

Deputy Assistant Commissioner Competent Salary Band Review

Report to:

Commissioner's Board

Date:

08 March 2023

Report by:

Andrew Cross – Senior Organisational Effectiveness Manager – People Services

Report classification:

For decision

For publication

I agree the recommended decision below.



Andy Roe
London Fire Commissioner

Date This decision was remotely
signed on 17 March 2023

PART ONE

Non-confidential facts and advice to the decision-maker

Executive Summary

This report seeks agreement for the London Fire Commissioner to agree to commit the expenditure as set out in the report to implement the Director for People's delegated authority decision to appoint Deputy Assistant Commissioners on an increased competent salary band within the salary range.

Recommended decisions

For the London Fire Commissioner

The London Fire Commissioner to:

(i) commit the revenue expenditure for the implementation of the increased Deputy Assistant Commissioners competent salary band within the salary range as determined by the Director for People's delegated authority.

1 Introduction and background

1.1 The Deputy Assistant Commissioner (DAC) 2022 salary band range (appendix one – table one) is:

- DAC Minimum £82,060
- DAC Competent £84,410
- DAC Maximum £101,196

This means the pay differential between DAC minimum and DAC Competent is 2.9 per cent.

1.2 The pay differential between the other ranks that have development/minimum and competent rates is:

- Assistant Commissioner (AC) 9.3 per cent
- Group Commander (GC) 9.7 per cent
- Station Commander (SC) 9 per cent
- Firefighter (Ff) 28.3 per cent.

1.3 The AC pay differential fits approximately in between the GC and SC pay differentials and the Firefighters pay differential is significantly higher because they are the lowest paid operational staff, so this is exceptional. The DACs pay differential is the lowest of all differentials

1.4 The TMG minimum and maximum salary bands were agreed in the committee report FEP 2591 effective from 1 April 2016 as part of the TMG pay agreement and have increased in line with the local pay negotiation increases and within the median target ranges.

1.5 The Director for People has the delegated authority to agree to appoint staff on a salary within

the minimum to maximum salary range.

- 1.6 The trade union, Prospect, that represents TMG staff including DACs, have been in discussion with the Brigade throughout 2022 regarding reviewing the DAC pay scales because they consider the differential to be unreasonably lower than other ranks which impacts the attraction for GCs to apply for promotion, reduces the ability to retain existing DAC postholders who leave for senior positions in other Brigade's as well as a detrimental impact on morale of those in post.

2 DACs Competent salary band

- 2.1 The pay differential between DAC minimum and competent salary bands is lower than other salary bands and is 6.4 per cent lower than its closest relevant TMG equivalent of the ACs salary band.
- 2.2 The Brigade acknowledges the impact that this is having on recruitment, retention and the current DACs morale as well as considering the challenges that the current cost of living is impacting all staff. There are 17 DAC posts and during the 2022 year there were seven DAC leavers equating to a turnover rate of 41 per cent.
- 2.3 Therefore, it is recommended that the Brigade addresses this pay differential by applying the ACs pay differential, which is the closest TMG equivalent and is consistent with fitting in between the SCs and GCs. This means increasing the pay differential from 2.9% to 9.3% which applies the following increase at the DACs competent salary band:

- DAC competent salary £84,410
- Proposed DAC competent salary £89,692

This is a salary band increase of £5,282 and a total employer cost increase of £7,572 to each of the 17 DAC posts in the agreed establishment. This will be included in future budget forecast submissions.

The recommendation is an increase with effect from 1 April 2022 and excludes leavers which will immediately affect 10 DACs by moving them to the proposed salary band. This will also impact two ACs because they were competent DACs prior to their promotion after 1 April 2022 year.

- 2.4 The total backdated cost including employer contributions is £57,144 which will be funded from the Budget Flexibility Reserve in 2022/23. The LFC's 2023/24 Budget Submission includes the budget for this future costing.
- 2.5 The trade union, Prospect, for TMG staff have submitted the 1 April 2022 pay claim and this aspect of DACs pay can be considered when factored into these negotiations.
- 2.6 The tender for consultants to bid to undertake the TMG pay review is currently live and a timeline for completion of the review is expected to be finalised by the end of March 2023.

3 Objectives and expected outcomes

- 3.1 The objective of the recommendation within this report and therefore the expected outcome is to i) approve the revenue expenditure to the increased DACs competent salary band. This in turn will improve the DACs primary terms and conditions anticipating a positive impact on recruitment and retention.

4 Equality comments

- 4.1** 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.
- 4.2** 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.
- 4.3** 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.
- 4.4** 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.
- 4.5** 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.
- 4.6** 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.
- 4.7** 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.
- 4.8** The salary band increase will be immediately applied to the existing 10 staff, including those with protected characteristics so they will not be disadvantaged nor treated less favourable. It will be applied to future DACs when they achieve competency in role. There is an anticipated positive impact for all DAC staff in that the alignment of the pay differential for this year ensures that this group of staff are not indirectly disadvantaged by having a lower competent pay differential. Inclusion are being consulted with regards to the Equalities Impact Assessment.

5 Other considerations

Workforce comments

5.1 It is anticipated that there will be a positive impact on the DAC workforce because a salary band increase is generally accepted to be beneficial and will positively impact promotion, retention and morale. The proposals have been discussed with the trade union Prospect who welcome and support such recommendations.

Sustainability comments

5.2 There are no direct sustainability implications arising from the recommendations within this report.

Procurement comments

5.3 There are no direct procurement implications arising from the recommendations within this report.

Communications comments

5.4 A communications message will be sent to the DAC staff notifying them directly of the salary band increases. The TMG pay scales guidance will be updated and uploaded onto Hotwire for all staff to view. In addition, the new Pay 2022/23 Hotwire page will be updated with the settlement details.

6 Financial comments

6.1 The report recommends that the DACs competent salary band increases with effect from 1 April 2022.

6.2 The total revenue cost is £57,144 and which will be funded from the Budget Flexibility Reserve in 2022/23. The Budget Flexibility Reserve has a forecast balance of £17,723,856 which includes the impact of this band increase.

6.3 The LFC's 2023/24 Budget Submission includes the budget for this future costing.

7 Legal comments

7.1 This report seeks approval to implement the revised DAC salary bands, following agreement reached with representative bodies.

7.2 The statutory basis for the actions proposed in this report is provided by the Fire and Rescue Services Act 2004 ('the Act'), under which the Commissioner must secure the provision of personnel.

7.3 Under section 5A Fire and Rescue Services Act 2004 (FRSA 2004), the London Fire Commissioner, being a 'relevant authority', may do 'anything it considers appropriate for the purposes of the carrying out of any of its functions'.

7.4 Accordingly, the recommendations in this report are within the London Fire Commissioners (LFC) general powers.

List of appendices

| Appendix | Title | Open or confidential* |
|----------|-----------------------|-----------------------|
| 1 | DAC salary bands 2022 | Open |

Part two confidentiality

Only the facts or advice considered to be exempt from disclosure under the FOI Act should be in the separate Part Two form, together with the legal rationale for non-publication.

Is there a Part Two form: NO

Table 1: TMG 2022 Salary scales

| TOP MANAGEMENT GROUP | | |
|---|---------------------------------------|----------------|
| Job Title/Band | Salary bands (£) at 01.01.2022 | |
| | Minimum | Maximum |
| Directors | 144,416 | 174,476 |
| Assistant Commissioner (Competent) | 121,191 128,193 | 141,151 |
| Deputy Assistant Commissioner (Competent) | 82,060 84,410 | 101,196 |
| TMG Tier A | 87,948 | 121,301 |
| TMG Tier B | 82,060 | 101,196 |
| TMG Tier C | 72,747 | 91,205 |