

## REQUEST FOR DEPUTY MAYOR FOR FIRE & RESILIENCE DECISION – DMFD66

### Title: LFB Pay settlements 2020/21

#### Executive Summary:

This report seeks approval from the Deputy Mayor for Fire and Resilience to implement pay settlements for London Fire Brigade employees with the recognised trade unions covering 2020/21, which are within the 2020/21 budgetary provision for these settlements.

The decision specifically relates to the Operational and Fire and Rescue Service (FRS) occupational groups at the London Fire Brigade, as the budgetary provision for the cost of pay increases exceeds £150,000 for these groups. It is recognised that, with operational and control staff recently being offered 2% by the National Joint Council for Local Authority Fire and Rescue Services, an equity issue would exist were FRS occupational groups, and LFC control staff who are on local terms but have followed the national control offer since 2005, to be subject to a pay freeze because of the financial pressures facing the GLA Group.

Final pay settlements have not yet been agreed; this decision would enable the LFC to reach and implement agreements without delay, provided settlements are within existing budgetary provision. If subsequently proposed pay settlements exceed the existing budgetary provision and include pay increases exceeding £150,000, further approval would be required from the Deputy Mayor before settlements can be implemented.

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:

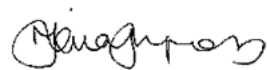
That the Deputy Mayor for Fire and Resilience authorises the London Fire Commissioner to implement pay settlements for London Fire Brigade staff in Operational and FRS occupational groups with the recognised trade unions covering 2020/21, which are within the 2020/21 budgetary provision for these settlements.

#### 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:

12 August 2020

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

### Decision required – supporting report

#### 1. Introduction and background

- 1.1 Report LFC-0341 to the London Fire Commissioner sets out the background for the request to reach and implement pay settlements with the recognised trade unions covering 2020/21, which are within the 2020/21 budgetary provision for these settlements.
- 1.2 The London Fire Brigade has four occupational groups: Operational, Fire and Rescue Service (FRS), Control and Top Management Group. For 2020/21, the London Fire Commissioner (LFC) has budgeted for 2% pay increases across all occupational groups. The total budgetary provision for this is £4,978,000 in 2020/21, broken down as follows:

Occupational group	Pay settlement date	Budgetary provision for 2% pay increase	
		Part year £	Full year £
Operational	1 July 2020	3,982,000	5,309,000
FRS	1 April 2020	900,000	900,000
Control	1 July 2020	70,000	94,000
Top Management Group	1 January 2021	26,000	105,000
<b>Total</b>		<b>4,978,000</b>	<b>6,408,000</b>

*\*Note: FRS, Control and TMG pay settlements are negotiated locally; the operational (Grey Book) pay settlement is negotiated nationally.*

- 1.3 This decision is being taken in the context that the operational and control staff groups were recently offered a 2% pay increase by the National Joint Council for Local Authority Fire and Rescue Services (NJC) and this decision has been made on the basis that to impose a pay freeze on FRS staff and LFC control staff would create an equity issue.

#### 2. Objectives and expected outcomes

- 2.1. Budgetary provision for the Operational and FRS pay increases exceeds £150,000. For this reason the LFC seeks the prior approval of the Deputy Mayor for Fire and Resilience to reach and implement pay settlements for these groups with the recognised trade unions, which are within the budgeted provision.
- 2.2. Pay settlements have not yet been agreed; this decision would enable the LFC to reach and implement agreements without delay, provided settlements are within existing budgetary provision. If subsequently proposed pay settlements exceed the existing budgetary provision and include pay increases exceeding £150,000, further approval would be required from the Deputy Mayor before settlements can be implemented.
- 2.3. The outcomes of all pay settlement negotiations will be reported to the Deputy Mayor for Fire and Resilience.

#### 3. Equality comments

- 3.1 The London Fire Commissioner and the Deputy Mayor for Fire and Resilience are required to have due regard to the Public Sector Equality Duty (s149 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:
  - (a) eliminate discrimination, harassment and victimisation and other prohibited conduct;
  - (b) advance equality of opportunity between people who share a relevant protected characteristic and persons who do not share it; and
  - (c) 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:
  - (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic where those disadvantages are connected to that characteristic;
  - (b) 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; and
  - (c) 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—
  - (a) tackle prejudice; and
  - (b) promote understanding.
- 3.8 A specific Equality Impact Assessment in relation to this decision has not been undertaken as this decision does not amend previous decisions made regarding budgetary provision for pay settlements, a provision which is 2% equally across all occupational groups. If it is subsequently proposed to reach pay settlements which are outside the budgetary provision, this would be subject to a new Equality Impact Assessment process, as such settlements would need to be separately approved through the LFC governance arrangements.

#### **4. Other considerations**

*Workforce comments*

- 4.1 All local pay settlements which are reached (FRS, Control, TMG) will be subject to negotiated agreement with the relevant recognised trade unions. The operational (Grey Book) pay settlement is negotiated nationally. As noted above, a pay offer of 2% has recently been made by the NJC to Operational and Control staff groups. LFC Control staff are outside the NJC but have followed the national offer to Control staff every year since 2005.

#### *Sustainability implications*

- 4.2 Whilst this report in and of itself does not have any direct sustainability implications, reaching and implementing pay settlements for the LFC workforce supports continued fair employment.

### **5. Financial comments**

- 5.1 This report proposes approval for the London Fire Commissioner to agree and implement pay settlements for staff where they are within the agreed budgetary provision. The report notes that based on a 2% award for all staff, there is a budgetary provision of £4,978,000 in 2020/21 for the part year impact, increasing to £6,408,000 from 2021/22. These amounts are reflected in the 2020/21 Budget Report (LFC-0324).

### **6. Legal comments**

- 6.1 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.
- 6.2 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. Paragraph (b) of Part 2 of the 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...". The Deputy Mayor's approval is accordingly required for the London Fire Commissioner to incur the expenditure set out in the recommendation to this report.
- 6.3 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 and may take any action they consider appropriate to do this.

### **Appendices and supporting papers:**

Appendix 1: Report LFC-0341

**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**

This decision was agreed by the Corporate Investment Board on 1 June 2020.

**EXECUTIVE DIRECTOR, RESOURCES:**

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

**Signature**

(pp. Martin Mitchell)

**Date**

12 August 2020