

Resolution of Outstanding Outsourced Discrimination, Bullying and Harassment Cases and ongoing support to the Professional Standards Unit

Report to:

Investment & Finance Board.
Commissioner's Board
Deputy Mayor's Fire Board
London Fire Commissioner

Date:

29/04/2025
15/05/2025
2/06/2025

Report by:

Nicholas Davis, Interim Head of the Professional Standards Unit

Authorising Head of Service:

Sally Hopper, Director for People

Report classification:

For decision

For publication

Values met

Service
Integrity
Teamwork
Equity
Courage
Learning

I agree the recommended decision below.



Jonathan Smith
London Fire Commissioner

Date **This decision was remotely
signed on 28 July 2025**

PART ONE

Non-confidential facts and advice to the decision-maker

Executive Summary

Following the publication of the London Fire Brigade's Culture Review in November 2022, LFB took the decision to externalise the responsibility for all advice on and investigation into concerns of discrimination, bullying and harassments (DBH), including reviewing all relevant cases going back five years from the date of publication . This decision was taken to ensure all cases were considered fairly, impartially and independently, and to provide reassurance to staff, in line with a Culture Review recommendation. Since the decision, CMP Solutions, an external organisation with specific expertise in workplace investigations, has fulfilled this requirement.

The intention is for the Professional Standards Unit (created 2024) to undertake (DBH) investigations going forward.

Upon outsourcing (2022/23) the level of demand from staff was high and that has remained the case throughout such that previous estimates on costs have been exceeded and retrospective authority is sought. This report also seeks funding to complete the live cases with CMP (of which there are three) and funding for ongoing external provision to respond to cases that require external support.

For the London Fire Commissioner

The LFC agrees to the funding to complete the remaining CMP cases and a contract for three years be entered into in accordance with the arrangements set out in Part Two of this report and delegates authority to the Director People Services, in consultation with the Assistant Director Procurement and Technical Services to undertake the procurement exercise and award the contract.

1. Introduction and background

- 1.1 Following the publication of the Culture Review in November 2022, LFB took the decision to move the responsibility for all advice on and investigation into concerns of discrimination, bullying and harassment (DBH) to an external organisation. Since that decision, this work has been undertaken by CMP Solutions, who have specific expertise in workplace investigations.
- 1.2 The complete transfer of all DBH matters to an external organisation was quickly implemented by LFB to ensure that staff could raise concerns in confidence outside of LFB with confidence that they would be investigated fairly and impartially. At the outset of the commissioning to CMP, this was an unprecedented step and therefore it was not possible to predict the volume of complaints, nor the complexity and duration of any subsequent investigations.

- 1.3 The implementation of the PSU initially saw a high level of engagement and concerns being raised. CMP have continued to provide a helpline for advice and guidance for concerned staff in LFB, and usage of this sits at roughly one contact per month, compared to between ten and twenty per month at the end of 2023.
- 1.4 Since the PSU's inception in January 2024, it has seen a considerable monthly increase in the number of cases reported, requiring investigation or action. In addition, there have been a number of recommendations identified by HMICFRS and the recent MOPAC audit report that will shape the focus of the team over the next 12 months. The provisions provided by the external service allow the PSU to focus on continuous improvements in our cultural journey; building trust and confidence with our staff; and providing clarity on the expected standards.

2 Objectives and expected outcomes

- 2.1 Four separate reports have previously gone through governance for approval to commit expenditure with CMP, with a total of £2,070,000 approved through to March 2025, funded from reserves. In addition, a further £250,000 was approved through DMFD212 for procurement of an external service through to 2026/27 that was subsequently sourced through CMP. This takes total overall expenditure approved through governance to £2,320,000. In addition to the reserves funding set out above, for 2024/25, £15,000 of budget was held within the Culture Transformation Programme for an independent advice line.

Approval	Service Extended to	Source of Funding	Approved [£]
DMFD 187	May-23	CRMP Reserve	503,489
DMFD 199	Sep-23	BFR	747,910
DMFD 212	Dec-23	BFR	400,000
DMFD 246	Mar-25	BFR	420,000
TOTAL			2,071,399
DMFD212			250,000 *
			2,321,399

* procure external service through to 2026/27

- 2.2 Actual costs from CMP are considered on a case-by-case basis and are dependent upon volume and complexity of issues and these have now exceeded the previously approved financial envelope set out above.
- 2.3 People Services has identified the need to further extend the CMP contract to complete three investigations and one historical complex investigation. CMP will also be required to provide several ongoing services.
- Mediation service.
 - Facility for undertaking complex / specialist investigations.
 - Independent dedicated telephone line and email address.

- One Professional Workplace Investigator training course and one In-house Hearing Manager training course.

2.4 These ongoing services will be in place until a new procurement process has been completed, which it is estimated will take up to six months to complete. The estimated cost for the extension of the CMP contract is £230,890 excluding VAT. This figure is made up of completing the cases set out in point 2.3 and the other ongoing services. The estimate of the future procurement is not included within this report for commercial reasons and will be shared in a separate Part 2 paper.

2.5 As part of commitments made following the Culture review and HMICFRS an element of external service is required to support the work of the PSU, this paper is seeking approval for a new three-year contract sought through procurement to deliver a number of services including.

- Independent dedicated telephone line and email address.
- The hourly rate for calls with Advisors and mediation services is estimated at ten hours per month.
- Two Professional Workplace Investigator training courses.
- Two In-house Hearing Manager training courses.
- Facility for undertaking complex / specialist investigations.

The PSU will work alongside finance and the identified supplier through monthly meetings to ensure these costs are managed in line with agreed budgets.

2.6 If, at this late stage of the resolution of a Culture Review recommendation, LFB decided against making the funding available for the remaining CMP investigations, CMP would cease all investigations. This would mean those staff who have raised a concern about their treatment in the manner LFB has instructed them to do so would then see this commitment compromised, and there would be a requirement for the entire matter to be re-investigated from the start within LFB. This possibility does not act in the interests of the affected employees, nor does it make good use of resources as matters already investigated, may have to be re investigated.

2.7 The lack of an external provision e.g. CMP is essential to LFB's ongoing commitment to provide the processes put in place as set out in paragraph 2.5 above.

3 Values Comments

3.1 The LFC notes the Fire Standards Board requirements around adopting and embedding the Core Code of Ethics at an individual and corporate level. Following extensive engagement, the LFC has introduced Brigade values which build on and do not detract from the Code of Ethics.

3.2 The extension of the CMP contract in the areas outlined in the report embodies the values of **integrity**, in that the Brigade is acting honestly in its assessment of what additional support is required and **service**, in that the Brigade is aiming to build existing capability in order to reduce

future costs and deliver improvements which put the public first.

3.3 The Brigade values are:

- Service: we put the public first
- Integrity: we act with honesty
- Teamwork: we work together and include everyone
- Equity: we treat everyone fairly according to their needs
- Courage: we step up to the challenge
- Learning: we listen so that we can improve

4 Equality Comments

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

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

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

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

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

4.5 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

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

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

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

- tackle prejudice
- promote understanding.

4.8 Previous reports seeking authority to engage an external provider and or CMP have commented on the Equality Duty and those comments remain valid to this decision. The provision of an external service to complete current cases and undertake new matters regarding concerns about behaviours contributes to the Brigade's delivery of its responsibilities under the Equality Act 2010 by providing an external service which considers, amongst other matters, issues of alleged discrimination and unfairness. The Equality Act 2010 will be a relevant consideration when awarding any new contract.

5 Workforce comments

5.1 The historic case review and ongoing CMP services is a specific recommendation in the Culture Review and the LFB's intention to carry this out has been communicated to all staff, Trade Unions and Equality Support Groups.

6 Sustainability comments

N/A

7. Procurement comments

7.1 LFB contracted directly with CMP on 28th November 2022 until March 2023.

7.2 In order to ensure LFB had a compliant contract in place, a direct award was signed with CMP using the ESPO framework (a public sector framework managed by Eastern Shires Purchasing Organisation). This contract ran from 6 March 2023 to 31 March 2025.

7.3 The ESPO contract comprised of an initial 6-month contract with options to extend by up to another 18 months.

7.4 In respect of value for money, it is worth noting that CMP went through a competitive process to draw down from the ESPO framework, therefore pricing was deemed to have progressed through the necessary commercial value for money scrutiny inherent in the process.

7.5 A further direct award via ESPO has been executed from 1st April 2025 to allow CMP to complete cases whilst a formal tender is released to the market to cover an anticipated 6-month period. This will allow CMP to finish the in-progress cases and maintain the service whilst a full procurement is conducted. There is a risk that during this short-term contract that new cases may arise, and this will need to be factored into contract requirements and the exit strategy.

7.6 The Procurement team will work with the Professional Standards Unit to identify the appropriate route to market and support the tender process over the coming weeks and months, ensuring it complies with all necessary regulations, procedures and the LFC internal scheme of governance.

8. Communications comments

8.1 Communications are required to ensure staff are aware that a short extension to the CMP contract is required.

9 Financial comments

9.1 This report requests retrospective approval for spend above that previously approved in order to meet existing service commitments of CMP Solutions. Additionally, the report requests an extension to the service by a further 6 months to 30 September 2025, while further procurement is undertaken for a new three-year contract.

9.2 The cost to cover existing service commitments of CMP Solutions is estimated at £182,073 above the existing allocation. A further six-month extension of the CMP Solutions contract is also set out at a cost of £230,890. Estimated costs associated with a new three-year contract are set out in part two.

9.3 It is proposed that the additional funding requested for existing service commitments and the six month extension is funded from underspends in the Culture Transformation Programme identified through closing of the 2024/25 accounts, to be held in an earmarked reserve for 2025/26.

9.4 The report also recommends that a new three year contract is entered into . This will be funded from within the CRMP budget included from 2026/27 in the LFB's Medium Term Financial Strategy in its 2025/26 Budget Report. The cost of entering into this contract will therefore be prioritised from within the funding available for CRMP work as part of the budget process for 2026/27. As a result this decision will have no impact on the LFB's Budget Gap for future years.

10 Legal Comments

10.1 Under section 9 of the Policing and Crime Act 2017, the London Fire Commissioner (the "Commissioner") is established as a corporation sole with the Mayor appointing the occupant of that office. Under section 327D of the GLA Act 1999, as amended by the Policing and Crime Act 2017, the Mayor may issue to the Commissioner specific or general directions as to the manner in which the holder of that office is to exercise his or her functions.

10.2 By direction dated 1 April 2018, the Mayor set out those matters, for which the Commissioner would require the prior approval of either the Mayor or the Deputy Mayor for Fire and Resilience (the "Deputy Mayor"). Paragraph (b) of Part 2 of said direction requires the Commissioner to seek the prior approval of the Deputy Mayor before "[a] commitment to expenditure (capital or revenue) of £150,000 or above as identified in accordance with normal accounting practices...".

10.3 In accordance with Section 5A Fire and Rescue Services Act 2004 (FRSA 2004), the London Fire Commissioner, being a 'relevant authority,' may do 'anything it considers appropriate for the purposes of the carrying- out of any of it's functions...'

10.4 This report seeks prior authority of the Deputy Mayor to commit expenditure above £150,000

for the purposes of the extension of the contract with CMP until the retender of the externalised service, the costs of the new contract and retrospective authority for the costs incurred which exceeds the current prior approval threshold.

- 10.5 The procurement of future external services will need to be conducted in accordance with procurement law and the LFB Procurement Standing Orders

List of appendices

Appendix	Title	Open or confidential*
	None	