

REQUEST FOR DEPUTY MAYOR FOR FIRE AND RESILIENCE DECISION – DMFD195

Title: 2022-23 Pay Settlement for Fire and Rescue Staff in London Fire Brigade

Executive summary:

This report requests the approval of the Deputy Mayor for Fire and Resilience to authorise the London Fire Commissioner (LFC) to commit revenue expenditure of £2,621,264 in order to implement the 2022-23 pay settlement for fire and rescue staff at London Fire Brigade. This would comprise a 5 per cent pay increase, backdated to 1 April 2022; and a salary progression increase of 1 per cent to eligible staff, backdated to 1 July 2022.

The LFC Governance Direction 2018 sets out a requirement for the LFC 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...”.

Decision:

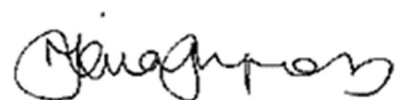
That the Deputy Mayor for Fire and Resilience approves the London Fire Commissioner’s proposal to commit revenue expenditure of £2,621,264, for the purposes of a pay settlement to fire and rescue staff at London Fire Brigade for 2022-23.

Deputy Mayor for Fire and Resilience

I confirm that I do not have any disclosable pecuniary interests in the proposed decision.

The above request has my approval.

Signature:



Date:

07/03/2023

PART I – NON-CONFIDENTIAL FACTS AND ADVICE TO THE DEPUTY MAYOR

Decision required – supporting report

1. Introduction and background

- 1.1 The London Fire Brigade (LFB) workforce comprises three staff groups: operational staff (firefighters), control officers and non-operational staff (referred to as fire and rescue services staff (FRS)). This decision concerns a pay settlement for FRS staff for 2022-23. Pay settlements for other staff groups will be considered in a separate decision.
- 1.2 As set out in the appended report LFC-23-022, the London Fire Commissioner (LFC) was engaged in discussions and the negotiations with GMB and UNISON, the trade unions representing FRS staff, from May 2022 to January 2023. The LFC and the trade unions have now reached an agreement, as set out below; this decision is seeking the approval of the Deputy Mayor for Fire and Resilience to implement this.

2. Objectives and expected outcomes

- 2.1 This decision will enable the LFC to implement a backdated pay settlement with FRS staff. The annual settlement date for the FRS staff's general pay increase is 1 April and the effective date of the annual salary progression increase (SPI) – that is, progression through the pay band – is 1 July.
- 2.2 Agreement has now been reached with a pay settlement for 2022-23 as follows:
 - from 1 April 2022: a pay increase of 5 per cent
 - from 1 July 2022: an SPI of 1 per cent to eligible staff.
- 2.3 The total cost of the pay settlement for FRS staff is £2,621,264. This exceeds the LFC's existing budgetary provision by £934,408, which would be met by use of the LFC's Budget Flexibility Reserve. Further information is set out in financial comments in section 5, below.

3. Equality implications

- 3.1 The LFC and the Deputy Mayor for Fire and Resilience are required to have due regard to the Public Sector Equality Duty (section 149 of the Equality Act 2010) when taking decisions. This in broad terms involves understanding the potential impact of policy and decisions on different people, taking this into account and then evidencing how decisions were reached.
- 3.2 It is important to note that consideration of the Public Sector Equality Duty is not a one-off task. The duty must be fulfilled before taking a decision, at the time of taking a decision, and after the decision has been taken.
- 3.3 The protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership (but only in respect of the requirements to have due regard to the need to eliminate discrimination), race (ethnic or national origins, colour or nationality), religion or belief (including lack of belief), sex, and sexual orientation.
- 3.4 The Public Sector Equality Duty requires decision-takers in the exercise of all their functions, to have due regard to the need to:
 - eliminate discrimination, harassment and victimisation and other prohibited conduct
 - advance equality of opportunity between people who share a relevant protected characteristic and persons who do not share it

- foster good relations between people who share a relevant protected characteristic and persons who do not share it.
- 3.5 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic where those disadvantages are connected to that characteristic
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
 - encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.6 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- 3.7 Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
- tackle prejudice
 - promote understanding.
- 3.8 The pay increase will be applied to all of LFB's FRS staff, including those with protected characteristics. Therefore, although there is a positive impact because it is generally accepted to be beneficial, it is recognised that the pay increase (which is based on a percentage increase across all grades) does mean that staff on higher grades receive more money than those on lower grades, which include the lowest paid.
- 3.9 The Equality Impact Assessment completed by LFB officers identifies this, as well as a further impact that is a disproportionate under-representation of groups (including Black and minority ethnic groups) being at the lower grades. LFB is taking steps to address this, some of which are detailed in the gender pay gap report (LFC 0603) and the disability pay gap report (LFC 0635). These steps include:
- the delivery of training on equality, diversity and inclusion
 - the delivery of leadership programmes, including those entitled the Gillian Tanner, Colin Townsley and Frank Bailey leadership programmes (named after celebrated former firefighters in the case of Colin Townsley and Frank Bailey and the Auxiliary Fire Service in the case of Gillian Tanner). These include supporting leadership development for under-represented groups of staff, including women; Black, Asian, and other ethnic minority staff; and staff with a disability
 - the launch of the Coaching and Mentoring programme to improve diversity, career progression coaching, performance coaching, and support for leadership interventions.

4. Other considerations

Workforce comments

- 4.1 It is anticipated that there will be a positive impact on the FRS workforce. This is because a pay increase is generally accepted to be beneficial, where it has been reached with the staff side – trade unions that collectively represent FRS staff.

Conflicts of interest

- 4.2 There are no conflicts of interest to declare from those involved in the drafting or clearance of this decision.

5. Financial comments

- 5.1 The report recommends that the proposed 2022-23 pay settlement is agreed for FRS staff. The settlement includes a 5 per cent pay increase from 1 April 2022; and a 1 per cent SPI from 1 July 2022. The LFC budgeted for a 3 per cent pay increase, and assumes that the SPI is funded by staff turnover, as staff leave at the higher end of pay scales and join at a lower point.
- 5.2 The total revenue cost of the settlement is £2,621,264. The LFC has budgeted £1,401,612 for the pay increase and £285,244 for the SPI. Allowances are contained within existing department budgets. This means the additional revenue expenditure to cover the additional 2 per cent pay increase is £934,408, which will be funded from the LFC's Budget Flexibility Reserve in 2022-23.
- 5.3 The Budget Flexibility Reserve has a forecast balance of £17,781,000 as at the end of 2022-23, which includes the impact of this pay award.
- 5.4 The LFC's 2023-24 Budget Submission includes additional ongoing revenue funding of £1,000,000 annually to fund the full cost of the pay award in subsequent financial years. The budget for pay inflation is reviewed annually as part of the budget setting process for future years.

6. Legal comments

- 6.1 This report seeks approval to implement the FRS staff pay settlement figures for 2022-23, following agreement reached with representative bodies.
- 6.2 Under section 9 of the Policing and Crime Act 2017, the LFC is established as a corporation sole with the Mayor appointing the occupant of that office.
- 6.3 Under section 112 of the Local Government Act 1972 (applied to the LFC by section 146A of that Act), the LFC "shall appoint such officers as they think necessary for the proper discharge by the authority of such of their or another authority's functions as fall to be discharged by them". An officer appointed under this provision "shall hold office on such reasonable terms and conditions, including conditions as to remuneration, as the authority appointing him think fit."
- 6.4 The LFC's Scheme of Governance reserves the LFC matters that result in "changes to terms and conditions that affect a significant number of staff, or matters which will have a significant impact on significant number of staff."
- 6.5 It therefore falls to the LFC to determine the remuneration for officers employed, or otherwise appointed, by the LFC as set out in the recommendations to this report.
- 6.6 Under section 327D of the Greater London Authority Act 1999, as amended by the Policing and Crime Act 2017, the Mayor may issue to the LFC specific or general directions as to the manner in which the holder of that office is to exercise his or her functions.
- 6.7 By direction dated 1 April 2018, the Mayor set out those matters, for which the LFC would require the prior approval of either the Mayor or the Deputy Mayor for Fire and Resilience. Paragraph (b) of Part 2 of that direction requires the LFC 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...”.

- 6.8 The Deputy Mayor’s approval is accordingly required for the LFC to incur the expenditure set out in the recommendation of this report.
- 6.9 Under section 9 of the Policing and Crime Act 2017, the LFC 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 LFC specific or general directions as to the manner in which the holder of that office is to exercise his or her functions.
- 6.10 By direction dated 1 April 2018, the Mayor set out those matters, for which the LFC would require the prior approval of either the Mayor or the Deputy Mayor for Fire and Resilience. Paragraph (b) of Part 2 of the said direction requires the LFC to seek the prior approval of the Deputy Mayor before “[a] commitment to expenditure (capital or revenue) of £150,000 or above as identified in accordance with normal accounting practices...”. The Deputy Mayor’s approval is accordingly required for the LFC to incur the expenditure set out in the recommendation of this report.
- 6.11 The statutory basis for the actions proposed in this report is provided by the Fire and Rescue Services Act 2004 (the Act), under which the LFC must secure the provision of personnel. Under the Act the LFC may also do anything that they consider incidental or indirectly incidental to his core functions. Accordingly, the recommendations fall within the LFC’s general power.
- 6.12 These comments have been adopted from those provided by the LFC’s General Counsel Department in report LFC23-022 to the LFC.

Appendices and supporting papers:

Report LFC-23-022 – FRS 2022-23 Pay Settlement

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOI Act) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will either be published within one working day after approval or on the defer date.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? NO

Part 2 Confidentiality: Only the facts or advice considered to be exempt from disclosure under the FOI Act should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form – NO

ORIGINATING OFFICER DECLARATION:

Drafting officer to confirm the following (✓)

Drafting officer

Richard Berry has drafted this report with input from the LFC and in accordance with GLA procedures and confirms the following:

✓

Assistant Director/Head of Service

Niran Mothada has reviewed the documentation and is satisfied for it to be referred to the Deputy Mayor for Fire and Resilience for approval.

✓

Advice

The Finance and Legal teams have commented on this proposal.

✓

Corporate Investment Board


A summary of this decision was reviewed by the Corporate Investment Board on 6 March 2023.

✓

EXECUTIVE DIRECTOR, RESOURCES:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature:



Date:

07/03/2023