

REQUEST FOR DEPUTY MAYOR FOR FIRE AND RESILIENCE DECISION – DMFD162

Title: 2021/22 FRS Pay Settlement

Executive summary:

This report seeks the approval of the Deputy Mayor for Fire and Resilience to authorise the London Fire Commissioner to commit additional revenue expenditure in order to implement the 2021/22 pay settlement for FRS (non-operational) staff of the London Fire Brigade which has been reached with the trade unions (GMB and UNISON).

This decision is an update to Deputy Mayor for Fire and Resilience Decision (DMFD) 123, approved on 3 September 2021. DMFD123 authorised expenditure of £675,000 for a 1.5 per cent pay increase for 2021/22 for FRS staff. Following further negotiations, a 1.5 per cent increase has been agreed for the vast majority of staff, with an increase of up to two per cent agreed for the lowest-paid FRS staff. This increases the overall expenditure requiring approval by £38,000, to a total of £713,000.

The London Fire Commissioner Governance Direction 2018 sets out a requirement for the London Fire 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...”.

Decision:

That the Deputy Mayor for Fire and Resilience authorises the London Fire Commissioner to commit revenue expenditure of up to £713,000 for implementation of the 2021/22 FRS pay settlement.

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:

9/5/22

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

Decision required – supporting report

1. Introduction and background

- 1.1. Report LFC-0695 to the London Fire Commissioner (LFC) explains that the annual settlement date for the London Fire Brigade's (LFB's) FRS (non-operational) general pay increase is 1 April; the effective date of the annual Salary Progression Increase (SPI), i.e. incremental progression through the pay band, is 1 July.
- 1.2. For 2021/22, negotiations have continued since the original claim was lodged by the trade unions in April 2021. Most recently, following a meeting with the London Fire Commissioner on 28 January 2022, a revised pay offer was accepted by trade unions as follows (based on current salary):

From 1 April 2021

- £25,794-£28,730 – a pay increase of 2 per cent
- £28,731-£28,872 – a pay increase to £29,305
- Above £28,872 – a pay increase of 1.5 per cent

From 1 July 2021

- A salary progression increase of 2.5 per cent, or to the maximum of the grade if less.
- 1.3. The pay increase for over 93 per cent of FRS staff, is 1.5 per cent; this is the same pay settlement that was reached in 2021/22 for all operational and Control staff. The higher increase of 2 per cent, for those paid up to £28,730 per annum, applies to the lowest-paid FRS staff, all in the FRS-B pay band, who are currently paid less than the minimum operational salary – the Trainee Firefighter rate. There is then a tapered increase back to 1.5 per cent for those paid between £28,731-£28,872 per annum to ensure that no member of staff who is currently paid more than a colleague is subsequently paid less than the same colleague as a result of this agreement.
 - 1.4. On 3 September 2021 the Deputy Mayor for Fire and Resilience gave approval for the London Fire Commissioner to implement a pay increase for FRS staff in 2021/22 of up to 1.5 per cent from 1 April 2021 once agreement was reached with the trade unions. This was approved in Deputy Mayor for Fire and Resilience Decision (DMFD) 123, which can be found at Appendix 1. However as noted above, the final settlement incorporates an increased offer for the lowest paid FRS staff which is above 1.5 per cent, and so Deputy Mayor authorisation is being sought for the LFC to commit revenue expenditure in order to implement the final settlement that has been reached.

2. Objectives and expected outcomes

- 2.1 The objective of the proposed decision will be to update the approval given by the Deputy Mayor in DMFD123, following the final agreement reached between LFB and trade unions on the 2021/22 pay settlement for FRS staff. The outcome will be the implementation of this agreement, with a total commitment of revenue expenditure of £713,000 on the pay increase to be incurred by LFC.

3. Equality comments

- 3.1 The Deputy Mayor for Fire and Resilience is 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 An Equality Impact Assessment was previously undertaken for report LFC-0556, which was appended to DMFD123; this considered an across-the-board pay settlement of 1.5 per cent for all FRS staff (and also all operational and Control staff). This EIA stated that there were positive impacts across all protected characteristics in the sense that a pay increase was generally accepted to be beneficial; the impact was neutral in the sense that (at the time) there was no differential impact across all protected characteristics as the proposal under consideration was for a 1.5 per cent pay increase for all LFB staff/occupational groups.
- 3.9 As a differential pay settlement has now been reached for FRS staff a further Equality Impact Assessment (EIA) has been undertaken, as set out at Appendix A to the appended report LFC-0695 . This EIA shows that amongst the lowest paid FRS staffing group who will be receiving a higher pay increase of up to two per cent, there is a disproportionate representation of women and black, Asian and other ethnic minority staff. While the agreement therefore has a positive impact in terms of pay for these groups, it remains an ongoing concern that these groups are disproportionately represented amongst the lowest paid cohort. The EIA makes reference to the gender, race and disability pay gaps which exist within the LFB. The key steps which are being taken to address these gaps include:
- Training on equality, diversity and inclusion which is now encompassed in all leadership courses being delivered and developed.
 - The development of the middle leaders' leadership programme which will encompass bespoke workshops aimed at supporting leadership development for underrepresented groups of staff, including women; black, Asian, and other ethnic minority staff; and staff with a disability.
 - The recent relaunch of the Coaching and Mentoring programme whose purpose is to improve diversity, career progression coaching, performance coaching and supporting the leadership interventions, with plans to deliver 'reverse mentoring' which has been shown to be specifically effective in improving the diversity of the organisation.
- 3.10 The overall positive impact of this differential pay award is that the lowest paid are receiving a larger pay increase, thus reducing economic inequality, which will generally be accepted as a fair outcome.

4. Other considerations

Workforce comments

- 4.1 The subject matter of this report is the 2021/22 pay settlement for the FRS workforce which has been agreed with the trade unions who collectively represent FRS staff.

Sustainability comments

- 4.2 There are no direct sustainability implications arising from the recommendations within this report.

Procurement comments

- 4.3 There are no direct procurement implications arising from the recommendations within this report.

Conflicts of interest

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

5. Financial comments

- 5.1 This report recommends that the proposed 2021/22 pay settlement is agreed for FRS staff at LFB. LFB has budgeted for a two per cent pay increase for FRS staff in 2021/22, which totals £900,000, in both its approved 2021/22 and 2022/23 Budget reports. The cost of the pay settlement reached is £713,000, compared to the £675,000 cost that would have been incurred with a 1.5 per cent increase for all staff. The agreement represents a budgetary saving of £187,000, which is lower than the previously anticipated saving of £225,000.
- 5.2 The LFB will consider the implications of this reduced saving as part of its regular financial monitoring for 2022/23 as well as the ongoing budget process for 2023/24 and future years, which will include a review of underspends and implementing new savings and efficiencies.
- 5.3 There are no direct financial implications for the GLA.

6. Legal comments

- 6.1 This report seeks approval to implement FRS pay settlement figures for 2021/2022 following consultation with trade unions.
- 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. 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 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...”. The Deputy Mayor's approval is accordingly required for the London Fire Commissioner to incur the expenditure set out in the recommendation of this report.
- 6.4 The statutory basis for the actions proposed in this report is provided by the Fire and Rescue Services Act 2004, under which the Commissioner must secure the provision of personnel. The Commissioner may also do anything that they consider incidental or indirectly incidental to his core functions. Accordingly, the recommendations fall within the Commissioners general power.
- 6.5 These comments have been adopted from those provided by the London Fire Commissioner's General Counsel Department in report LFC-0695 to the London Fire Commissioner.

Appendices and supporting papers:

1. Deputy Mayor for Fire and Resilience Decision 123 – LFB Pay Settlements 2021/22
2. Report LFC-0695 - 2021/22 FRS 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

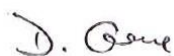
A summary of this decision was reviewed by the Corporate Investment Board on 3 May 2022

✓

EXECUTIVE DIRECTOR, RESOURCES:

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

Signature



Date

10/5/22