



LONDON FIRE BRIGADE

Report title

Definition of 'six months' and '12 months' sick pay

Report to

People Board
Commissioner's Board
London Fire Commissioner

Date

25 October 2021
3 November 2021

Report classification:

For Decision

The subject matter of this report deals with the following LFB strategic priorities:

The best people and the best place to work

The report delivers on this by increasing staff sick pay entitlements so they are never less than calendar month entitlements, and by minimising the risk of a dispute with the Fire Brigades Union on this issue.

Report number – LFC-0613

For Publication

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE DECISION-MAKER

I agree the recommended decision below.

Andy Roe
London Fire Commissioner

This decision was signed
Date **remotely on 18 November 2021**

Executive Summary

This report recommends that the Brigade changes its definition of 'six months' when calculating six months full sick pay from 180 days to 184 days, and changes its definition of 'six months' when calculating six months half sick pay from 180 days to 181 days (182 days in a leap year). It also recommends that the Brigade changes its definition of '12 months' when calculating 12 months full sick pay (for 'due to service' cases) from 360 days to 365 days (366 days in a leap year).

Lastly, the report recommends that analogous changes are made to sick pay provisions for those FRS and Control staff with less than five years' service whose sick pay entitlements are less than six months full sick pay and six months half pay.

Recommended decisions

That the London Fire Commissioner:

1. Agrees to change the Brigade's calculation of:
 - six months full sick pay from 180 days to 184 days;
 - six months half sick pay from 180 days to 181 days (182 days in a leap year); and
 - 12 months full sick pay (due to service cases) from 360 days to 365 days (366 days in a leap year).
2. Gives delegated authority to the Assistant Director for People Services to implement recommendation (1) above, and to reach and implement a collective agreement with the Fire Brigades Union over backdating this recommendation for operational staff.
3. Gives delegated authority to the Assistant Director for People Services to reach and implement similar collective agreements with the other recognised trades unions over backdating recommendation (1) for other occupational groups.
4. Gives delegated authority to the Assistant Director for People Services to implement analogous changes to sick pay provisions for FRS and Control staff with less than five years' service following consultation with the recognised trade unions.

1. Introduction and background

- 1.1 In recent months an issue has arisen with the Fire Brigades Union (FBU) within the Joint Committee for Firefighters (JCF) regarding how the Brigade calculates six months full sick pay and six months half sick pay, and by extension 12 months full sick pay which applies in 'due to service' sickness cases. If the Brigade does not amend its current provisions on this, there is the potential for a serious disagreement with the FBU.
- 1.2 Under the Grey Book, the national terms and conditions for operational fire and rescue service staff, the contractual sick pay entitlement (not due to service) for operational staff from the first day of employment is (not less than) six months full pay and six months half pay. For due to service sickness this is 12 months full pay and six months half pay. Within the Grey Book no further definition of 'six months' or '12 months' is provided. Sick pay paid in the 12 months prior to the commencement of sickness is netted off from this entitlement.
- 1.3 The Brigade currently manages sick pay entitlement through the StARS system. When sickness commences the system calculates the date when full sick pay ends. After 21 days continuous sickness the employee is sent a letter by HR Services, inter alia advising when full sick pay will end, assuming the employee does not return to work in the interim. This letter is generated automatically by the system. If the employee does not return to work, HR Services notify payroll when full sick pay is due to end using the date from the system.

- 1.4 Prior to the expiry of full sick pay, after around four months sickness, HR Services notify operational staff of their right to grieve against being placed on half sick pay on the due date, and most of those who do grieve receive extensions of full sick pay, see paragraph 1.21 below.
- 1.5 StARS has been set up, for all occupational groups, to calculate both the six-month period of full sick pay, and the six-month period of half pay, as 180 calendar days (and a 12 month period of full sick pay as 360 days), and nets off sick pay paid in the previous 12 months on a day-calculation basis. It is understood that this period of 180 days has been in place since StARS was introduced (2002). 180 days does not equate to six (continuous) calendar months which varies between 181 and 184 days depending on the month in which the six-month period commences. StARS however cannot, without costly and potentially complicated modifications, operate on periods of calendar months for this calculation, and this difficulty would be compounded when seeking to net off sickness in the previous 12 months if this stretched over more than one calendar month. This means that when staff receive six months continuous full sick pay, in practice they have been receiving between one and four days less than six calendar months full sick pay, unless they receive an extension of full sick pay. And where staff receive six months full sick pay and six months half sick pay, they will receive five/six days less than a full year's sick pay, again unless they receive an extension of full and/or half sick pay.
- 1.6 If the Brigade were to move to using six calendar months exactly calculated instead of 180 days (or another day-based figure), this would require a manual intervention by the HR Services team at the point any member of staff reached 21 days sickness to adjust the expiry date of full sick pay on StARS (to inform the 21 day letter), and this would take longer where there had been sickness in the previous 12 months, especially where the previous sickness straddled more than one calendar month. As well as this introducing the risk of errors, the HR Services team are not staffed to resource this additional work at the present time.
- 1.7 It should also be noted that the Staff Code includes the following provision:

Note at Section I, para. 7.7(b)
"In determining sick pay entitlement, a month shall count as 30 days for employees whose qualifying days for purposes of Statutory Sick Pay are taken as seven days a week [*this SSP condition applies to all staff*]."
- 1.8 The Staff Code forms part of the terms and conditions of Brigade staff; some sections are occupational group-specific, but there is nothing within the Code to suggest the above note does not apply to operational staff. It is however a moot point as to whether this takes precedence over a Grey Book term and condition.
- 1.9 It is assumed there is a linkage between this provision of the Staff Code and StARS usage of 180 days to calculate six months full and six months half sick pay.

The FBU position

- 1.10 Since this matter came to the attention of the FBU earlier this year they have adopted the position that the Brigade must adhere strictly to the Grey Book and that six calendar months must mean this precisely (and so if sickness commences on 13 February, for example, six months expires on 12 August). The FBU have also stated that in historical cases where the six complete calendar months full and/or half sick pay was not paid, the Brigade should pay arrears. The FBU accept no arrears would be payable where staff received sick pay extensions.

- 1.11 Brigade officers initially sought to negotiate a compromise on this with the FBU to minimise the requirement for manual intervention, and proposed that StARS is adjusted so this calculates the six months full pay period as 183 days with the six months half pay period being 182 days (to be signed off through the Brigade's governance process as necessary). As six months on average, excluding leap years, will be 182.5 days, then using a figure of 183 days would mean more staff receive at least six calendar months full pay than receive less than this amount. Brigade officers also proposed that the Brigade could pay arrears going back a reasonable period.
- 1.12 In making this offer, Brigade officers surveyed a number of other Fire & Rescue Services, in particular the metropolitan authorities, and from those who responded to the request for information they calculate six months as follows:
- 180 days: Kent, Merseyside
 - 182 days: Scotland
 - 183 days: Manchester; West Midlands; Essex; Bedfordshire; West Yorkshire.
- 1.13 However the FBU flatly rejected the proposed compromise solution of 183 days on the basis that they could not agree to any resolution which might mean any of their members received less than the Grey Book provision. In the FBU's view, if using six calendar months exactly requires manual intervention by HR Services to calculate sick pay expiry dates, then that is what needs to happen. In rejecting this compromise the FBU demanded, at the end of June 2021, that the Brigade move to six calendar months within four months, and within the same four months' pay arrears to all current and retired staff who have previously not received the full six calendar months full/half sick pay.

Recommended resolution

- 1.14 In all the circumstances it is recommended that the Brigade moves to calculating six months full sick pay as 184 days and six months half pay as 181 days (182 days in a leap year). Firstly it is felt important to avoid manual interventions when calculating sick pay expiry dates due to the workload and potential error impacts, which requires that these periods are calculated as a finite number of days. Secondly as noted above, paragraph 1.5, 184 days is the maximum continuous period of six months, and so using this figure will mean that no one is disadvantaged, unless they have a particular pattern of discontinuous sickness (e.g. six discrete 31-day months) that is so improbable that it can be discounted. Lastly the marginal additional annual cost of moving from 183 days full sick pay/182 days half sick pay to 184 days full sick pay/181 days half sick pay is calculated to be £8,103 p.a. (excluding oncosts), see paragraph 1.20 below.

FRS and Control staff

- 1.15 FRS and Control staff are entitled to six months full sick pay and six months half sick pay after completing five years continuous local government service. Prior to completing five years' service sick pay entitlements for FRS and Control staff are as follows:
- In the first year of service: one month's full pay and (after completing four months service) two months half pay.
 - In the second year of service: two months full pay and two months half pay.
 - In the third year of service: four months full pay and four months half pay.
 - In the fourth and fifth year of service: five months full pay and five months half pay.

- 1.16 As at 20/10/2021 36.5 per cent (387 out of 1059) of FRS/Control staff have less than 5 years' service for sick pay entitlement purposes.
- 1.17 Currently all sick pay entitlements for FRS and Control staff use '30 days' to calculate one month. To date this issue has not been raised collectively by the trade unions in respect of FRS and Control staff, however on grounds of equity recommendation (1) of this report should apply to all occupational groups. In addition it is recommended that the Assistant Director for People Services is given delegated authority to implement analogous changes to sick pay provisions for FRS and Control staff with less than five years' service following consultation with the recognised trade unions, i.e. these staff should receive sick pay entitlements which are never less than calendar month entitlements.

Financial impact

- 1.18 For the two-year period 1 August 2019-31 July 2021 in respect of operational staff there were (i) 127 not due to service cases with between 180-360 days sickness; (ii) 16 not due to service sickness cases with over 360 days sickness; and (iii) 13 due to service sickness cases with over 360 days sickness. If the Brigade moves to calculating 6 months full sick pay as 184 days, 6 months half sick pay as 181 days, and 12 months full sick pay (due to service) as 365 days, the additional number of days sick pay which will be paid per case per annum will be, for each of these categories, (i) [up to] 4 days (184 minus 180); (ii) [up to] 4.5 days (184 minus 180; plus 50 per cent of 181 minus 180); and (iii) [up to] 5 days (185 minus 180). Using the daily firefighter 'competent plus' rate (which is median operational salary) of £107.74, the two-yearly additional cost of sick pay for all these cases if the recommended changes had been in place would be £67,660, giving an annual additional cost of £33,830, assuming similar patterns of long-term absence going forward.
- 1.19 From an analysis of FRS and Control staff who were long-term sick over the same period (28 staff), the estimated additional annual cost of applying these changes to FRS and Control is £6,275. This gives a total annual additional cost of £40,105 (these figures exclude oncosts).
- 1.20 However if it is taken into account that officers were in any event going to recommend to Directors that the Brigade moves to 183 days full sick pay and 182 days half sick pay as being a reasonable calculation for six months full and half sick pay, the annual additional cost of moving to 184 days full sick pay and 181 days half sick pay (182 days in a leap year) will be £8,130 excluding oncosts, using these caseloads and median salary rates.
- 1.21 There will be an additional one-off cost if the above changes are backdated, however these costs will reduce on account of previous extensions of full- and half-sick pay which have been awarded. It is estimated that around 55 per cent of operational staff facing a sick pay reduction, for example, request an extension and the majority of these (over 80 per cent) receive some extension of full/half sick pay, with the minimum period generally being one month. Therefore if the annual additional cost of £33,830 of the recommended changes for operational staff in paragraph 1.18 is used, then to backdate the changes by one year for operational staff, excluding those who have received sick pay extensions, would cost 56 per cent of this figure, i.e. just under £19,000 (excluding oncosts). It is recommended that the Assistant Director of People Services is given delegated authority to reach a collective agreement with the FBU over backdating these revised provisions.
- 1.22 The estimated cost of backdating these changes by one year for FRS and Control staff will not exceed £6,275, the estimated figure for the annual cost of implementing these changes for FRS and Control, and it is recommended that delegated authority is given to the Assistant Director

for People Services to reach and implement similar collective agreements with the recognised trades unions over backdating the revised provisions for FRS and Control staff.

1.23 The above additional costs can be contained within existing salary budgets.

StARS changes

1.24 If recommendations (1) and (4) are agreed this will require a change to StARS. Any changes to StARS will need to be set out in a specification document which will then be costed by the supplier. It is estimated that the cost will be in the order of £10,000; this will be funded within existing People Services budgets. These changes will require a lead-in time due to the release schedule already agreed for the next 12 months. Dependent on the changes required to StARS for the new HR/Payroll system and the timing of that, it is likely any sickness pay changes to StARS could be added in the Spring of 2022. Transitional arrangements to implement recommendations (1) and (4) would be put in place in the meantime.

2. Objectives and expected outcomes

2.1 The objective and expected outcome is to have a sick pay regime where six months full sick pay is never less than six calendar months, and to reach agreement with the FBU over the recommendations within this report. This will assist with the strategic aim of achieving and maintaining an industrial relations partnership with the FBU.

3. Equality comments

3.1 The LFC and the Deputy Mayor for Fire and Resilience are 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 Equalities Impact Assessment (EIA) has been undertaken on the proposal to increase sick pay entitlements as recommended within this report, and this is attached at appendix 1. As the recommendation involves an improvement to all staff's terms and conditions in terms of increased sick pay where there is a period of long-term sickness greater than six/12 months (or a lesser period for FRS/Control staff with less than five years' service), the impact is assessed as positive across all protected characteristics.
- 3.9 The impact has been assessed more specifically in relation to disability, race and sex by analysing the cohorts of 156 operational staff and 28 FRS/Control staff referred to at paragraphs 1.18 and 1.19 above who would have benefited from the additional sick pay provisions for the two-year period 01/08/2019-31/07/2021. The EIA has found that a slightly higher percentage of the operational cohort (9.6 per cent) were women compared to the percentage amongst operational staff as a whole as at 30/09/2021 (9.1 per cent), and a slightly higher percentage of the FRS/Control cohort (64.3 per cent) were women compared to the percentage amongst FRS/Control staff as a whole as at 30/09/2021 (53.7 per cent).
- 3.10 The EIA has found that a slightly higher percentage of the operational cohort (17.9 per cent) were Black, Asian or from other ethnic minorities compared to the percentage amongst operational staff as a whole as at 30/09/2021 (14.5 per cent). The EIA has however found that a significantly higher percentage of the FRS/Control cohort (46.4 per cent) were Black, Asian or from other ethnic minorities compared to the percentage amongst FRS/Control staff as a whole as at 30/09/2021 (27.6 per cent).
- 3.11 The EIA has however found the most significant impact in relation to disability. A significantly higher percentage of the operational cohort had a disability (12.2 per cent) compared to the percentage amongst operational staff as a whole as at 30/09/2021 (6.4 per cent). In addition a significantly higher percentage of the FRS/Control cohort had a disability (39.3 per cent) compared to the percentage amongst FRS/Control staff as a whole as at 30/09/2021 (12.9 per cent). This indicates that staff with a disability on average have more periods of long-term sickness than staff who do not have a disability, which is not surprising since some disabilities impact on staff attendance at work. From this perspective the additional number of days sick pay recommended in this report will disproportionately benefit staff who have a disability, which is a positive outcome.

4. Other Considerations

Workforce comments

- 4.1 This recommendations within this report will impact positively on those members of the workforce who are off sick for at least six months (or a lesser period for FRS/Control staff with less than five years' service), and 12 months where the sickness is due to service, through the granting of additional days full and half sick pay. As noted in the report, this is an issue which is currently under discussion with the FBU within the Joint Committee for Firefighters. The FBU were notified on 01/10/2021 that the recommendations within this report were being put through the Brigade's governance process but to date no comments on this have been received from the FBU.

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.

5. Financial comments

- 5.1 This report recommends that the Brigade's calculation of sick pay is revised. This will result in an increased cost for operational staff estimated at £33,830 annually and for FRS/Control staff of £6,275 annually. If these provisions are backdated via collective agreements there would also be a one-off element of back pay estimated at no more than £25,275 in 2021/22 if the backdating period was 12 months.
- 5.2 These costs would be contained within the salary budgets for the affected positions going forwards, with the back dated element expected to be contained within the overall staff budget.

6. Legal comments

- 6.1 Section 9 of the Policing and Crime Act 2017 provides that the London Fire Commissioner (the "Commissioner") is established as a corporation sole with the Mayor appointing the occupant of that office. Under section 1 of the Fire Rescue Services Act 2004, the Commissioner is also the fire and rescue authority for Greater London.
- 6.2 The London Fire Commissioner's core functions are set out between sections 6 to 9 of the Fire and Rescue Services Act 2004 (2004 Act) which states the Commissioner has the power to secure the provision of personnel, services and equipment necessary to efficiently meet all normal requirements for those functions and also secure the provision of training for personnel. Furthermore, in accordance with Section 5A of the 2004 Act, the Commissioner, being a 'relevant authority,' may do 'anything it considers appropriate for the purposes of the carrying-out of any of its functions...'.
- 6.3 The Brigade has been using the Staff Code definition of a 'month', namely 30 days since at least 2002 when StARS was implemented. This definition could therefore be considered as accepted by way of custom and practice. However, for the custom or practice to amount to an implied

term of the employment contract, it must be reasonable, certain and notorious followed because there is a sense of legal obligation to do so.

- 6.4 Sections 13 to 27 of the Employment Rights Act 1996 (ERA 1996) set out the provisions that protect workers from unauthorised deductions (commonly known as "unlawful deductions") being made from their wages. It is unlawful for an employer to make a deduction from a worker's wages unless:
- The deduction is required or authorised by statute or a provision in the worker's contract; or
 - The worker has given their prior written consent to the deduction.
- 6.5 For the purposes of an unlawful deduction of wages claim, wages are defined by section 27 of the ERA 1996 as "any sums payable to the worker in connection with his employment" and will include a payment in respect of contractual sick pay.
- 6.6 Subject to the rules on ACAS early conciliation a claim for an unlawful deduction of wages must be brought within three months beginning with the date of payment of the wages from which the deduction was made, unless the claim is brought in relation to a series of deductions and there has not been a break in the series of more than three months. Since 1 July 2015 there has been a two-year "backstop" limiting the amounts that can be recovered in most unlawful deductions' cases within Great Britain. The time limits for lodging an unlawful deduction of wages claim will need to be considered when negotiating any collective agreement for back-payments of contractual sick pay.

List of Appendices

Appendix	Title	Open or confidential
1.	Equalities Impact Assessment	Open

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

Appendix 1

Equality Impact Assessment (EIA) Form

The **purpose** of an EIA is to give **as much information as possible** about potential equality impacts, to demonstrate we meet our **legal duties** under the Equality Act 2010.

Please read the EIA Guidance [on Hotwire](#) before completing this form.

1. What is the name of the policy, project, decision or activity?

A report to People Board/Commissioner's Board/LFC, October-November 2021, "Definition of '6 months' and '12 months' sick pay", with recommendations for change.

Overall Equality Impact of this policy, project, decision or activity (*see instructions at end of EIA to complete*):

High		Medium		Low	✓
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2. Contact details

Name of EIA author	Dominic Johnson
Department and Team	People Services; HR Advice & Employee Relations
Date of EIA	20/10/2021

3. Aim and Purpose

What is the aim and purpose of the policy, project, decision or activity?	Changing the Brigade's calculation of: <ul style="list-style-type: none">• six months full sick pay from 180 days to 184 days;• six months half sick pay from 180 days to 181 days (182 days in a leap year); and• 12 months full sick pay (due to service cases) from 360 days to 365 days (366 days in a leap year). And making analogous changes for FRS/Control staff with less than 5 years service whose sick pay entitlement is less than 6 months full pay and 6 months half pay.
Who is affected by this work (all staff, specific department, wider communities?)	Potentially all staff (this is a change to all staff's terms and conditions), but specifically those who are off sick for at least 6 and 12 months (or for a lesser period in the case of FRS/Control staff with less than 5 years service).

4. Equality considerations: the EIA must be based on evidence and information.

What consultation has taken place to support you to predict the equality impacts of this work?	This issue has been consulted on with the Fire Brigades Union, and this EIA has been prepared in consultation with the LFB Inclusion team.
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5. Assessing Equality Impacts

Use this section to record the impact this policy, project, decision or activity might have on people who have characteristics which are protected by the Equality Act.

Protected Characteristic	Impact: positive, neutral or adverse	Reason for the impact	What information have you used to come to this conclusion?
<i>Example: Age</i>	<i>Adverse</i>	<i>Moving this service online will adversely affect older people, who are least likely to have access to a computer or smart phone and may not be able to use the new service.</i>	<i>GLA Datastore: X% of the London community are aged 70 or over. GLA data shows that only 10% of those over the age of 70 have regular access to a computer or smart phone.</i>
Age (younger, older or particular age group)	Positive	There is a positive impact for all staff as this change in terms and conditions awards additional days sick pay (up to 5/6 days) where staff are off sick for a period of at least 6 or 12 months (or a lesser period for FRS/Control staff with less than 5 years service). It is understood that only those who are off sick for this length of time will avail themselves of these improved conditions.	No staffing data in relation to this protected characteristic is included. There is a dataset of 156 operational staff and 28 FRS/Control staff who would have benefited from these provisions for the two year period 01/08/2019-31/07/2021; this has not been analysed by age.
Disability (physical, sensory, mental health, learning disability, long term illness, hidden)	Positive	As above, there is a positive impact for all staff as this change in terms and conditions awards additional days sick pay (up to 5/6 days) where staff are off sick for a period of at least 6 or 12 months (or a lesser period for FRS/Control staff with less than 5 years service).	As at 30/09/2021, the percentage of operational staff who have a disability, as self-declared, is 6.4% (296 out of 4657). Amongst the dataset of 156 operational staff who would have benefited from these provisions for the



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		<p>This will particularly benefit those who have a long period of disability-related sickness, and from the dataset of 156 operational staff who would have benefited from these provisions for the two year period 01/08/2019-31/07/2021, a significantly higher percentage had a disability compared to operational staff as a whole (as at 30/09/2021).</p> <p>Similarly, from the dataset of 28 FRS/Control staff who would have benefited from these provisions for the two year period 01/08/2019-31/07/2021, a significantly higher percentage had a disability compared to FRS/Control staff as a whole (as at 30/09/2021).</p>	<p>two year period 01/08/2019-31/07/2021, 12.2% have a disability (19 out of 156).</p> <p>As at 30/09/2021, the percentage of FRS/Control staff who have a disability, as self-declared, is 12.9% (137 out of 1059).</p> <p>Amongst the dataset of 28 FRS/Control staff who would have benefited from these provisions for the two year period 01/08/2019-31/07/2021, 39.3% have a disability (11 out of 28).</p>
Gender reassignment (someone proposing to/undergoing/ undergone a transition from one gender to another)	Positive	As above, there is a positive impact for all staff as this change in terms and conditions awards additional days sick pay (up to 5/6 days) where staff are off sick for a period of at least 6 or 12 months (or a lesser period for FRS/Control staff with less than 5 years service).	No staffing data in relation to this protected characteristic is included.
Marriage / Civil Partnership (married as well as same-sex couples)	Positive	As above, there is a positive impact for all staff as this change in terms and conditions awards additional days sick pay (up to 5/6 days) where staff are off sick for a period of at least 6 or 12 months (or a lesser period for FRS/Control staff with less than 5 years service).	No staffing data in relation to this protected characteristic is included.
Pregnancy and Maternity	Positive	As above, there is a positive impact for all staff as this change in terms and conditions awards additional days sick pay (up to 5/6 days) where staff are off sick for a period of at least 6 or 12 months (or a lesser period for FRS/Control staff with less than 5 years service).	No staffing data in relation to this protected characteristic is included.
Race (including nationality, colour, national and/or ethnic origins)	Positive	As above, there is a positive impact for all staff as this change in terms and conditions awards additional days sick pay (up to 5/6 days) where staff are off sick for a	The ethnicity profile of all operational staff as at 30/09/2021, and that of the dataset of 156 operational staff who would have benefited from

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LONDON FIRE BRIGADE

<p>Religion or Belief (people of any religion, or no religion, or people who follow a particular belief) (not political)</p>	<p>Positive</p>	<p>As above, there is a positive impact for all staff as this change in terms and conditions awards additional days sick pay (up to 5/6 days) where staff are off sick for a period of at least 6 or 12 months (or a lesser period for FRS/Control staff with less than 5 years service).</p>	<p>No staffing data in relation to this protected characteristic is included.</p>																		
<p>Sex (men and women)</p>	<p>Positive</p>	<p>As above, there is a positive impact for all staff as this change in terms and conditions awards additional days sick pay (up to 5/6 days) where staff are off sick for a period of at least 6 or 12 months (or a lesser period for FRS/Control staff with less than 5 years service).</p> <p>From the dataset of 156 operational staff who would have benefited from these provisions for the two year period 01/08/2019-31/07/2021, a slightly higher percentage were women compared to the percentage amongst operational staff as a whole (as at 30/09/2021).</p> <p>From the dataset of 28 FRS/Control staff who would have benefited from these provisions for the two year period 01/08/2019-31/07/2021, a slightly higher percentage were women compared to the percentage amongst FRS/Control staff as a whole (as at 30/09/2021).</p>	<p>The gender profile of all operational staff as at 30/09/2021, and that of the dataset of 156 operational staff who would have benefited from these provisions for the two year period 01/08/2019-31/07/2021, is as follows:</p> <table border="1" data-bbox="1496 611 2085 858"> <thead> <tr> <th>Gender</th> <th>All operational staff (30/09/2021)</th> <th>Dataset of 156 operational staff as described above</th> </tr> </thead> <tbody> <tr> <td>Women</td> <td>9.1% (424)</td> <td>9.6% (15)</td> </tr> <tr> <td>Men</td> <td>90.9% (4233)</td> <td>90.4% (141)</td> </tr> </tbody> </table> <p>The gender profile of all FRS/Control staff as at 30/09/2021, and that of the dataset of 28 FRS/Control staff who would have benefited from these provisions for the two year period 01/08/2019-31/07/2021, is as follows:</p> <table border="1" data-bbox="1496 1094 2085 1343"> <thead> <tr> <th>Gender</th> <th>All FRS/Control staff (30/09/2021)</th> <th>Dataset of 28 FRS/Control staff as described above</th> </tr> </thead> <tbody> <tr> <td>Women</td> <td>53.7% (569)</td> <td>64.3% (18)</td> </tr> <tr> <td>Men</td> <td>46.3% (490)</td> <td>35.7% (10)</td> </tr> </tbody> </table>	Gender	All operational staff (30/09/2021)	Dataset of 156 operational staff as described above	Women	9.1% (424)	9.6% (15)	Men	90.9% (4233)	90.4% (141)	Gender	All FRS/Control staff (30/09/2021)	Dataset of 28 FRS/Control staff as described above	Women	53.7% (569)	64.3% (18)	Men	46.3% (490)	35.7% (10)
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LONDON FIRE BRIGADE

Sexual Orientation (straight, bi, gay and lesbian people)	Positive	As above, there is a positive impact for all staff as this change in terms and conditions awards additional days sick pay (up to 5/6 days) where staff are off sick for a period of at least 6 or 12 months (or a lesser period for FRS/Control staff with less than 5 years service).	No staffing data in relation to this protected characteristic is included.
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6. Impacts outside the Equality Act 2010

What other groups might be affected by this policy, project, decision or activity?

Consider the impact on: carers, non-binary people, people with learning difficulties, neurodiverse people, people with dyslexia, autism, care leavers, ex-offenders, people living in areas of disadvantage, homeless people, people on low income / in poverty.

The specific group of staff that this will benefit are those with long-term health conditions that cause them to be off sick for at least 6 or 12 months (or a lesser period for FRS/Control staff with less than 5 years service).

7. Legal duties under the Public Sector Equality Duty (s149 Equality Act 2010)

How does this work help LFB to:

Eliminate discrimination?	The proposal is to improve all staff's terms and conditions through additional sick pay (up to 5/6 days) when sickness exceeds 180 days (360 days for due to service cases), and analogous increases in sick pay for FRS/Control staff with less than 5 years service. There is therefore no discriminatory impact in relation to specific groups of staff. From the data analysed, those who are disabled are most likely to benefit from these provisions as they were disproportionately represented amongst both the cohort of 156 operational staff who would have benefited from these provisions for the two year period 01/08/2019-31/07/2021, and also the cohort of 28 FRS/Control staff who would have benefited from these provisions for the two year period 01/08/2019-31/07/2021. There was also a disproportionate representation of Black, Asian and ethnic minority staff within the cohort of 28 FRS/Control staff; this was less pronounced within the cohort of 156 operational staff.
Advance equality of opportunity between different groups?	See above. As the proposed improvement to sick pay terms and conditions is to apply across all staff, this is likely to be seen as fair across all staff groups.
Foster good relations between different groups?	See above.

8. Mitigating and justifying impacts		
Where an adverse impact has been identified, what steps are being taken to mitigate it? If you're unable to mitigate it, is it justified ?		
Characteristic with potential adverse impact (e.g. age, disability)	Action being taken to mitigate or justify	Lead person responsible for action
N/a		

Now complete the RAG rating at the top of page 1:

High: as a result of this EIA there is evidence of significant adverse impact. This activity should be stopped until further work is done to mitigate the impact.

Medium: as a result of this EIA there is potential adverse impact against one or more groups. The risk of impact may be removed or reduced by implementing the actions identified in box 8 above.

Low: as a result of this EIA there are no adverse impacts predicted. No further actions are recommended at this stage.