



LONDON FIRE BRIGADE

Decision title

FRS on-call (standby) allowance and on-call (standby) roster groups policy

Recommendation by
Assistant Director, People Services

Decision Number
LFC-0210-D

Protective marking: **NOT PROTECTIVELY MARKED**

Publication status: Published in full

Summary

In 2018, the Brigade's auditors undertook a review of the FRS on-call roster system. Arising from this was a recommendation for the Brigade to develop a policy governing FRS on-call rosters. That policy is now proposed in report LFC-0210.

The policy was consulted on with the recognised FRS trade unions (GMB and UNISON). The outcome of the consultation is set out in the report.

Decision

The London Fire Commissioner approves the Fire and Rescue Service staff on-call allowance and on-call roster groups policy, proposed by report LFC-0210 to the Commissioner.

Dany Cotton QFSM
London Fire Commissioner

Date 19-08-19

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LONDON FIRE BRIGADE

Report title

FRS on call (standby) allowance and on call (standby) roster groups policy

Report to
Commissioner's Board

Date
31 July 2019

Report by
Assistant Director, People Services

Report number
LFC-0210

Protective marking: **NOT PROTECTIVELY MARKED**

Publication status: Published in full

Summary

In 2018 the Brigade's auditors (MoPAC) undertook a review of the FRS On Call Roster System¹. Arising from this was a recommendation for the Brigade to develop a policy governing FRS On Call Rosters. A draft policy is attached as appendix 1 to this report; this has already been considered and approved by all Directorate Boards.

Following consideration by the Directorate Boards, the policy was consulted on with the recognised FRS trade unions (GMB and UNISON). The outcome of the consultation is set out in the 'Workforce comments' section of this report. It is recommended that the final policy is now approved by Commissioner's Board prior to adoption by the LFC.

Recommended decision(s)

That Commissioner's Board:

1. Approve the attached 'FRS on call allowance and on call roster groups policy' (appendix 1), prior to adoption by the LFC.

Background

1. In 2018 the Brigade's auditors (MoPAC) undertook a review of the FRS On Call Roster System. This review was requested by People Services on the basis that there was insufficient governance in this area, in particular there were no published provisions setting out how an on call roster should be set up, governed and monitored. People Services have however been aware of the on call rosters which have been in operation, and the payments made to individuals who are members of on call roster groups, as all payments have to be authorised by People Services before Payroll implement payment.

¹ At the time, this was referred to as the FRS 'Standby' Roster System, and the associated allowances as 'Standby Allowances'. These have now been renamed as the FRS 'On Call' Roster System, and 'On Call Allowances' to distinguish them from the operational Standby Allowances which are a completely different category of payment.

2. Having conducted the review, MoPAC determined there was 'No Assurance' in place; their conclusion was that a control framework is not in place to mitigate key risks. MoPAC also concluded that 'The business area is open to abuse, significant error or loss and/or misappropriation', although there is no evidence of significant errors, loss or misappropriation to date given the checks and balances within the payment process involving both People Services and Payroll.
3. Nevertheless it is not disputed that a clear policy and governance framework is required for the FRS on call roster system. The policy at appendix 1 makes Heads of Service accountable for all on call roster groups within, and under the auspices of, their department, including the business case for the existence of on call roster groups in the first place, their regular review, and for the accuracy of all payments. The policy also sets out a clear set of rules where there is currently ambiguity, for example when staff who are members of standby roster groups are unable to perform on call duties as a result of being on sick or other leave, and what compensatory time off may be permitted when staff who are on call respond over a protracted period.

4. Extant on call roster groups exist as follows:

Corporate Services

- Communications (1 standby roster group)
- People Services (2)
- ICT (9, including the Systems Information Officer standby roster group)
- TSS (9 – 7 of which are PEG-related)

Safety & Assurance

- Strategy & Risk (1)
- Training & Professional Development (1)
- Operational Resilience/SOG (10 – for the London Local Authority Co-ordination Centre, i.e. 10 staff on call at any one time, not all from, but all funded by, Emergency Planning. N.b. These rosters operate a tiered system of FRS standby allowance to reflect differing levels of commitment when on call).

Operations

- Control and Mobilising (1)
- Fire Safety (1)

5. There have been no significant changes to the policy as a result of consideration by the Directorate Boards, other than renaming 'Standby Allowances' and 'Standby Roster Groups' as 'On Call Allowances' and 'On Call Roster Groups', see footnote on page 1 of this report. In addition, the sixth bullet point of paragraph 2.1 has been added ([Heads of Service are responsible for:] 'Determining the appropriate notice period that must be provided by staff who

wish to withdraw from an on call roster group, where this is not a requirement of their post') following comments from Community Safety.

6. Going forward, People Services will shortly be implementing an online allowances system, incorporating FRS on call allowance payments, which will provide for more efficient management of on call roster groups by Heads of Service and their nominated managers (go-live for final testing is scheduled for 1 August 2019, and the system should be available to managers before the end of August 2019). Managers will be able to request FRS on call allowances via the system rather than by email, and features of the system will include:
 - HR Services will be able to set up on call roster groups and maintain these groups within the system. Each on call roster group will be assigned to a manager.
 - Managers will only be able to select individuals that appear within their on call roster group if they want to extend, change or end an allowance.
 - Manager will be able to request the addition of a new individual, but only for the on call roster group they are responsible for.
 - All requests (new, change, extend, end) will go to the Head of Service first for approval. The Head of Service will have the ability to approve, reject or ask for more information.
 - Following Head of Service approval, HR Services will be able to process the paperwork and inform payroll.
 - All on call allowance requests will need to have an end date.
 - Managers will get reminder emails at certain intervals prior to the end date.
 - HR Services will have sight of all allowances on the system.
7. It is proposed that following the implementation of the FRS on call allowance and standby roster groups policy, all current existing roster groups are reviewed to ensure compliance with the policy.

Finance comments

8. This report presents a draft policy on FRS on call allowances and on call roster groups. The report also explains that an online allowances system will be implemented going forwards, the cost of which will be contained within existing resources.

Workforce comments

9. Following endorsement by the Directorate Boards in March/April 2019, the proposed policy was sent to GMB and UNISON for staff side consultation. No comments were received from GMB. UNISON did make some comments and asked some questions; these have been responded to, and a minor change to the policy has been made as a result (in paragraph 3.1. 'mobile phones' has been amended to 'mobile phones/pagers'). UNISON have also indicated that their preference would be to revise/withdraw the provision (para. 3.8) under which the on call allowance is withdrawn after sickness of one month's duration, on the basis that within PEG, for example, on call staff who are sick undertake additional on call duties on return from sickness to balance the rotas. However they have been advised that this default provision stands (no other stakeholders have raised this as an issue, and there is a key principle that staff should not be paid the allowance if they are not undertaking the duties for which this is paid), with Heads of Service having a certain latitude (e.g. if the period of sickness does not cover a rostered period of on call duty, and the employee has returned to work).

Legal comments

10. General Counsel has reviewed this report and notes that 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.
11. Under section 7 (2)(a) of the Fire and Rescue Services Act 2004, the Commissioner has the power to "secure the provision of personnel, services and equipment necessary to efficiently meet all normal requirements for firefighting".
12. In addition section 146A(1)(a) of the Local Government Act 1972 recognises the Commissioner as a local authority, therefore under section 112 of the said Act the Commissioner "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".

Sustainability implications

13. There are no direct sustainability implications arising from this report.

Equalities implications

14. In preparation for promulgation of the policy, a full equality impact assessment template has been drafted. This submits that there is no impact (negative, positive or neutral) on the equality groups arising from the policy provisions. The evidence submitted for this statement is:
 - The policy provisions apply to all staff who are members of on call roster groups.
 - Application of the provisions does not impact differentially on the equality groups; these only affect staff who are members of on call roster groups.
 - Under the policy, staff receive remuneration for providing an out of hours service within fair and appropriate parameters.
15. At the same time, a race/gender analysis of staff in receipt of the on call allowance has been undertaken (as at 31 May 2019, but this will not have changed significantly since this date). When compared to the current race/gender profile of the whole FRS staff group, the results are of interest, particularly in respect of race, see Table 1 below.

Table 1 – Race/gender composition of (a) Staff in roster groups in receipt of the on call allowance; and (b) Total FRS staff.

	Numbers and percentage of staff in roster groups in receipt of the on call allowance	Total FRS staff (numbers and percentage)
BAME	13 (10.9%)	246 (29.7%)
White	106 (89.1%)	570 (68.8%)
Race not known	0 (0%)	13 (1.6%)
Female	42 (35.3%)	420 (50.7%)
Male	77 (64.7%)	409 (49.3%)
Total	119	829

16. It will be seen that there is a significant variance between the race profile of staff within one of the on call roster groups, and hence receiving the on call allowance, and the race profile of the FRS staffing group. A smaller variance exists in relation to the gender profile.
17. At least part of the race variance can probably be explained by differences between the race profile of the FRS staffing group, and the race profiles of the work areas where there is a preponderance of roster groups, and the grades which are more likely to be represented within the on call roster groups. It should also be noted that this is not an 'adverse' impact, as the allowance represents remuneration for duties undertaken, and these can detrimentally impact on an employee's domestic/personal life. At the same time there are also staff who welcome the opportunity to earn additional salary, and for this reason the policy makes Heads of Service responsible for 'ensuring fair and appropriate processes for nominating staff to form, and for maintaining membership of, an on call roster group' (para. 2.1, 4th bullet). To date, there is no record of any staff making representations over their lack of opportunity to be involved in an on call roster group.

List of Appendices

Appendix	Title	Protective Marking
1.	Draft FRS standby allowance and standby roster groups policy	Not Protectively Marked

Consultation

Name/role	Method consulted
Deputy Head of London Resilience	Circulation of draft DB report
Corporate Services Directorate Board	Consideration at CS DB, 19/03/2019
Operations Directorate Board	Consideration at O DB, 17/04/2019
Safety & Assurance Directorate Board	Consideration at S&A DB, 23/04/2019
GMB & UNISON	Circulation of proposed policy, June 2019.

FRS on call allowance and on call roster groups policy

New policy number:

Old instruction number: **n/a**

Issue date:

Reviewed as current:

Owner: **Assistant Director, People Services**

Responsible work team: **HR Policy Group**

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1 Introduction

1.1 London Fire Brigade operates 24 hours a day, 365 days a year. This policy details arrangements for 24/7 out-of-hours services to be provided by staffing groups, generally (but not necessarily exclusively) FRS staff, whose normal contracted hours are weekday office hours.

1.2 Definitions:

- **Out of hours service:** A specific departmental service covering all evenings/nights, weekends, public holidays, and the Christmas/New Year excused attendance period.
- **On call roster group:** A group of staff who between them provide an out-of hours service.
- **FRS on call allowance:** The allowance paid to staff who provide the out-of-hours service. This is a fixed annual amount shared proportionally between the staff who form the on call roster group. The maximum rate of the annual allowance is detailed in PN716, 'Fire and rescue staff pay rates', appendix 2 – 'Staff code allowances', see 'Rostered standby [*to be amended to 'on call'*] allowance; Annual rate (shared between officers)'.
[to be amended to 'on call'] allowance; Annual rate (shared between officers)'.
- **On call:** When a member of a roster group is on the rota to provide the out-of-hours service

1.3 On call roster groups can only be formed where there is a clear business case to provide an out-of-hours service by staff who normally work weekday office hours.

2 Formation and maintenance of on call roster groups

2.1 Heads of Service are responsible for the formation and maintenance of on call roster groups to provide out-of-hours services for which they have departmental responsibility. Heads of Service, or their nominated representative (no lower than an DAC/FRS F), are therefore responsible for:

- Determining and documenting a business case for all on call roster groups within, and under the auspices of, their department; and keeping these on call roster groups and business cases under regular review (no less frequently than annually);
- Confirming and documenting the responsibilities of, and the services to be provided by, members of a roster group when on call, and ensuring that members of an on call roster group have the skills, knowledge and equipment to effectively fulfil their on call role;
- Ensuring there is departmental budgetary provision for payment of FRS on call allowances;
- Ensuring fair and appropriate processes for nominating staff to form, and for maintaining membership of, an on call roster group;
- Determining if membership of an on call roster group can be a requirement of a specific post or posts, and if so, liaising with the People Services department to ensure this is stated in the employee's letter of appointment/contract of employment/job description;
- Determining the appropriate notice period that must be provided by staff who wish to withdraw from an on call roster group, where this is not a requirement of their post;
- Drawing up rotas to ensure comprehensive out-of-hours cover, and publicising the rota with contact details to relevant officers/teams, in particular RMC/the Officer of the Day;
- Determining whether or not an on call roster group should be a rota group on StARS;
- Notifying the HR Services team promptly of (i) the formation and membership of an on call roster group; (ii) changes to the on call roster group, so that members of the on call roster group receive the correct payments, and that staff who cease being members of the on call roster group are not overpaid; and (iii) circumstances when the FRS on call allowance should

cease to be paid due to the reasons set out in paragraph 3.8 below (absence/non-availability of at least one month's duration);

- Ensuring FRS on call allowances are paid properly and proportionally to the members of the on call roster group as determined, and authorising payment of these allowances via notification to the HR Services team. Normally all members of the on call roster group will provide an equal amount of out-of-hours cover, and will receive the same proportion of the annual FRS on call allowance;
- Ensuring appropriate action is taken where staff on call fail to respond when called/paged.

3 General conditions of on call roster groups

- 3.1 Members of on call roster groups will be provided with Brigade mobile phones/pagers and remote access, and must be available to respond when on call. Staff on call who fail to respond may be removed from an on call roster group.
- 3.2 In accordance with PN550, 'Alcohol and drugs policy', paragraphs 12.1-12.2 in conjunction with paragraph 3.1, members of a roster group when on call must remain within the Brigade's alcohol standard (no more than 30mg alcohol per 100 ml blood), and must not consume alcohol when responding.
- 3.3 Where staff who are on call respond, and the duration of response extends to one hour or more, they will be entitled to equivalent compensatory time off. This time off may be taken before reporting again for duty if practicable. In exceptional cases Heads of Service have authority to pay overtime to those in eligible overtime roles (see FRS overtime policy – PN924) for periods of on call response which are of at least one hour's duration.
- 3.4 No member of staff is eligible to be a member of more than one on call roster group at any one time.
- 3.5 An on call roster group must consist of at least two individuals. The maximum proportion of the annual FRS on call allowance that one member of staff can be paid, and the maximum amount of total out-of-hours cover that can be provided by one member of staff, is 50%.
- 3.6 TMG staff are ineligible to be paid the FRS on call allowance as TMG salary is all-inclusive of out-of-hours commitments. If a TMG staff member is a member of an on call roster group, the corresponding proportion of the FRS on call allowance is not shared by the other members of the on call roster group. For example, if an on call roster group consists of three staff, including one TMG, who all provide equivalent amounts of cover, the remaining two staff receive one-third of the annual FRS on call allowance, not one-half.
- 3.7 Similarly if a contractor, or other third party, is a member of an on call roster group, the corresponding proportion of the FRS on call allowance is also not shared by the other members of the on call roster group.
- 3.8 The FRS on call allowance will cease to be paid to a member of an on call roster group who is unable to provide the out-of-hours service for at least one month for any reason, e.g. sickness, maternity leave. Payment will normally cease after one month of absence/non-availability, but will cease immediately for periods of nil pay, e.g. career breaks.
- 3.9 Membership of an on call roster group and/or payment of the FRS on call allowance does not lead to an ongoing contractual entitlement to receive the FRS on call allowance in any circumstances, even if membership of an on call roster group may be a requirement of a specific post. There is only a contractual entitlement to receive the FRS on call allowance where a member of staff is a member of an on call roster group and providing out-of-hours cover. In all cases a

Head of Service is entitled to terminate individual membership of an on call roster group for any reason, through the provision of one month's written notice, although a longer notice period may be given. Following expiry of the notice period, payment of the FRS on call allowance will cease.

4 Administration

- 4.1 The HR Services team authorise payment of the FRS on call allowance to payroll. The HR Services team require Heads of Service, or a named roster manager (no lower than an DAC/FRS F) nominated by the Head of Service, to authorise the following promptly:
- The formation of a new on call roster group, and/or cessation of an existing on call roster group;
 - Initial membership, and any changes to the membership including cessation of membership, of all on call roster groups;
 - The proportion of the FRS on call allowance to be paid to all members of the on call roster group (normally this will be equal proportions and must total no more than 100%);
 - The review date when all payments will be reviewed and re-authorised as appropriate. The period between review dates must not be more than one year.
- 4.2 Once authorisation has been provided by the Head of Service or nominated roster manager, the HR Services team will confirm details of FRS on call allowance payments to on call roster group members in writing which will be recorded on the ePRF.
- 4.3 A record of all on call roster groups will be held centrally by HR Services. On call roster groups will be reviewed by the Head of Service/roster manager on an annual basis, to confirm that the requirements of this policy are being met.

Document history

Assessments

An equality, sustainability or health, safety and welfare impact assessment and/or a risk assessment was last completed on:

EIA		SDIA		HSWIA		RA	
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Audit trail

Listed below is a brief audit trail, detailing amendments made to this policy/procedure.

Page/para nos.	Brief description of change	Date

Subject list

You can find this policy under the following subjects.

Freedom of Information Act exemptions

This policy/procedure has been securely marked due to:

Considered by: (responsible work team)	FOIA exemption	Security marking classification