



LONDON FIRE BRIGADE

Decision title

Matters Arising from an Employment Tribunal Judgement

Recommendation by
Deputy Commissioner, Operations

Decision Number
LFC-0007-D

NOT PROTECTIVELY MARKED

Summary

The judgment of an Employment Tribunal concerning deductions from the pay of three crew manager starred (CM*) staff was received by a meeting of the London Fire and Emergency Planning Authority (LFEPA) on 24 November 2014. At its meeting on 26 March 2015 LFEPA approved the terms on which LFEPA's Head of Legal and Democratic Services was authorised to seek to settle ancillary matters arising from the case. LFEPA Resources Committee was brought up to date on progress at its meetings on 16 July 2015, 17 September 2015, 25 July 2016, 17 March 2017, and 3 November 2017.

Decision

The London Fire Commissioner enters into a further Standstill Agreement expiring on 31 July 2018, so that negotiations relating to the redeployment deductions may continue and be concluded.

Dany Cotton QFSM
London Fire Commissioner

Date 23/4/18

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LONDON FIRE BRIGADE

Report title

Matters Arising from an Employment Tribunal Judgement

Report to

London Fire Commissioner

Date

11 April 2018

Report by

Deputy Commissioner, Operations

Report Number

LFC-0007

Summary

The judgment of an Employment Tribunal concerning deductions from the pay of three crew manager starred (CM*) staff was received by a meeting of the London Fire and Emergency Planning Authority (LFEPA) on 24 November 2014. At its meeting on 26 March 2015 LFEPA approved the terms on which LFEPA's Head of Legal and Democratic Services was authorised to seek to settle ancillary matters arising from the case. LFEPA Resources Committee was brought up to date on progress at its meetings on 16 July 2015, 17 September 2015, 25 July 2016, 17 March 2017, and 3 November 2017. This report provides information on the latest position and seeks a decision on the way forward.

Recommendation

The London Fire Commissioner enters into a further Standstill Agreement expiring on 31 July 2018, so that negotiations relating to the redeployment deductions may continue and be concluded.

Background

1. This report concerns the settlement negotiations with the FBU's solicitors (Thompsons) in respect of the redeployment deductions which were made as a result of the industrial action in 2010.
2. On 18 November 2014 an Employment Tribunal (ET) decided that the Authority had unlawfully deducted wages from three CM* staff who had refused to act up to watch manager arising from the 2010 industrial action. On 15 December, 2014 LFEPA Appointments and Urgency Committee (AUC) (FEP 2372) decided, among other things, to offer to repay all deductions made in respect of the three CM* claimants and

also to offer to repay all staff affected by deductions in respect of the CM* issue made during the course of the industrial action in 2010.

3. During the settlement negotiations on the CM* issue the FBU's solicitors made a request on behalf of potential claimants for a further payment in settlement of redeployment deductions made during the 2010 industrial action. The FBU's' request was considered by LFEPA at its meeting on 26 March 2015 (FEP 2415). LFEPA's Head of Legal and Democratic Services, in consultation with the LFEPA Chair and the Chair of LFEPA Resources Committee, was authorised to have without prejudice settlement discussions with Thompsons in respect of the redeployment deductions. LFEPA Resources Committee was brought up to date on progress at its meetings on 16 July 2015, 17 September 2015, 25 July 2016, 17 March 2017, and 3 November 2017.
4. The recommendation for further progressing this matter is set out in the confidential appendix to this report.

Finance comments

5. The comments of the Director of Corporate Services are included in the confidential appendix to this report.

Workforce comments

6. Staff side (the FBU) have requested that a further Standstill Agreement is entered into, as requested by their solicitors.

Legal comments

7. The General Counsel to the Commissioner has contributed to the drafting of this report and has no further comments to make.

Sustainability implications

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

Equalities implications

9. There are no direct equalities implications arising from this report.

List of Appendices to this report:

- I. Appendix 1 (Confidential)

Consultation

Name/role	Method consulted
Jeff Lustig, General Counsel's Department Dominic Johnson, Head of HR Advice and Employee Relations	Involved in the writing of this report.