emma.rice@london-fire.gov.uk

Appendix 1

Summary of the Tender Document

1. The ITT seeks proposals for the provision of an Emergency Fire Crew Capability (EFCC) service to support the provision of fire and rescue services in the event of exceptional emergency circumstances affecting the availability of those services. The EFCC will be deployed either as part of the contingency arrangements which may either fill gaps in the normal staffing structures of the Authority with protocols for working together or substitute normal staffing structures where London Fire Brigade staff are absent.
2. The service being tendered for is not intended to replicate the fire and rescue service normally provided for London by the London Fire Brigade. The requirement is for the provision of services to provide a predominantly defensive service, with limited offensive fire and rescue capabilities to save saveable life in and around Greater London during a business continuity event.

Key Features of the Specification

3. The Services must be delivered to the correct quality and therefore the Contractor is required to ensure that the services are provided in compliance with;
 - a. The concept of operations and attendance to incidents.
 - b. The basic person specification.
 - c. The role requirements.
 - d. The safe person concept and the conduct by supervisory personnel of dynamic risks assessments.
 - e. The provision, maintenance and implementation of an up to date service continuity plan in accordance with BS25999.
 - f. The Personal Protective Equipment at Work Regulations 1992 and the relevant BS EN standards where PPE is provided. (The provision of PPE will be limited to training PPE where PPE for use at incidents is excluded from the contract).
 - g. An output based development standards and training programme.
4. The Services will be scalable up to a maximum allocation. The maximum allocation will be for the operation and deployment of between 14 and 27 appliances. The scalability will allow for individual emergency fire crews to be mobilised and deployed from 1 crew up to the maximum allocation.
5. The tender also allows for the contractor to provide above the maximum allocation ('increased EFCC') by utilising their contingency reserves of crews or through other methods. However this is an unsustainable provision and may only be used for short term emergencies where an increased response to incidents is a necessity.
6. The specification allows for the services to be provided with or without PPE. In the event that the contract was awarded on the basis of excluding PPE the Authority would need to provide the contractor with suitable PPE and to the correct scale for maximum deployment inclusive of any extra short term increased EFCC. Training PPE and BA must be supplied by the Contractor to their staff during training in all circumstances.
7. Domestic arrangements such as bed and board are the contractor's responsibility and cost.

8. The specification allows for testing of the services for a minimum of two test call offs per annum at nil charge. Any testing above this will be chargeable at the agreed contracted rate for normal mobilisation and attendance. The testing of the services will include the following measures;
 - a. The Contractors ability to provide the EFCC resource
 - b. The Contractors ability to provide the EFCC within 35 days
 - c. The acceptability of the training outcomes as demonstrated by the Service Personnel
 - d. The suitability of any equipment provided and utilised by the Contractor for the delivery of the EFCC.

Regulation 7 of the Conduct of Employment Agencies and Employment Businesses Regulations 2003.

9. Regulation 7 of The Conduct of Employment Agencies and Employment Businesses Regulations 2003, prohibits the supply of "work-seekers" by an "employment business" to replace (directly or indirectly) personnel who are taking part in a strike.
10. The ITT requires that the Contractor provides a solution that is compatible with these employment considerations to ensure that the services may be provided during a period of industrial action without contravening the regulations.

Non Use of LFB staff (operational and FRS) to Provide the Services

11. The above issue is specifically addressed within clause 39 of the terms and conditions in the Invitation to Tender (ITT) documentation and paragraph 3.31 of the specification in the ITT as follows;
 - a. Paragraph 3. of the specification states that "the Contractor shall not employ persons who are employees of the Authority for the provision of the EFCC".
 - b. Clause 39. of the terms and conditions of contract requires that;
 - i. The Contractor agrees and undertakes that it will not during the Term directly or indirectly unless with the written agreement of the Authority (which shall not be unreasonably withheld):
 1. employ or engage any employee of the Authority, except in circumstances where the employee's employment with the Authority has ceased before the employment or engagement with the Contractor commences;
 2. induce or procure any employee of the Authority to do anything which if done by such employee will be a breach of any obligations they may owe to the Authority; and/or
 3. solicit or entice away from the Authority any employee.
12. It is also the case that the Authority has a level of control over its own existing employees through the provisions of the Secondary Employment Policy (Policy Number 551, Section 3; Restrictions/conditions of outside employment), and we can refuse (or if necessary withdraw) permissions for anyone wishing to take up secondary employment with [REDACTED] on the grounds of conflict of interest etc. as set out in the policy.

Mobilisation & Implementation

13. The delivery of the services to the maximum allocation must be within 35 days; this is called the mobilisation period. There are staggered milestones at 24 hours, 21 days and 28 days where the

contractor must meet the agreed volume of deployed crews. The number of crews deployed at the different milestones will be at a scale as per the bidders' proposals in response to the ITT.

14. The contract also allows for an implementation phase at the commencement of the contract to enable the contractor to employ and train staff and develop an integrated operational service model. This is a maximum period of 3 months.

Environment

15. The specification includes the requirement to minimise the environmental impact of providing the services. This includes reducing the risks in relation to the use and containment of hazardous materials and initiatives to reduce carbon emissions, other air pollutants and impacts to water and land.
16. The contractor is also required to provide suitable policies and initiatives relating to the environment and climate change.

Equalities

17. The ITT requires that the contractor behaves in an ethical manner which includes sharing the Authority's values on equal opportunities to ensure the removal of barriers for under represented or marginalised groups, to formulate community relationships and to support supplier diversity.

Contract Management

18. The ITT contains ten key performance indicators (KPI) which the contractor and the services will be measured against on a monthly basis throughout the contract period. This includes KPI's for contract management, capacity and capability and mobilisation, deployment and attendance. The KPI's have performance points against them which have a monetary value which may be deducted from the cost of the services on a quarterly basis.

Exit Arrangements

19. The exit arrangements will be implemented at the end of the contract period or in the event of termination of the contract and require the contractor to carry out a number of tasks including;
 - a. Provide all software and documents and information necessary for the Authority to continue the services in house or with a third party and to return all property and data which belongs to the Authority or a third party nominated by the Authority. This would enable the Authority to in-source or require a third party to carry out the services without losing significant amounts of information or property.
 - b. Immediately vacate the Authority's premises on notice from the Authority
 - c. Provide all reasonable assistance in the transfer of EFCC to the Authority or a new contractor. This would help to ensure that the contractor behaved in a reasonable and constructive manner to ease the transition of the services.
 - d. Within 12 weeks of the contract commencement provide the Authority with an exit management plan which shall include;
 - i. a detailed description of the tasks to be performed and resources required in order to achieve an orderly transfer of the EFCC including identification of dependent tasks;
 - ii. detailed estimates of the timescales necessary for the orderly execution of the Exit Management Plan;
 - iii. proposals for knowledge transfer to the Authority and/or the new contractor's personnel in connection with the continuation of the provision of the EFCC following the expiry or termination of this Agreement or termination of any EFCC;

- iv. Any other relevant information for the smooth transfer of the provision of the EFCC

Appendix 2

Evaluation Process

Introduction

1. Following receipt of tenders and clarifications, all bidders presented their proposals to officers to provide an overview of their proposals. These presentations were not part of the formal evaluation process.
2. All bids were evaluated against the compliance criteria and those which complied in full (all three) were evaluated using the weighted criteria set out in **Tables 1, 2 and 3** in the main report using the weighting/scoring system set out below.
3. The technical and financial criteria were scored against a weighting criterion against their relative importance. The tender included the weighting against each question in the ITT. Bidders were made aware of the relative weighting of each question in the method statement section of the ITT.
4. The weighting criteria were as follows;

Weight	Description
2	Desirable
4	Important - potential impact on delivery of the services
6	Very important - likely impact on delivery of the services
8	Essential for delivery of the services

5. The technical proposals were scored on the basis of 0 to 4 as shown below

Score	Technical Evaluation Description
0	Very Poor – Does not meet the Authority's expectations
1	Poor – Meets a few of the Authority's expectations
2	Average – Meets some of the Authority's expectations
3	Good – Meets the majority of the Authority's expectations
4	Excellent – Meets the Authority's expectations

Financial Evaluation

6. A mean average was calculated from all three bidder prices. Each bidder's price was then evaluated against this average and scored on the basis of 0 to 10 as set out in the table below;

Score	Financial Evaluation Description
0	50% plus more than the average of the tendered bids
1	1% to 49% more than the average of the tendered bids
2	0% to minus 10% less than the average of the tendered bids
3	minus 5% to minus 10% less than the average of the tendered bids
4	minus 11% to minus 15% less than the average of the tendered bids
5	minus 16% to minus 20% less than the average of the tendered bids
6	minus 21% to minus 25% less than the average of the tendered bids
7	minus 26% to minus 30% less than the average of the tendered bids
8	minus 31% to minus 40% less than the average of the tendered bids
9	minus 41% to minus 45% less than the average of the tendered bids
10	minus 46% to minus 50% less than the average of the tendered bids

7. The evaluation was checked by Finance Department for arithmetical mistakes as well as against the scoring guidance and was signed off by the project manager.

Legal Assessments of Regulation 7

8. The Tenders were provided to the legal department (commercial and employment) to assess the bids against Regulation 7.
9. Regulation 7 of the Conduct of Employment Agencies and Employment Businesses Regulations 2003 ("the 2003 Regulations") restricts employment businesses from providing work-seekers in industrial disputes and states:
- a. Subject to paragraph (2) an employment business shall not introduce or supply a work-seeker to a hirer to perform-

- i. the duties normally performed by a worker who is taking part in a strike or other industrial action ("the first worker"), or
- ii. the duties normally performed by any other worker employed by the hirer and who is assigned by the hirer to perform the duties normally performed by the first worker,

unless in either case the employment business does not know, and has no reasonable grounds for knowing, that the first worker is taking part in a strike or other industrial action.

Paragraph (1) shall not apply if, in relation to the first worker the strike or other industrial action in question is an unofficial strike or other unofficial industrial action.

10. By Regulation 2 "employment business" has the same meaning as in s.13 (1) and (3) of the Employment Agencies Act 1973. S. 13(1) states in effect that the phrase "employment business" means what s 13(3) says it means. S 13 (3) states that "employment business" means the business (whether or not carried on with a view to profit and whether or not carried on in conjunction with any other business) of supplying persons in the employment of the person carrying on the business, to act for, and under the control of, other persons in any capacity.

11. [REDACTED]

12. [REDACTED]

[REDACTED]

[REDACTED]

13. [REDACTED]

14. [REDACTED]

Appendix 3
Evaluation Outcomes

With PPE									AssetCo			
	Quality	Steady State Fees	Operational Fees	Total	Quality	Steady State Fees	Operational Fees	Total	Quality	Steady State Fees	Operational Fees	Total
14												94%
15												94%
16												94%
17												94%
18												94%
19												94%
20												94%
21												94%
22												94%
23												94%
24												94%
25												94%
26												94%
27												94%

Appendix 4 **All Bidders Prices**

Option Number	Basic Services	Bidders	Price (£)							Attendance Fixed Cost (per appliance)	Attendance Day Rate per (per appliance)	Attendance Half Day Rate EFCC (per appliance)	Attendance Bank Holiday Rate EFCC (per appliance)	Attendance Overtime Rate per hour/ (per appliance)
			Set Up & Standby costs over 5 years (excluding indexation) - One off fee	Set Up & Standby costs over 5 years (excluding indexation) - Annual Fee	Mobilisation Fixed Fees (per appliance)	Mobilisation Variable Fees (per appliance)	Attendance Day Rate per (per appliance)	Attendance Half Day Rate EFCC (per appliance)	Attendance Bank Holiday Rate EFCC (per appliance)	Attendance Overtime Rate per hour/ (per appliance)				
Option 1	14 Appliances (maximum allocation) with PPE													
		AssetCo												
Option 2	15 Appliances (maximum allocation) with PPE													
		AssetCo												
Option 3	16 Appliances (maximum allocation) with PPE													
		AssetCo												
Option 4	17 Appliances (maximum allocation) with PPE													
		AssetCo												

Appendix 5

Summary of AssetCo London Ltd's Technical Proposal

Basic Services

1. AssetCo has selected [REDACTED] as its subcontract partner for the provision of staff for EFCC. [REDACTED]

2. [REDACTED]
[REDACTED] All personnel will be Security Industry Authority Licensed, CRB checked and screened to BS7858.

3. Personnel wishing to become emergency fire crew [REDACTED]

4. The total staffing compliment based on maximum deployment of 27 pumps is 632 staff; the mix is;

- a. Crew: 324 plus ridership factor of 98
- b. Driver: 81 plus ridership factor of 24
- c. Crew Supervisor: 81 plus ridership factor of 24

Non Use of LFB staff (operational and FRS)

5. The tender response provided by AssetCo London Ltd provided strong evidence in the area of employment status of personnel as they have a subcontract in place with [REDACTED] to be their strategic partner for the provision of EFCC operational personnel.
6. The tender response draws EFCC operational personnel [REDACTED]. The 632 EFCC required to deliver AssetCo's services is detailed within the proposal as within the normal resourcing capacity of [REDACTED] who [REDACTED]. AssetCo's solution also does not include retained fire fighters.
7. Although not totally removing the risk that employees of other FRSs could potentially also be [REDACTED] employees (RDS staff for example), the risk that this could be for a subversive purpose is seen to be small especially as AssetCo have identified within their tender response that they will not utilise retained fire fighters [REDACTED]

Mobilisation & Implementation

8. The minimum availability of crews during mobilisation is:

[REDACTED] hours of contract commencement date [REDACTED]
[REDACTED] days of contract commencement date [REDACTED]
[REDACTED] days of contract commencement date [REDACTED]

days of contract commencement date

days of contract commencement date

9. Upon mobilisations a fee for gearing up and arrival at the Authority's premises will be charged at [REDACTED] per appliance mobilised. During a period of deployment a day rate will be applied until LFB require the services to cease. At the point of cessation of the services (de-mobilisation) a fee of [REDACTED] per appliance will be charged for debrief of the contractors staff and the return of their personnel to their place of employment.
10. Asset Co London Ltd will operate a 21 day duty cycle system which will incorporate a three shift pattern. This shift pattern may be varied to a two shift pattern for short term deployments to enable earlier mobilisation of appliances.

Training

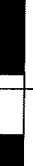
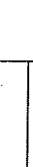
11. Lincolnshire Fire and Rescue Service (LFRS) have been selected by AssetCo London Ltd for the provision of initial training and Continuous Professional Development Training throughout the life of the contract. Initial training will comprise of a [REDACTED] training programme, with courses starting in the implementation period, [REDACTED]. LFRS will conduct these courses [REDACTED].
12. Training will be delivered by LFRS trainers. LFRS trainers are either commercial trainers or experienced current or recently retired operational supervisory managers. A high proportion of trainers in the commercial training unit are employed on Green Book conditions (local authority employment contracts).
13. The proficient to ride training programme selected by AssetCo provides the EFCC with the skills, knowledge and understanding to enable them to work safely within the operating framework as set out in the Concept of Operations and complies with the LFB's training outcomes and role requirements.
14. The training plans objectively measure an individual's ability to perform to a consistent standard and ensure the training development modules relate to the National Occupational Standards for all Fire & Rescue Service roles applicable to operational personnel.
15. After initial training, LFRS will subsequently deliver [REDACTED] days per year of development training and additional e-learning for each EFCC member.

Sustainability and Diversity

16. Asset Co Group Ltd have attained ISO 14001 (2004) and Investor in People (IIP) status.
17. Asset Co London and their subcontractors all have equalities and diversity policies which they apply in their day to day business and the employment of their personnel.

Appendix 6 Contract Options for award – AssetCo London Ltd

Option Number	Basic Services	Price (£)							Attendance Fixed Cost (per appliance)	Attendance Day per (per appliance)	Attendance Half Rate EFCC (per appliance)	Attendance Day per (per appliance)	Bank Holiday Rate (extra) per EFCC	Attendance Overtime Rate per EFCC
		Set Up & Standby costs over 5 years (excl indexation) – One-off fee	Set Up & Standby costs over 5 years (excluding indexation) – Annual Fee	Mobilisation Fixed (per appliance)	Mobilisation Fees (per appliance)	Mobilisation Variable Price (per appliance) also to demobilising	Attendance Fixed Cost (per appliance)	Attendance Day per (per appliance)	Attendance Half Rate EFCC (per appliance)	Attendance Day per (per appliance)	Attendance Half Rate EFCC (per appliance)	Attendance Day per (per appliance)	Bank Holiday Rate (extra) per EFCC	Attendance Overtime Rate per EFCC
Option 1	14 Appliances (maximum allocation) with PPE													
Option 2	15 Appliances (maximum allocation) with PPE													
Option 3	16 Appliances (maximum allocation) with PPE													
Option 4	17 Appliances (maximum allocation) with PPE													
Option 5	18 Appliances (maximum allocation) with PPE													
Option 6	19 Appliances (maximum allocation) with PPE													
Option 7	20 Appliances (maximum allocation) with PPE													
Option 8	21 Appliances (maximum allocation) with PPE													
Option 9	22 Appliances (maximum allocation) with PPE													
Option 10	23 Appliances (maximum allocation) with PPE													
Option 11	24 Appliances (maximum allocation) with PPE													
Option 12	25 Appliances (maximum allocation) with PPE													
Option 13	26 Appliances (maximum allocation) with PPE													
Option 14	27 Appliances (maximum allocation) with PPE													
Option 15	14 Appliances (maximum allocation) without PPE													

Option 16	15 Appliances (maximum allocation) without PPE								
Option 17	16 Appliances (maximum allocation) without PPE								
Option 18	17 Appliances (maximum allocation) without PPE								
Option 19	18 Appliances (maximum allocation) without PPE								
Option 20	19 Appliances (maximum allocation) without PPE								
Option 21	20 Appliances (maximum allocation) without PPE								
Option 22	21 Appliances (maximum allocation) without PPE								
Option 23	22 Appliances (maximum allocation) without PPE								
Option 24	23 Appliances (maximum allocation) without PPE								
Option 25	24 Appliances (maximum allocation) without PPE								
Option 26	25 Appliances (maximum allocation) without PPE								
Option 27	26 Appliances (maximum allocation) without PPE								
Option 28	27 Appliances (maximum allocation) without PPE								

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