

GREATER **LONDON** AUTHORITY

REQUEST FOR DEPUTY MAYOR FOR FIRE & RESILIENCE DECISION – DMFD40

Title: London Weighting for London Fire Brigade Firefighters, Crew Managers and Watch Managers

Executive Summary:

Report LFC-0236 to the London Fire Commissioner seeks approval to incur expenditure of £9.8 million in 2019/20 to assimilate London Weighting payments into the base salaries of Firefighters, Crew Managers and Watch Managers.

The Commissioner has considered this report at her Commissioner's Board on 28 August 2019, giving in-principle approval. The Deputy Mayor for Fire and Resilience was consulted and provided their in-principle support prior to the trades unions consultation on the proposals within the report with the Fire Brigades Union. The union has now been consulted, responding in favour of the proposals.

The London Fire Commissioner Governance Direction 2018 sets out a requirement for the London Fire Commissioner to seek prior approval of the Deputy Mayor for Fire and Resilience before a commitment to expenditure (capital or revenue) of £150,000 or above as identified in accordance with normal accounting practices. The cost of the recommendations described within the report to the Commissioner will exceed £150,000.

Decision:

The Deputy Mayor for Fire and Resilience approves:

expenditure of up to £9.8 million in 2019/20, and notes the ongoing budgetary implications, for the assimilation of London Weighting payments in to the base pay of Firefighters, Crew Managers and Watch Managers as set out in report LFC-0236 to the London Fire Commissioner.

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:

24/09/19

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

Decision required – supporting report

1. Introduction and background

- 1.1. Historically, London Weighting payments have been paid as a separate allowance to all London Fire Brigade occupational groups. This was first consolidated into base pay for top managers, and subsequently, in 2011/2012, London Weighting was consolidated for Fire and Rescue Staff (non-operational staff), Control staff, and operational middle managers. This left London Weighting being paid as a separate allowance only to Firefighters, Crew Managers and Watch Managers, and this has continued to the present day. These staff are collectively represented by the London Region Fire Brigades Union (FBU).
- 1.2. The normal settlement date for London Weighting increases in recent years has been 1 July. The most recent settlement period ended on 30 June 2017. No claim for a London Weighting increase from 1 July 2017 was received from the London Region FBU until November 2018. In that month the London Region FBU lodged a claim as follows:
 - 1 July 2017 – 30 June 2018 – 4.6 per cent
 - 1 July 2018 – 30 June 2019 – 3.4 per cent
- 1.3. These figures were justified by the FBU with reference to increases in the London Living Wage. A protracted period of negotiation followed the lodging of this claim.

2. Objectives and expected outcomes

- 2.1. A key objective of Brigade-side negotiators within these talks was consolidation of London Weighting into basic pay, primarily to avoid this separate annual negotiation in future years. The FBU negotiators were initially resistant to this, but this outcome was achieved in the negotiations by the Brigade offering to meet the FBU's claim in full (which includes an arrears payment), plus the payment of a one-off lump sum of £500 to Firefighters, Crew Managers and Watch Managers currently employed by the Brigade (*pro rata* for part-time staff). As noted in the agreement, this lump sum is in recognition that consolidation of London Weighting represents a change to terms and conditions, and that payments linked to basic pay (in particular overtime) would have increased if consolidation had taken place at any time since 1 July 2017. Given the budgetary impact, this offer was discussed in advance with the Mayor's office who were agreeable.
- 2.2. The agreement negotiated is included within Appendix 1 of LFC-0236 to the Commissioner, which is appended. This has now been the subject of a ballot of all London Region FBU members which closed on 29 August 2019, with 78 per cent of those responding in favour of the proposals.
- 2.3. Under the agreement, London Weighting increases by the amount of the National Joint Council (NJC) pay award from 1 July 2019. This increase is likely to be two per cent—this amount has been offered by the national employers and the FBU Executive Council is recommending acceptance of this offer in a current national ballot of FBU members. The Brigade has budgeted for a two per cent increase in London Weighting from 1 July 2019.

3. Equality comments

- 3.1. The Public Sector Equality Duty – and the potential impacts of this decision on those with protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, gender, religion

or belief, sexual orientation) has been considered by the London Fire Commissioner and the Deputy Mayor for Fire and Resilience.

- 3.2. With regards to the staffing group covered by the Appendix 1 agreement of report LFC-0236 (firefighters, Crew Managers and Watch Managers), there are no direct equality implications, as the provisions—certainly in respect of the back-dated London Weighting increases, and consolidation—will apply equally to all these staff. The lump sum is to be paid *pro rata* to part-time staff, but this is a proportionate provision reflecting their *pro rata* hours. A similar process was followed in 2017/18 when the FRS pay award included a £300 lump sum; this was pro-rated for part-time staff.
- 3.3. When comparing the race and gender composition of Firefighters, Crew Managers and Watch Managers to the wider operational workforce, and the Brigade's total workforce, there is negligible disparity with regards to the former. There is of course a disparity when compared to the whole workforce as we know that women and Black and Minority Ethnicity (BAME) staff are under-represented within the operational workforce, and especially women. The FRS workforce, on the other hand, is 50.7 per cent female and 29.8 per cent BAME; Control staff are 77.1 per cent female and 10.5 per cent BAME (this BAME representation is lower than amongst the operational workforce). The issues here are not about the London Weighting agreement, but the wider workforce composition issues that are being addressed separately within the Commissioner's recruitment and inclusion strategies.

4. Other considerations

Financial considerations

- 4.1. LFB's budgeted provision for London Weighting increases over the two years in question is one per cent (2017/18) and two per cent (2018/19).
- 4.2. Table 1 in report LFC-0236 to the Commissioner sets out the budgetary implications of meeting the FBU's claims for 4.6 per cent and 3.4 per cent increases in London Weighting for 2017/18 and 2018/19, and payment of a lump sum of £500 to current staff.
- 4.3. The London Weighting agreement will lead to an additional budgetary pressure of £2.0 million in 2019/20, with an ongoing additional budgetary pressure of £2.4 million in 2020/21. There will be an increased cost of overtime going forward as a result of consolidating London Weighting as this will increase basic pay rates on which overtime rates are calculated. Up until now, hourly pay rates for overtime have not included London Weighting.
- 4.4. This budgetary impact has been incorporated into the London Fire Commissioner's medium-term financial forecast and will therefore need to be balanced by future savings, subject to overall future income and expenditure streams.

5. Financial comments

- 5.1. Report LFC-0236 to the London Fire Commissioner sets out the cost of the proposed London Weighting agreement for certain operational staff groups. The total cost of the proposed award in 2019/20 will be £9.8 million and will be offset by the budgeted London weighting awards for 2017 to 2020 of £1.6m in 2019/20, and a provision of £6.2m raised in 2018/19.
- 5.2. The Commissioner's Quarter 1 Financial Position report (LFC-0204) included an estimated £2.4m pressure in 2019/20 and will be revised to £2.0m based on the delayed impact of the consolidation to October 2019. The ongoing overall budget impact for 2020/21 is estimated at £4.2m and this has already been included in Medium Term Forecast included as part of the report on the Mayor's Budget Guidance (LFC- 0206).

- 5.3. The costs of the proposals will be met by funding made available to the Commissioner; no further funding from the Greater London Authority is required.

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...".
- 6.3. The Deputy Mayor's approval is accordingly required for the London Fire Commissioner to incur the expenditure set out in the recommendations to this report. As per paragraph 2.1 of this report, provisional approval for the offer set out in Appendix 1 was sought from the Mayor's office and was provided in early April 2019.
- 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 and may take any action they consider appropriate to do this.

Appendices and supporting papers:

Appendix 1: LFC-0236 – 'London Weighting'

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

If YES, for what reason:

Until what date: (a date is required if deferring)

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

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

✓

Assistant Director/Head of Service

Tom Middleton 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 23 September 2019.

EXECUTIVE DIRECTOR, RESOURCES:

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

Signature

M. D. Allen

Date 23.9.19

