

## Protection Staff Retention

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Report to:

Date:

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

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Report by:

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Report classification:

For decision

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For publication

# PART ONE

## Non-confidential facts and advice to the decision-maker

### Executive Summary

Historically, there has been a balanced mix of operational and FRS staff in Fire Safety (Protection), in recent years however the numbers of operational staff have diminished with the workforce of inspecting officers and fire engineers being predominantly FRS-based staff. Since the Grenfell Tower fire, there has been a significant uplift in Protection work as well as a protracted and significant market demand for competent technical fire safety staff from both public and private sector. Despite commencing in-house training, London Fire Brigade (LFB) continues to compete in a market for skilled staff that has seen salaries increase significantly over the last three years. This has impacted on retention and competency rates across Protection teams as technically qualified staff are lured away by salaries up to 40% higher than offered in LFB. This has resulted in a significant decline in the competency profile of the workforce, impacting on service delivery.

In addition, abatement rules limit the LFC's ability to re-hire on a full-time basis those technically qualified and experienced staff who have retired. If re-employed those persons could help develop new, inexperienced staff and support service delivery (e.g. complex audits) as required. The Fire sector in general and London specifically is facing a skills gap that will make it difficult to discharge the LFC's statutory obligations (including the work of the new Building Safety Regulator), address concerns raised in previous HMICFRS inspections and deliver an effective service. Developing and retaining competent staff is essential, as new staff generally take circa two and a half years to reach a level where they can audit complex or higher-risk buildings. This is at a cost of £15K to £18K per person.

### Recommended decisions

#### For the London Fire Commissioner

1. The London Fire Commissioner commits revenue expenditure of up to £2,550,000, which is £850,000 per annum across financial years 2023/24, 2024/25 and 2025/26, for the purposes of the payment of a Market Rate Supplement (MRS) for specific Protection staff in the London Fire Brigade's (LFB's) Prevention and Protection department with accredited technical qualifications – minimum Fire Safety Level 4 Diploma and their (technically skilled/experienced) managers.
2. To commit further revenue expenditure of £1,500,472 to cover the cost of abatement across financial years 2023/24, 2024/25 and 2025/26 for a limited number of skilled staff within the Prevention and Protection Department.

# 1 Introduction and background

- 1.1 To Support the work of the new Building Safety Regulator LFB is expected to recruit 46 new Inspecting Officers (IOs) and circa 12 fire engineers. To achieve this LFB must recruit circa 100 Fire Safety Advisers (FSAs) which will also support filling current vacancies for Fire Engineers, Team Leaders, Deputy Team Leaders.
- 1.2 This is at a time when there is both a protracted and significant market demand for competent technical fire safety staff from both public and private sector alike. This is exacerbated by the complexity of London's real estate, with over 50% of the entire national risk in terms of high-rise residential buildings (HRRBs) being located in the Capital, further driving demand in the private and public sectors.
- 1.3 In recent years, Fire Safety (Protection) has suffered a critical drop in competency in its frontline service delivery workforce – across the North and South delivery teams competency rates are below 30%. This is due to a range of factors including retirements (mainly operational staff) and staff leaving to work in the public or private sector for much higher remuneration packages. Examples include a FRS Team Leader and an Inspecting Officer (IO) both being offered Fire Safety roles in the NHS with a circa £20k uplift in salary, and other IOs and Fire Engineers being offered roles in public and private sector for up to and in some cases exceeding, a £35k uplift.
- 1.4 Since October 2022, in LFB's Protection team, 18 Fire and Rescue staff (FRS) have left to take up positions in the public and private sectors due to significantly enhanced remuneration packages. In the same period, five operational staff have retired having reached pensionable age – two have returned on a part time basis and all have expressed a desire to return to work post-retirement but feel unable to do so due to abatement rules. The general principle behind abatement is to protect the public purse from paying a pension and a salary to the same individual i.e. the income from the public purse should not be increased by the addition of a pension.
- 1.5 LFB have seen a circa 50% drop in the competency rate in inspecting officers (those who are fully qualified and have gained experience) in just 12 months and even with active recruitment, this needs to be considered against the approximate development time of circa 2½ years to bring new officers up to a sufficient competency level so that they can inspect high rise residential buildings (HRRBs) and 4-5 years+ to achieve competent fire engineer status.
- 1.6 While LFB continues to pay salaries that are significantly lower than can be commanded in the private and public sectors, it is likely that staff will continue to leave. A market rate supplement paid to technically skilled fire safety professionals and their (technically skilled/experienced) managers within Protection may be one of a range of initiatives that could significantly slow down the rate at which people are choosing to leave.
- 1.7 Recruiting specialist staff is also difficult despite several interventions, including the Centre of Learning and Excellence, providing professional qualifications up to and including Fire Engineering degrees.

- 1.8 Additionally, abatement rules limit LFB's ability to re-hire technically qualified experienced staff, who have retired on a full-time basis. Such staff could both help develop new, inexperienced staff and support service as required. The Fire sector in general and London specifically is facing a skills gap that will make it difficult to discharge the LFC's statutory obligations (including the work of the new Building Safety Regulator), address concerns raised in previous HMICFRS inspections and deliver an effective service.
- 1.9 Engagement with the Home Office has made it clear that His Majesty's Treasury relaxation of abatement rules, or being able to use Protection Uplift funding, are not viable options. It is therefore recommended that the LFC agree to pay abatement in a defined way which has previously been agreed in FEP2795 (2017) and subsequently in LFC-O075-D (2018).

### **Market Rate Supplements**

- 1.10 Market Rate Supplements (MRSs) result in pay differences so care must be taken to ensure compliance with equal pay legislation. The Institute of Employment Studies stated that MRSs must be awarded on an individual basis to jobs that warrant their award; these are determined by external market forces that, in this instance, apply. A market rate supplement is an exceptional measure – it can only be taken when every other measure has been exhausted. Current circumstances can be considered exceptional. This proposal is being made using robust benchmarking data and will be subject to annual review to ensure compliance with equal pay legislation.
- 1.11 This paper seeks to establish a one-off payment each year for three years, with a review after one year, for those in a technical Protection role - subject to the ongoing People Services review of FRS pay. This supplement should include technical staff and their managers and would be set on a sliding scale of up to 10% depending on the qualification and market comparison.
- 1.12 The value of a MRS is determined by the difference between the top point of normal salary progression in the grade for the job (as determined by job evaluation) and the market rate for the job in question. However, it should not be salary alone that determines the final salary uplift percentage – other benefits and rewards should be taken into consideration. LFB have a range of active measures in place to address the staffing and competency issues, including a dedicated in-house training academy (supported by external formal qualifications) and a pilot to bring operational staff back into Protection teams. A robust process for determining the value of the MRS should be followed and be led by qualitative market data to support the business case.
- 1.13 Research by the Institute for Employment Studies completed in November 2017 found the market rate supplements improved retention and increased staffing levels in nursing between 2009 and 2013/14. The impact on recruitment was patchy (but positive) and recruitment of senior nurses remained challenging. The review stated that MRS provided value for money.
- 1.14 Overall, the Institute for Employment Studies report found that 'we need to utilise a full range of (financial) incentives to help make this an attractive place to work'. Pay was described as 'one lever in the set of tools' required to manage the migration of skilled workers.

- 1.15 It is also noted that Essex Fire & Rescue Service had also recently<sup>1</sup> offered market rate supplements for fire safety staff– while noting that Essex has nothing like the level of demand of London. Clearly there are factors beyond pay that make a job attractive – the Employee Value Proposition includes other factors including the organisation’s values, culture, location, promotion, pension, training etc.
- 1.16 LFB offers industry-leading qualifications for Fire Safety Advisors, Inspecting Officers and Fire Engineers and a brand that is over 150 years old with the legal authority to enforce legislation and prosecute offenders. Offering staff access to additional qualifications (level 5, 6 and 7 diplomas) would be an incentive for staff and could increase the length of their tenure with LFB.

#### Appendix 1: Pay Comparison

#### **Buy back clause for qualifications**

- 1.17 It is important that LFB provides efficiency and value for money. While staff cannot be financially or contractually compelled to remain with LFB, a cost recovery for higher level qualifications is currently being explored. New staff that join as Fire Safety Advisors receive training that includes a Level 3 qualification. As this is an essential part of their role, therefore a buy-back clause cannot be implemented. However, for higher qualifications (Level 4 to Level 7), a buy-back clause is being actively explored to offset part of the cost of developing a staff member if they leave LFB within a specified period after obtaining the level 4 to 7 qualification.

#### **Abatement**

- 1.18 The expectation set out in the Fire and Rescue National Framework for England’s (the Framework) expectation is that when reappointing officers at any level, that the requirements of part 6 of the Framework are considered. The Framework requires that:  
“Fire and rescue authorities must not re-appoint principal fire officers after retirement to their previous, or a similar, post save for in exceptional circumstances when such a decision is necessary in the interests of public safety. Any such appointment must be transparent, justifiable and time limited...”  
In the exceptional circumstance that a re-appointment is necessary in the interests of public safety, this decision should be ... a publicised decision ... The reason why the re-appointment was necessary in the interests of public safety, and alternative approaches were deemed not appropriate, must be published and the principal fire officer’s pension must be abated until they cease to be employed by a fire and rescue authority.  
To ensure greater fairness and the exchange of talent and ideas, all principal fire officer posts must be open to competition nationally, and fire and rescue authorities must take account of this in their workforce planning.  
While the above requirements only extend to principal fire officers, we expect fire and rescue authorities to have regard to this principle when re-appointing at any level.”
- 1.19 Having considered the National Framework it is considered that the current abatement rules hamper LFB’s ability to re-hire qualified staff who have retired. This reduces the availability of competent personnel to train, mentor and develop new staff, as well as undertaking higher risk inspection work. This is likely to impact on LFB’s ability to deliver a service that can target risk as well as meeting the ambitions of the BSR. This may have a detrimental impact on public

safety.

- 1.20 Under the Firefighters' Pension Scheme 2015 (FPS 2015), and the Local Government Pension Scheme 2014 (for benefits built up post-2014), abatement of pension on re-employment no longer applies. This issue, therefore, pertains to firefighters retired under the schemes in operation from 1992 until 2015. Until 2013, abatement for these staff only applied to re-employment as a firefighter by an FRS. Amendments to the FPS 1992 made in 2013 changed that to re-employment 'in any capacity' by an FRS. This brought re-employment of retired fire and rescue staff in non-operational roles such as fire engineering within scope of the abatement rules.
- 1.21 Addressing the abatement issue is not seen as the panacea to all the staffing challenges faced by the Brigade, but rather as a key enabling tool that will support the delivery of core business and work of the BSR, which in turn will help to protect the communities we serve.
- 1.22 It should be noted that the London Fire Commissioner recently engaged with the Home Office, who have made it clear that His Majesty's Treasury relaxing abatement rules, or being able to use Protection Uplift funding to pay for abatement, are not viable options.
- 1.23 The National Fire Chiefs Council 2021 Paper: Abatement – the case for a relaxation of rules for specialist protection staff suggests that Fire and Rescue Services could lose 30-40% of their competent and qualified protection staff over the next 5 years. With over 30% of staff currently aged between 46 and 55 the current situation is unlikely to improve without an intervention.
- 1.24 In London, one of the major obstacles to improved competency rates is the lack of competent staff to train, mentor and develop new staff, as well as undertaking higher risk inspection work. This is likely to impact on LFB's ability to deliver a service that can target HRRBs as well as the ambitions of the BSR. Currently LFB's post-retirement Fire Safety professionals work on a part time basis. Their skills and experience remain in great demand across the department. But currently returning to work for LFB is not an attractive proposition because other employers – including local authorities or NHS - pay more without the reduction in pension that comes with working for LFB post-retirement.
- 1.25 This inability to bring back experienced staff who have retired from operational ranks exacerbates the issues, as it reduces availability of competent staff to train, mentor and develop new staff, as well as undertaking higher risk inspection work. This is likely to impact on LFB's ability to deliver a service that can target HRRBs as well as the ambitions of the BSR.
- 1.26 Provision to relax abatement in other key public sectors has already been made, for example in the NHS, in order to help deliver key services to the public. The Metropolitan Police Services (MPS) also offers an enhanced return scheme that allows police officers to retire from the Met and return as an attested officer after a short break of service. This scheme that will be in place till June 2025 allows an officer to take their full pension and monthly salary.

## 2 Objectives and expected outcomes

- 2.1 If the MRS is paid at 10 per cent for all qualifying staff, the cost to the Prevention and Protection department would be circa £850,000 and would be absorbed within the existing budget by ringfencing the department underspend for 2022/23. The department underspend was £3,700,000 in 2020/21 and £5,200,000 in 2021/22. The underspend is expected to fall as LFB recruits. An underspend of £1,341,742 has been ringfenced from the 2022/23 budget and placed into an earmarked reserve.

- 2.2 Where necessary a vacancy gap of up to ten posts will be maintained to cover the annual cost of the MRS and Abatement - £1,350,000 - along with any natural department' underspend. Where it exceeds the underspend (created by the vacancy gap and any natural underspend) the £1,341,742 that has been ringfenced from the 2022/23 budget will be used to ensure that costs do not exceed the department budget.
- 2.3 Research by the Institute for Employment Studies completed in November 2017 found the market rate supplements improved retention and increased staffing levels in nursing between 2009 and 2013/14. The impact on recruitment was positive. The review stated that MRS provided value for money.
- 2.4 In respect of abatement, the LFC can exercise its discretion under the 1992 and 2006 pension schemes to withdraw the whole or part of any pension for any period in which the person entitled to it is employed in any capacity by the LFC. Whilst it is anticipated that recruitment numbers would be low, e.g. a maximum of 10-15, even such a small cohort of key and experienced staff would have a positive impact on the training and development of new staff, as well as undertaking specific higher risk work the detail of which has already been outlined in this report.
- 2.5 The recruitment process would be open and transparent and in accordance with established policy. Offers will only be made directly to specific applicants possessing the necessary skills and qualifications to undertake the role.

## Cost

### Market Rate Supplements:

- 2.6 The Budget is divided in the following way:

Service Delivery	Budget	Percentage
FRS	5,429,585	68%
Operational	2,523,937	32%
<b>Central Teams</b>		
FRS	3,436,281	65%
Operational	1,841,237	35%
<b>Service Improvement</b>		
FRS	2,907,684	91%
Operational	289,305	9%
<b>Total</b>	<b>16,428,029</b>	

- 2.7 As the recruitment for new Inspecting Officers and Fire Safety Advisors progresses, ongoing MRS costs are expected to be covered through government grant funding. The NFCC have confirmed that for reimbursement through grant funding (for which a maximum charge has been set); and for charging on a 'bill back of hours' basis, they have included a 10% 'allowance' to account for salary uplifts for technical staff.

### 3 Equality comments

- 3.1 The LFC and the Deputy Mayor for Fire and Resilience are required to have due regard to the Public Sector Equality Duty (section 149 of the Equality Act 2010) when taking decisions. This in broad terms involves understanding the potential impact of policy and decisions on different people, taking this into account and then evidencing how decisions were reached.
- 3.2 It is important to note that consideration of the Public Sector Equality Duty is not a one-off task. The duty must be fulfilled before taking a decision, at the time of taking a decision, and after the decision has been taken.
- 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 With the current cost of living crisis and the rise in state pension age (currently set at 66 years old for both men and women but is set to gradually increase again from May 2026 for those born after April 1960), based upon the economic labour market official statistics, there has been a gradual increase in the age at which both men and women stop working. By providing a competitive salary the Brigade are affording older people the opportunity to continue within a role, benefitting their economic circumstances and equally as important, utilising an invaluable skillset beneficial to both the Brigade and the communities we serve.  
<https://www.gov.uk/government/statistics/economic-labour-market-status-of-individuals-aged-50-and-over-trends-over-time-september-2022/economic-labour-market-status-of-individuals-aged-50-and-over-trends-over-time-september-2022#average-age-of-exit-from-the-labour-market>
- 3.9 An Equality Impact Assessment (EIA) has been conducted to recognise and mitigate any adverse or unduly favourable impact on all protected characteristics as referenced within the 2010 Equality Act. (Appendix 2 – Equality Impact Assessment). The EIA identified that the abatement, at this time, is likely to positively impact more male operational personnel than female operational personal due to the current breakdown of operational staff (men and women). However, this current disproportionate positive impact for men will only affect those subjected to the 1992 and 2006 LFB pension schemes.

## 4 Comments

- 4.1 Following consultation with People Services, consideration is being given to implementing MRS within existing mechanisms, this could include paying SRAs. Plans are also being scoped to seek additional training for staff to support professional and personal growth and development. The existing management structure will also need to grow to support the increase in team sizes providing more opportunities for staff to progress.

### Sustainability comments

- 4.2 As the recruitment for new Inspecting Officers and Fire Safety Advisors progresses, the LFC will no longer pay the MRS as these ongoing costs will be covered through government grant funding. The NFCC has confirmed that for reimbursement through grant funding (for which a maximum charge has been set); and for charging on a 'bill back of hours' basis, they have included a 10% 'allowance' to account for salary uplifts for technical staff.
- 4.3 The impact of MRS will be reviewed annually to assess the financial situation ensuring the MRS remains feasible. Consideration would be given to adjusting budgets, exploring new funding sources – including revenue generation and grant funding. Cost saving through efficiency improvements where they can be made would also be considered.
- 4.4 The department would also seek to develop a comprehensive long term plan that outlines steps needed to gradually increase the department budget over time. This plan would consider both short and long term financial goals.

### Procurement comments

- 4.5 None

## Communications comments

4.6 None

## 5. Financial comments

- 5.1 The LFC is seeking to agree a market rate supplement for affected staff, for a three year period. This is at an estimated total cost of £2,550,000, which is made up from spends of £850,000 across financial years 2023/24, 2024/25 and 2025/26. These costs (MRS and Abatement) will be contained within the existing staff budget for Fire Safety based on forecast vacancy levels. Any costs identified above this will be met from the £1,341,742 Prevention and Protection reserve that has been created as part of the 2022/23 Financial Outturn report. A review will be undertaken during 2024/25 and subsequent years to ensure the spend does not exceed the reserve amount and then reported on as necessary as part of the published Quarterly Financial Position reports.

## 6. Legal comments

- 6.1 This report seeks approval to secure and pay an uplift in salary costs for the Fire Safety (Protection) unit and the relaxation of abatement rules for the purpose of staff recruitment and retention.
- 6.2 Under section 9 of the Policing and Crime Act 2017, the London Fire Commissioner (the "Commissioner") is established as a corporation sole with the Mayor appointing the occupant of that office. Under section 327D of the GLA Act 1999, as amended by the Policing and Crime Act 2017, the Mayor may issue to the Commissioner specific or general directions as to the manner in which the holder of that office is to exercise his or her functions.
- 6.3 By direction dated 1 April 2018, the Mayor set out those matters, for which the Commissioner would require the prior approval of either the Mayor or the Deputy Mayor for Fire and Resilience (the "Deputy Mayor"). Paragraph (b) of Part 2 of the direction requires the Commissioner to seek the prior approval of the Deputy Mayor before "[a] commitment to expenditure (capital or revenue) of £150,000 or above as identified in accordance with normal accounting practices...". Accordingly, the expenditure identified in this report requires prior approval.
- 6.4 Additionally, paragraph 3.1 of the direction states that, "The Deputy Mayor for Fire shall be consulted as far as practicable in the circumstances before a decision on any of the following is taken: ... Any other decision that can be reasonably considered to be novel, contentious or repercussive in nature, irrespective of the monetary value of the decision involved (which may be nil)." Accordingly the Deputy Mayor is to be consulted on the proposal in respect of the provisions of the Fire and Rescue National Framework prepared by the Secretary of State ("Framework").
- 6.5 When carrying out his functions, the Commissioner, as the fire and rescue authority for Greater London, is required to "have regard" Framework (Fire and Rescue Service Act 2004, section 21).
- 6.6 To have regard does not mean to follow slavishly, if the Commissioner wishes to depart from the Framework, he may, but he must take a conscious decision to do so, he must have a good reason for doing so and he must explain his reasoning.
- 6.7 The Framework sets out the following:

- The re-appointment of principal fire officers to the same or similar posts within the same fire and rescue authority, a short time after they have retired, has caused concern in recent years and increases costs for taxpayers. These individuals very often receive their pension benefits on retirement (such as their tax free lump sum) and then return on favourable terms, including an increase in take-home pay through avoiding paying employee pension contributions.
- Fire and rescue authorities must not re-appoint principal fire officers<sup>1</sup> after retirement to their previous, or a similar, post save for in exceptional circumstances when such a decision is necessary in the interests of public safety. Any such appointment must be transparent, justifiable and time limited.
- In the exceptional circumstance that a re-appointment is necessary in the interests of public safety, this decision should be subject to agreement by a public vote of the elected members of the fire and rescue authority, or a publicised decision by the appropriate elected representative of the fire and rescue authority, taking into account the legislative requirements of PCC FRA Chief Fire Officer appointment procedures. The reason why the re-appointment was necessary in the interests of public safety, and alternative approaches were deemed not appropriate, must be published and the principal fire officer's pension must be abated until they cease to be employed by a fire and rescue authority.
- To ensure greater fairness and the exchange of talent and ideas, all principal fire officer posts must be open to competition nationally, and fire and rescue authorities must take account of this in their workforce planning.
- While the above requirements only extend to principal fire officers, we expect fire and rescue authorities to have regard to this principle when re-appointing at any level.

6.8 When re-hiring retired staff it is a requirement of the Framework that the above issues are considered.

6.9 The Commissioner should be clear that the hiring of retired staff members and the payment of an abatement meets the requirements of the Framework. Therefore, if the Commissioner is of the view that any part of the Framework's requirement is not met then either the proposals in this report must be amended until they are compliant with the Framework or the Commissioner may decide to depart from the Framework and proceed with the recommendations as drafted if he has good reason for doing so (and that reason must be explained).

6.10 The proposals in this report set out in detail the challenges in recruiting staff and the public safety impacts occasioned by these challenges and, if the Commissioner is so minded, provide reasonable justification to depart from the provisions of the National Framework in respect of the rehiring of retired staff and the payment of sums in relation to pensions abatement.

6.11 The Brigade's Pay Policy Statement 2023/24 (PN 821) states that:

- "Unless there are exceptional circumstances, LFC's policy is to abate an employee's pension where the scheme rules provide for it, where the employee is a pensioner of the LFC and the combined remuneration from pay and pension exceeds the final pensionable salary of the employee. Between November 2017 and September 2020, the LFC did not apply abatement to re-employed fire safety inspecting officers and other suitably qualified fire safety specialist officers due to skills shortages and fire safety work volumes following the Grenfell Tower incident. Since September 2020 normal abatement provisions have been re-instated in Fire Safety, and therefore apply across all departments.

- The LFC endorses the Home Office’s policy position which is included in the Fire and Rescue National Framework (May 2018), i.e. fire and rescue authorities must not re-appoint principal fire officers after retirement to their previous, or a similar, post save for in exceptional circumstances when such a decision is necessary in the interests of public safety. Any such appointment must be transparent, justifiable and time-limited. In the exceptional circumstance that a re-appointment is necessary in the interests of public safety, this decision should be subject to agreement by a public vote of the elected members of the fire and rescue authority, or a publicised decision by the appropriate elected representative of the fire and rescue authority, taking into account the legislative requirements of PCC (Police and Crime Commissioner) FRA (Fire and Rescue Authority) Chief Fire Officer appointment procedures. The reason why the re-appointment was necessary in the interests of public safety, and alternative approaches were deemed not appropriate, must be published and the principal’s fire officer’s pension must be abated until they cease to be employed by the fire and rescue authority.”

- 6.12 If the Commissioner’s agrees the recommendations set out in this report then the provisions of the Pay Policy Statement set out above are to be interpreted as though the Commissioner’s decision on this report amends the Pay Policy Statement so it accords with the Commissioner’s decision on this report.
- 6.13 The statutory basis for the actions proposed in this report is provided by the Fire and Rescue Services Act 2004 (‘the 2004 Act’), under which the Commissioner must make provision for the purpose of fire safety (s6). In accordance with the provisions of s112 of the Local Government Act 1972 the Commissioner may also “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 ... shall hold office on such reasonable terms and conditions, including conditions as to remuneration, as the authority appointing him think fit.” Under the 2004 Act the Commissioner may also do anything that they consider incidental or indirectly incidental to his core functions (s5A)-
- 6.14 The recommendations are therefore within the LFC’s powers, and the proposal will ensure the LFC can discharge his functions both efficiently and effectively.
- 6.15 These comments have been adopted from those provided by the LFC’s General Counsel Department in report LFC-23-061 to the LFC.

## List of appendices

Appendix	Title	Open or confidential*
<b>1</b>	Pay Comparisons	Open
<b>2</b>	EIA	Open
<b>3</b>	Prevention & Protection staff data	Open
<b>4</b>	LFB Equalities Data	Open
<b>5</b>	Business case	Open

### Part two confidentiality

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

Is there a Part Two form:      No