

Maternity Pay Proposal

Report to:

Date:

Investment & Finance Board.....	24 April 2023
Commissioner's Board	26 April 2023 and discussed further following the Deputy Mayor's Fire and Resilience Board.
Deputy Mayor's Fire and Resilience Board.....	23 May 2023
London Fire Commissioner	

Report by:

Joe Drohan, HR People Partner

Report classification:

For decision

For publication

I agree the recommended decision below.



Andy Roe

London Fire Commissioner

Date This decision was remotely signed on 03 October 2023

PART ONE

Non-confidential facts and advice to the decision-maker

Executive Summary

This report proposes to increase the period of paid maternity and adoption leave to which staff are entitled to support women in the London Fire Brigade's (LFB) workforce and to aid recruitment and retention by making the London Fire Commissioner (LFC) the employer of choice. It sets out the options that have been considered and explains that the preferred option is to increase the period of paid maternity and adoption leave to which staff are entitled, from 15 weeks full pay and 24 weeks half pay to 39 weeks full pay and 13 weeks half pay. The report summarises the maternity leave provision of other comparable organisations, including other fire and rescue services and the GLA. Although the preferred option is more generous than some other organisations including the GLA, the LFC seeks to support LFB's women employees, noting that the role of firefighters is very physically demanding and has an impact on pregnancy and childbirth. Research has shown that, in addition to higher risk of miscarriage, female firefighters experience more preterm births than the general population. Hence, the longer paid maternity period will ensure that women returning from maternity leave are at the necessary fitness level to resume their duties.

For the London Fire Commissioner

1. That the London Fire Commissioner agrees that a one-off expenditure of £432,725, and £841,507 in 2023/24 and £1,470,606 per annum from 2024/25 may be allocated for the purpose of increasing the maternity and adoption pay provision and providing backfill, the increase in paid maternity and adoption leave to 39 weeks at full pay and 13 weeks at half pay, and commit expenditure as follows:
 - of up to £432,725 as a one-off cost in 2023/24 from revenue to pay backpay to those staff already on maternity or adoption leave when the policy comes into effect.
 - of up to £448,779 in 2023/24 and £685,150 annually thereafter from revenue for the purpose of increasing the maternity and adoption pay provision.
 - of up to £392,728 in 2023/24 and £785,456 annually thereafter from revenue for the purpose of providing backfill for posts that needed covering during maternity and adoption leave.
2. That the London Fire Commissioner agrees the implementation of minimum service requirements for eligibility for enhanced maternity and adoption pay, as well as pay-back mechanisms for staff who do not return to work.
3. That the London Fire Commissioner grants delegated authority for the Interim Assistant Director People Services to amend PN 555a and PN 555b to reflect the changes in recommendations 1 and 2, following consultation.

1 Introduction and background

1.1 The current maternity and adoption pay provision has been in place since 2007, and in that time,

it has fallen behind the provision offered by some other fire and rescue services. The role of operational firefighters is physically very demanding, and it is important for women to return to necessary fitness before they can resume operational roles after pregnancy and childbirth. Furthermore, retention of women returning from maternity leave is currently lower than average for women in LFB. For those reasons, which are set out in more detail below, the London Fire Commissioner proposes to increase maternity and adoption pay from 15 weeks on full pay and 24 weeks on half pay, to 39 weeks on full pay and 13 weeks on half pay for all staff groups (operational, Control and non-operational staff).

- 1.2 The current number of female firefighters in LFB is 473, with 563 in other roles (as of the end of 2022-23). All female staff would be eligible for the new maternity pay arrangements proposed in this report. Therefore, while it is set out that the physical demands of the role justify an increase in maternity leave entitlement for firefighters, the majority of potential beneficiaries are in less physical roles. However, LFC has determined that it is important to treat all female staff equally in relation to maternity pay. There are also other reasons to increase maternity pay that do apply to all staff, as set out further below.

Physical impact of pregnancy and childbirth on female firefighters

- 1.3 The role of firefighters is very physically demanding, and pregnancy and childbirth have a physical impact on a woman's body. The longer a woman is able to remain on maternity leave, the more time this gives her body to recover from the physical impacts of pregnancy and childbirth. Based upon past trends, the LFB Wellbeing Team estimate that it can take between four to six months for a woman to return to a full level of physical activity after childbirth, though no formal data is collected to measure this. This can be longer if there have been any medical complications and/or a caesarean section, tear or assisted delivery. Any extended period of absence due to medical reasons beyond the maternity leave period is already covered by LFB's health and wellbeing policy and sick pay arrangements, which provide full pay for firefighters for 6-12 months, depending on the reasons for sickness absence. During pregnancy, particularly during the later stages, many women experience limitations in maintaining fitness, and so in addition to the time it takes for the body to recover from the birthing experience, time is also needed to regain the level of fitness required for operational roles. Enabling women to stay off for longer by providing a longer period of paid maternity provision, and providing support (e.g. tailored fitness plans) to get them back to the necessary fitness level should reduce the amount of time women spend off the run or on light duties, on their return. Currently, there is no compulsion for women to undertake any form of work-related activity whilst on maternity leave.
- 1.4 LFB's existing maternity policy for operational staff states that maternity provisions (pay and leave) will be applied if the baby dies or is still born after 24 weeks of pregnancy. This will continue to be the case. The policy also states that "sympathetic consideration will be given as to what action is necessary by way of granting a period of paid leave or sickness absence."
- 1.5 The Independent Culture Review led by Nazir Afzal published in November 2022 found evidence to support the finding that LFB is institutionally misogynist. As well as reporting feelings of bullying and harassment, this also included a common theme of female staff not feeling listened to. The review made various recommendations in relation to improved wellbeing of staff, including:
 - Recommendation 19: Review the triggers that are needed to generate interventions to support wellbeing.
 - Recommendation 16: Gather better information on employee red flags that signal the need for early intervention to prevent deteriorating mental health.
- 1.6 The key outcomes envisioned in the review from these recommendations were to ensure LFB spots red flags early, understands and systemically reaches out to staff who could be at particular risk. The proposed changes to our maternity policy will support the delivery of these recommendations and outcomes.

- 1.7** The heightened risk to female staff working in the fire service throughout pregnancy and postnatally has been highlighted to the Commissioner by LFB staff through LFB's equality support group. The Fire Brigades Union (FBU) has also highlighted the increased risk to female staff during this period and has called publicly for a longer period of paid maternity leave than is being proposed in London¹.
- 1.8** While there is a limited research base for understanding this issue, there is existing research that indicates harmful occupational impacts for women working in the fire service. In a report produced by researchers from Brighton University and published by the FBU, they cumulated various sources detailing occupational health risks for firefighters in relation to fertility and maternal health². The report highlights that, in addition to higher risk of miscarriage, female firefighters experience more preterm births than the general population. Research has also highlighted the risk of contaminants being passed on from breastfeeding mothers to their babies³. This is already acknowledged by LFB in its maternity policy which requires firefighters to be removed from operational duty until they have ceased breastfeeding. The negative impact on the mental health of female firefighters of being at work during that time has been publicly documented⁴. More generally, exposure to contaminants during pregnancy can also have impacts on the baby, including birth defects, slowed foetal growth, impeded brain development and preterm labour, all of which could impact the timescale for female firefighters returning to work⁵.
- 1.9** LFB acknowledges that the research in this area is still limited, likely due in part to the historic lack of women in the profession. While plans for more detailed research on the occupational risks unique to female firefighters are beginning to be seen⁶, it has to be recognised that the existing body of research that details the risk to women during pregnancy and postnatally in the fire service, particularly when this is being raised with LFB directly by its female staff. While it is acknowledged that further policy change may be required as the research improves in future, in line with LFB's commitments to deliver the recommendations of the culture review, it is proposed to take early action to address the foreseeable higher risk faced by this staff group to improve physical and mental health outcomes.

Recruitment and Retention

- 1.10** The number of female staff at LFB is currently 1,036 (as of the end of 2022-23), which is around 18 per cent of the workforce. Among firefighters, there are 473 female staff, representing 10 per cent of the operational workforce. Nationally⁷, as at 31 March 2022, 19 per cent of total fire and rescue service staff and 8 per cent of firefighters are female. The best-performing service in the fire and rescue sector was Gloucestershire Fire and Rescue Service, where 26 per cent of total staff and 20 per cent of firefighters are female. These figures demonstrate that there are significant improvements required in the level of female employment, both in London and nationally.
- 1.11** Improving maternity pay would increase LFC's attractiveness as an employer and strongly signal the LFC's commitment to women in the workplace. In addition, although increasing maternity pay was not considered or recommended in the Independent Culture Review, LFC has proposed to make it an important part of LFC's latest package of actions that LFC proposes to take forward

¹ <https://www.fbu.org.uk/news/2023/07/13/firefighters-need-12-month-maternity-pay-protect-mothers-and-babies-says-union>

² <https://www.fbueducation.org/wp-content/uploads/FBU-FEMALE-HIPA-Report.pdf>

³ <https://www.sciencedirect.com/science/article/abs/pii/S1526952305004484?via%3Dihub>

⁴ <https://www.independent.co.uk/news/uk/home-news/firefighter-breastfeeding-maternity-fire-services-b2372558.html>

⁵ <https://www.theguardian.com/society/2021/aug/11/female-wildfire-fighters-reproductive-health-risk>

⁶ <https://cancercenter.arizona.edu/news/2021/01/researchers-studying-stress-cancer-risk-and-reproductive-toxicity-women-firefighters>

⁷

https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fgovernment%2Fuploads%2Fsystem%2Fuploads%2Fattachment_data%2Ffile%2F111464%2Ffire-statistics-data-tables-fire1103-201022.xlsx&wdOrigin=BROWSELINK

following the Culture Review under the theme of "A workplace where everyone is afforded dignity". This was set out in the 7 June 2023 update to HMICFRS for the Fire Performance Oversight Group.

- 1.12** A further reason for proposing increased maternity provision is the retention and recruitment of female staff. The suite of key performance indicators (KPIs) agreed as part of the Community Risk Management Plan (CRMP) includes the proportion of workforce who are women, where a target of 20 per cent has been set for 2023/4, with targets reviewed and refreshed annually during the CRMP period: the improvement of maternity and adoption pay seeks to improve the recruitment and retention of female firefighters in pursuance of that target. The turnover over of female staff in 2022 was 7.24 per cent and for male staff was 8.96 per cent. In contrast to this the turnover of women who had taken maternity leave within the previous two years was 9.58 per cent. All women who left within two years of taking maternity leave took less than their full entitlement of maternity leave, noting that 15 weeks would have been on full pay and 24 weeks on half pay.
- 1.13** It should be noted that increasing maternity pay on its own is unlikely to produce positive impacts on female recruitment and retention. A review of academic and policy literature has been undertaken by GLA colleagues and shared with LFB officers to inform the development of this policy. This demonstrated that researchers have found that other policies supporting parenting, such as flexible working, are important in the recruitment and retention of female staff. These wider changes are not being introduced by the proposed decision in this report, although will be considered in the holistic review which is underway and expected to be completed in Q4 of 2023/24. LFB is introducing other measures in the wake of the Independent Culture Review and HMICFRS inspections that seek to improve the experience of female staff, such as enhanced facilities to give female firefighters more privacy at fire stations.

Options

- 1.14** A number of options to address the issue of maternity pay have been considered, which are summarised below and set out in more detail in section 2:

1. Do nothing.
2. Enhance the current provision by paying statutory maternity / adoption pay in addition to half-pay.
3. Replace the current provision of maternity / adoption pay (15 weeks full, 24 weeks half) with 39 weeks on full pay and 13 weeks on half pay.

This is the preferred option as it is considered to be the one that is most likely to deliver the objective of supporting women in the workforce and assisting in the recruitment and retention of women across LFC.

4. Replace the current provision of maternity / adoption pay (15 weeks full, 24 weeks half) with 29 weeks on full pay and 10 weeks statutory maternity / adoption pay (which is the same as the GLA's provision).

- 1.15** LFC is currently undertaking a holistic review of support for parents in the LFB, which covers maternity support leave (also known as paternity leave), shared parental leave, miscarriage and still birth, and surrogacy, as well as workplace adjustments such as flexible working options and short-term redeployment options. Activity relating to this review includes: a review of LFC pay and benefits, including those related to parenthood, by an external supplier, QCG; the review, update, simplification and collation of related policy documents into a 'Family Leave' policy; and pilot projects exploring the use of short-term secondments and flexible working practices to enable operational women to remain in the workforce and support childcare needs. It is anticipated that the QCG review will be completed by December when LFC will be able to consider the findings and the Family Leave Policy, incorporating the aforementioned reviews, will be published in March 2024. The LFC is bringing forward these proposals to increase maternity

and adoption pay before the wider review as specific concerns around current maternity pay provision have been raised by the Women's Action Committee (a committee of the Fire Brigades Union) as an urgent matter particularly impacting on operational women. The LFC has, therefore, prioritised this element ahead of developing wider measures to support parents. It also sends an important signal about the LFC's support for women in the context of the wider findings of the Culture Review.

- 1.16** While a holistic approach is required, it does not follow that the provisions in this proposal are dependent on that review. Rather, this sets the intent and addresses the key issue of maternity and adoption pay, while the wider review would seek to bring other aspects of parental leave up to a similar standard. This does not, however, mean that any increase in other provisions (e.g. shared parental leave or maternity support leave) will automatically be as great.

2 Objectives and expected outcomes

- 2.1** The report proposes increased maternity and adoption provision with the objective of being an organisation of choice for women by demonstrating that it values women by providing maternity leave that allows them to properly return to fitness following pregnancy and childbirth. Improved maternity and adoption provision is expected to help to retain and recruit women to meet the suite of KPIs set out in the CRMP. Furthermore, the LFC has an obligation under the Public Sector Equality Duty to advance equality of opportunity and encourage good relations between people who share protected characteristics and those who do not. In addition to the Public Sector Equality Duty, the LFB's Culture Review found the LFC to be institutionally misogynistic, and Recommendation 11 of the Review speaks to increasing the diversity of the Brigade.

- 2.2** A number of options have been considered regarding maternity provision and these are set out below.

Option 1

- 2.3** This is to do nothing. This would maintain maternity and adoption benefits at their current level, until at least the conclusion of the holistic review, when changes would again be considered. It is considered that not taking action in response to the concerns of the Fire Brigades Union Women's Action Committee may have a detrimental effect on employee engagement. This would also delay a measure aimed at increasing LFC's ability to recruit and retain women, which could cost the organisation reputationally.

Option 2

- 2.4** This option would provide the statutory maternity / adoption payment (currently £172.48 per week) to staff on maternity or adoption leave from week 16 to 39 in addition to half pay. Currently, LFC pays half pay and recovers the statutory pay element through National Insurance adjustments.
- 2.5** While this would be an improvement to the maternity provision currently offered and a lower cost to LFC than Option 3 below, it is likely that this option will be considered not to go far enough by members of the Fire Brigades Union, and would still leave LFC offering a lower entitlement than several other fire and rescue services in their maternity / adoption pay offer.

Option 3

- 2.6** This option proposes to replace the current provision of maternity / adoption pay (15 weeks full, 24 weeks half) with 39 weeks on full pay and 13 weeks on half pay. This offer is the mostly costly of the options, but it would achieve the aim of encouraging women to take the full entitlement of leave, allowing increased time for women to recover and potentially engage in post-natal fitness support to facilitate their return to operational fitness. It would also demonstrate that the LFC values the role that women play in society as well as in the Brigade. As the most generous offer, it is the one that is considered likely to attract the most women to the Brigade and retain them.

Option 4

- 2.7** This option would match the GLA's maternity provision, which would be to provide full pay for 29 weeks followed by statutory maternity pay (currently £172.48 per week) for 10 weeks.
- 2.8** While this would be an improvement to the maternity provision currently offered and a lower cost to LFC than Option 3 above, it is likely that this option will be considered not to go far enough by members of the Fire Brigades Union and would still leave LFC offering a lower entitlement than several other fire and rescue services in their maternity/adoption pay offer.

Comparison to other organisations

- 2.9** LFC's current maternity and adoption pay (Option 1) is lower than GLA, Transport for London and Metropolitan Police Service, but higher than all the neighbouring FRSs for which the LFC has been able to obtain data. The NHS Agenda for Change (which applies to London Ambulance Service) also offers less than the LFC's current provision. Five FRSs have more generous maternity and adoption pay provisions than LFC, and three would remain more generous than LFC under Option 2 (Option 1 plus statutory maternity pay for weeks 16-39) and Option 4 (29 weeks, plus statutory maternity pay for 10 weeks). Option 3 would lead LFC to match the highest maternity pay in the FRS sector and would be better than neighbouring FRS and other emergency services in London.
- 2.10** While it is acknowledged that the LFC's preferred option is more generous than other parts of the GLA group, the role of operational women and the physical demands placed on them is not comparable to many other roles within the GLA group. The LFC employs women in operational roles, control, and non-operational roles and in order to treat all of its female employees fairly, it is proposed that the improved provision applies to all female employees.
- 2.11** Table 1 sets out the rates of maternity pay as set out in Options 1 to 4 above relative to other Fire and Rescue Services / public bodies:

Table 1 – Relative rates of maternity pay

Organisation	Number of weeks @			
	100%	90%	50%	SMP
Option 1 (LFC Current)	15		24	
Option 2	15		24	24
Option 3	39		13	
Option 4	29			11
Stafford FRS	39		13	
Cheshire FRS	45			
Avon FRS	39			
Shropshire FRS	26		6	7
Durham & Darlington FRS	18		21	
Kent FRS	18			21
Cumbria FRS		6	12	33
Cambridgeshire FRS	6	6		33
Dorset & Wiltshire FRS	6		20	13
Tyne & Wear FRS	1	5	21	12
South Yorkshire FRS	2	4	20	13
Nottingham FRS		6	20	12

Northumberland FRS		6	12	21
Hereford & Worcestershire FRS		6	12	21
Hertfordshire FRS		6	12	21
Bedfordshire FRS		6	12	21
Surrey FRS		6	12	21
Lancashire FRS		6	12	21
Bucks & Milton Keynes FRS		6	12	21
Agenda For Change (NHS)	8		18	13
Greater London Authority	29			10
Metropolitan Police	30			9
Transport for London	26			13

2.12 The composition of other services, structure and working patterns may enable them to offer a more generous maternity package compared to LFC, being a metropolitan brigade with ambitions to increase the percentage of women in service. There is also evidence to suggest that other services have tighter eligibility conditions than LFC and have pay-back clauses where staff do not return from maternity or adoption leave or leave the service within certain timeframes. Alongside this increase, LFC will also implement eligibility criteria for enhanced maternity / adoption pay of 63 weeks prior to the expected week of childbirth / adoption, and a requirement that staff in receipt of enhanced maternity / adoption pay return to work for at least six months or pay back the enhancement, mirroring the GLA policy.

Costings

2.13 The sustainability comments (Section 4 of the report) explain that this represents an on-going annual cost that assumes eligible staff take the full entitlement for Options 2-4 and continuity of behaviour seen over the five years from 2017 to 2022.

2.14 Costs for the four options set out above are summarised below:

1. This option would be cost-neutral. The current cost of maternity and adoption leave is estimated to be an average of £930,872 per annum.
2. At the current rate of SMP, £172.48 per week, this option would cost an additional £4,139.52 per employee taking at least 39 weeks of maternity / adoption leave. This option would cost £114,561 per annum more than the current provision.
3. Based on 2017 to 2022 maternity leave data and current average staff costs, should staff take their full entitlement of maternity and adoption leave, the estimated pay cost is £1,616,022, an increase of £685,150 per annum compared to current provision.
4. This option on average would cost £1,072,127 per annum, an increase of £141,255 compared to current provision.

2.15 An additional consideration concerns those who are already on maternity or adoption leave, LFC is proposing to apply the increased provision as backpay for those staff already on maternity on 1 March 2023. This will cost an additional £432,725 for Option 3, based on the number of people returning from maternity or adoption leave since 1 March 2023 or anticipated (as of 20 July 2023) to be on maternity or adoption leave on 1 October 2023 (this being the earliest likely implementation of the change). The backpay costs for Options 2 and 4 would be £89,000 and £112,820 respectively.

2.16 If approved, Option 3 will likely result in individuals taking longer periods of maternity and adoption leave which may, in turn, put pressure on business areas and workloads and lead

managers to look to fill roles during these leave periods with like-for-like cover.

- 2.17** It is difficult to estimate the actual cost of this backfilling, particularly for operational staff where maternity leave may be one factor in determining if sufficient staff are available. In order to produce an estimate of the maximum cost, high-level calculations have been made for FRS, Operational and Control staff groups. This approach has taken maternity leave levels based on 2017-2022 data and then assumed that every absence is backfilled based on current staff costs. This produced a current cost of backfilling before the proposals in this report of £1,061,426 annually.
- 2.18** As an estimate of the additional cost incurred for backfilling as a result of the recommendations in this report it has been assumed that the cost of backfilling increases in line with the expected change in the cost of maternity pay of 74 per cent. This produces a total maximum increase in the cost of backfilling of £785,456. It should be noted, however, that the actual costs incurred are expected to be significantly below this as not all maternity leave will require backfilling and should be seen as a representative figure of the financial equivalence of this lost time. However, as postholders are likely to be on maternity or adoption leave for longer periods, posts that might require backfilling are likely to be for longer periods.
- 2.19** This report recommends that additional expenditure of up to £785,456 is agreed annually for backfilling, including the potential increase in Pre-Arranged Overtime (PAO) as a result of an increase in time taken by staff on maternity leave. The recommendations in this report are not expected to negatively impact the position on PAO spend in 2023/24 and future years.
- 2.20** The costs of maternity and adoption provision and backfilling would be expected to increase beyond these amounts should this policy and wider changes achieve the LFC's stated objective to increase the recruitment and retention of female staff. Potential future costs are discussed in the Sustainability comments section from paragraph 4.7.
- 2.21** This additional cost is to be funded from an allocation of £1,500,000 approved in the 2023/24 budget to cover the on-going costs for this financial year, and this spend will be monitored on a quarterly basis. Future years' costs will be built into future financial planning rounds, taking into account pay rises and potential changes to workforce composition.

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 equality impact assessment (EIA) has been conducted for this proposed policy change and found that while it predominantly benefitted women, it did not have a direct detrimental effect on men, or any other protected group. However, it should be considered that the benefit of the proposed decision will primarily be experienced by female staff in straight/heterosexual relationships who undertake to act as the primary caregiver for their child. Groups of staff with differing circumstances will not experience these benefits to the same extent, or at all. This may be considered to apply to bi, gay or lesbian staff whose partner gives birth to child, or male staff who would otherwise want to be the primary caregiver for their child, those who give birth as surrogates. Inequality between these staff with regards to access to maternity benefits will potentially be exacerbated by the current proposals, notwithstanding the other reasons why this proposal will benefit the organisation and overall levels of equality as defined by other measures. The introduction of equivalent pay for shared parental leave may mitigate these impacts but is not currently proposed by LFC. The current holistic review of support for parents is considering these issues in more depth.
- 3.9** The EIA did identify that while this change will primarily have a positive impact for women, there is a potential negative impact on women and primary adopters not being able to maintain their skills and development (especially on the operational side) while on leave, and that caring responsibilities have been deemed as being a contributing factor to gender pay gaps due to extraction from the workplace leading to missed opportunities, which typically impact women more than men. Currently, the majority of LFB staff taking maternity or adoption leave are absent for ten months or more, and operational women returning to work before their entitlement ends are generally risk-assessed as non-deployable for a considerable time after their return. This proposal, which seeks to increase the amount of leave during which people receive pay or provide the financial means for people to stay on leave for as long as they need to, will not therefore make them any more likely to suffer the detriment identified in the EIA than they would otherwise. The LFC is, however, undertaking work currently to identify ways of bringing those who want to return early more opportunity to do so, such as through flexible operational shift patterns or secondments to non-operational project work which would, conversely, benefit their professional development. In addition, women returning from maternity leave have the option to undertake personalised plans to enable them to achieve operational fitness prior to their return to work.

4 Other considerations

Workforce comments

- 4.1 The current scope is to extend full pay entitlement for maternity and adoption leave. Beyond the scope of this work, a wider review of parental leave policies is required, which will require time and resource to be identified and made available.
- 4.2 Opportunities for People Services to further refine the Maternity policy and support available:
 - Review Maternity Support Leave (Paternity Leave) / Shared Parental Leave.
 - Update policy to cover miscarriage / still birth.
 - Update policy to cover surrogacy.
- 4.3 To further support a return to work following maternity leave, the Fitness team could be commissioned to resume work on a post-natal fitness support program, which would facilitate a healthy return to operational fitness.
- 4.4 To drive a reduction in leavers within two years of taking maternity / adoption leave, People Services will explore challenges faced and reasons for leaving the Brigade. This could include engagement with staff who have taken maternity / adoption leave, and analysis of exit interviews, and explore potential issues or difficulties with working patterns, flexible arrangements and childcare responsibilities, which won't be resolved by a change in maternity pay.
- 4.5 The issue of LFB's maternity and adoption pay was originally raised by the Women's Action Committee of the FBU and discussions have continued with them. Should approval be given for the LFC to commit expenditure to increase LFB's maternity and adoption pay provision, consultation will also take place with the GMB and Unison, LFB's other recognised trade unions. Consultation has not taken place with these representative bodies yet, as the LFC did not wish to raise expectations with staff without the expenditure being first authorised.

Sustainability comments

- 4.6 The costings represent an on-going annual cost that assumes eligible staff take the full entitlement for Options 2-4 and continuity of behaviour seen over the five years from 2017 to 2022. The costs assume that the average number of staff taking maternity / adoption leave remains 30.8 people per year, however it should be noted that as the LFC attracts more female staff, particularly in the Operational employment group as the policy intends, the number of staff taking maternity leave (and therefore the annual cost) is likely to increase. Women currently make up 10.2 per cent of Operational staff (18.3 per cent of total) and though 31 per cent of trainee firefighters are women, those 17 individuals constitute just 0.4 per cent of the total Operational staff.
- 4.7 As part of the agreed suite of new KPIs for the CRMP, LFC has a target for 2023/24 only, set at 20 per cent of the workforce being women, and no targets have yet been set for future years. Any assessment of financial impact in five years' time would therefore be illustrative, showing the sensitivity of costs to changes in workforce composition. Any increased costs will be factored into future financial planning rounds.
- 4.8 Assuming the number of trainees and leavers remains constant (i.e. breakeven) from 2025/26 onwards, and the establishment stays the same in that period, and based on achieving a stretch target of 35 per cent intake of women each year, it is estimated that the LFC will employ 804 female Firefighters by 31 March 2030, constituting 16.8 per cent of the total number of Firefighters (currently 10.2 per cent).
- 4.9 Further assuming that the percentage of female Firefighters taking maternity leave remains

constant at 3.6 per cent per year, this would see 29 maternities per year, an increase of 68 per cent. Applying this increase to the Operational element of the current estimated cost per annum of maternity leave (£534,857) takes the cost of maternity under the current policy to £1,294,575 per annum by 2030, an increase of 39 per cent.

- 4.10** Applying the same calculations to Option 3 gives a cost of £2,037,681 per annum by 2030, which is an increase of £743,106 (57 per cent) vs the projected maternity pay spend under Option 1. Some of this cost would likely be offset by the introduction of the minimum service requirement, as well as demographic changes such as the declining birth rate in England and Wales⁸, although improved maternity provision in the Brigade may encourage women to have children.
- 4.11** This will also increase the costs associated with backfilling set out in paragraph 2.17 of this report. Applying the same ratio to that figure as set out above would give an estimated cost of £1,904,469 for backfill by 2030, an increase of £537,777 on the projected costs of backfill for Option 3 in 2023/24.

Procurement comments

- 4.12** No procurement or contracts are required for this change.

Communications comments

- 4.13** The project team are working with the Communications directorate to develop a communications strategy to make staff aware of changes both ahead and at the time of launch, as well as preparing personalised messaging for those either on, or recently returned from maternity or adoption leave.

5. Financial comments

- 5.1** The paper is requesting to increase the period of paid maternity and adoption leave to which staff are entitled, from 15 weeks full pay and 24 weeks half pay to 39 weeks full pay and 13 weeks half pay. The financial impact of this change is estimated at £685,150 on increased maternity pay and £785,456 on increased backfilling costs, a total ongoing annual cost of £1,470,606. This estimate is based on calculations using 2017-2022 data on maternity leave and 2023/24 staff costs, therefore excludes any future pay inflation and any potential uplift to number of staff the policy may be relevant to in future years (please see comments in the 'Sustainability' section above about future changes in the composition of the workforce).
- 5.2** The estimated financial cost of backfilling notably includes the forecast impact on PAO as a result of the increase in paid maternity leave. These have been considered in context with the overspend incurred in 2022/23 and the actions that have been put in place to reduce this cost in 2023/24. The recommendations in this report will not result in any significant changes to those plans as agreed, with maternity leave being a much smaller driver of PAO than the wider pressures observed in 2022/23. Any additional PAO costs that are incurred as a result of this report will therefore be contained within the estimated maximum additional backfilling cost of £785,456 as set out in paragraph 5.1 above.
- 5.3** As discussed in Sustainability comments from paragraph 4.7, costs associated with these proposals on maternity and adoption provision would be expected to increase in line with any increase in female recruitment and retention. This report is only seeking approval for costs based on current levels of female employment. Expenditure on staff pay and overtime will be closely monitored as part of the regular financial position reporting. If forecast staff pay as a result of the recommendation in this report exceed the budget identified additional savings would be

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<https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/livebirths/bulletins/birthsummarytab/lesenglandandwales/2021>

identified or costs managed to reduce spend to within approved levels.

- 5.4 The paper is also requesting an additional consideration to offer backpay for those on maternity or adoption leave on 1 March 2023. Assuming a policy implementation date of 1 October 2023, the financial impact of this consideration is estimated at £432,725 for the 2023/24 year.
- 5.5 If the maternity pay proposal is approved, it would result in additional annual cost of £1,470,606, as set out above. If this proposal is approved and implemented in October 2023, the cost in the 2023/24 financial year is estimated at £1,274,232, with £448,779 for increased maternity pay, £392,728 for increased backfill costs and £432,725 for one-off backpay costs.
- 5.6 This additional cost is to be funded from an allocation of £1,500,000 approved in the 2023/24 budget to cover the on-going costs for this financial year, and this spend will be monitored on a quarterly basis. Future years' costs will be built into future financial planning rounds, taking into account pay rises and potential changes to workforce composition.

6. Legal comments

- 6.1 Under section 9 of the Policing and Crime Act 2017, the London Fire Commissioner (the "LFC") is established as a corporation sole with the Mayor appointing the occupant of that office.
- 6.2 Section 1 of the Fire and Rescue Services Act 2004 states that the LFC is the fire and rescue authority for Greater London.
- 6.3 Under section 112 of the Local Government Act 1972 (applied to the LFC by s146A of that Act), the LFC "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". An officer appointed under this provision, "shall hold office on such reasonable terms and conditions, including conditions as to remuneration, as the authority appointing him think fit."
- 6.4 The LFC's Scheme of Governance reserves the LFC matters that result in, "Changes to terms and conditions that affect a significant number of staff, or matters which will have a significant impact on significant number of staff."
- 6.5 It therefore falls to the LFC to determine the remuneration for officers employed, or otherwise appointed, by the LFC as set out in the recommendations to this report.
- 6.6 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.
- 6.7 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 (the "Deputy Mayor").
- 6.8 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...".
- 6.9 Having considered the expenditure occasioned by the recommendations in this report the Deputy Mayor's approval is accordingly required.
- 6.10 The report also seeks delegated authority from the Commissioner for the Interim Assistant Director, People Services to amend PN 555a and PN 555b to reflect the changes in recommendations 1 and 2 of the report. Subject to delegated authority being given, the amendment to PN555a and PN555b will be made following consultation and where necessary, negotiation with the trade unions.

7. Change Group Comments

- 7.1 Change Group considered the business case at a special meeting on 13 April 2023, offering a range of comments and suggestions which have been incorporated into this report.

List of appendices

Appendix	Title	Open or confidential*
1	Equality Impact Assessment – Maternity Pay	Open
2	Maternity and Adoption Leave Costs Data	Confidential

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



LONDON FIRE BRIGADE

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.

Once you open the template please save it on your OneDrive or SharePoint site. Do not open the template, fill it in and then click Save as this will override the template on Hotwire.

NOTE – All boxes MUST be completed before the document will be reviewed.

1. What is the name of the policy, project, decision or activity?
Proposal to increase the period of maternity leave during which staff are entitled to from 15 weeks full pay and 24 weeks half pay to 46 weeks full pay; increase the allowance for maternity wear from £30 to £200; bring forward the start of maternity support leave (MSL) to commencement of labour, rather than birth; changes to policy wording to make provision of MSL for watch-based staff clearer.

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

High		Medium	X	Low	
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2. Administration	
Name of EIA author	Joe Drohan
Have you attended an EIA Workshop	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Department and Team	People Services; People Partner Team
Date EIA created by author	24/04/2023
Date EIA signed off by Inclusion Team	15/08/2023
Date Actions completed	
External publication	Are you happy for this EIA to be published externally? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If No state why:

3. Aim and Purpose	
What is the aim and purpose of the policy, project, decision or activity?	Changes to the Brigade's maternity and adoption pay to improve the experience of new and expectant mothers / primary adopters and their partners, benefiting the Brigade's recruitment and retention of female staff.
Who is affected by this work (all staff, specific department, wider communities?)	New and expectant mothers and their partners; staff adopting children.
What other policies/documents are relevant to this EIA?	Policies 555a and 555b.

4. Equality considerations: the EIA must be based on evidence and information.	
<p>What consultation and engagement has taken place to support you to predict the equality impacts of this work?</p> <p>Consultation must take place with ESGs (including RB ESGs), Learning Support and affected groups.</p>	<p>The proposal to increase maternity pay was originated by the Women's Action Committee (WAC) following consultation with their members. It has not been possible to conduct wider consultations on the proposed changes due to the timeframes requested by the Commissioner. WAC and wider TU colleagues will be consulted on the changes made to the policy to ensure they align with the original intent, once the funding needed to make the changes has been agreed by the Fire and Resilience Board.</p>

5. Cultural consideration: the EIA must consider how the work improves the culture of the organisation	
<p>How does this piece of work contribute to improving the culture of the organisation? How does this piece of work improve staff divides? Can you provide evidence?</p>	<p>This policy change aims to enable women / primary adopters to take their full maternity / adoption leave entitlement, should they wish to, by significantly reducing the financial impact of taking time off. It also identifies funding for maternity / adoption leave cover, which seeks to reduce the operational impact and therefore stigma of taking time off.</p>

6. Wellbeing considerations	
<p>How will this piece of work impact the physical and mental wellbeing of staff and communities in London?</p>	<p>The ability to take longer off before being impacted financially will reduce the number of people returning before they are fully ready to. As part of wider plans to improve the overall approach to maternity / adoption leave, this will give staff returning the opportunity to regain their fitness and put plans in place to enable the right work life balance.</p>

7. 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)	Neutral	<p>This change is more likely to impact staff of an age more likely to have children. Between 2017 and 2022, 75.4% of staff taking maternity leave were aged 30-39; 17.4% were aged 20-29 and 7.2% between 40-49.</p> <p>Shared parental leave was more like to be taken by older staff, with 71.9% of users aged 30-39, 18.8% aged 40-49 and 9.4% aged 50+.</p> <p>30-39 was also the most common age group to take maternity support leave, at 70.3%.</p> <p>The impact is neutral, however, as this profile is unlikely to change as a result of the changes proposed.</p>	LFB Staff Statistics, April 2023
Disability (physical, sensory, mental health, learning disability, long term illness, hidden)	Positive	Studies have found links between longer periods of maternity leave and decreased depressive systems ¹ . By increasing the amount of paid time available to new mothers, this policy makes it easier for women to remain	Psychiatry.org - Parental Leave Brings Mental Health Benefits, Especially for Mothers.

¹ <https://www.psychiatry.org/News-room/APA-Blogs/Parental-Leave-Mental-Health-Benefits>

		off longer if they feel this would be of benefit to them, thereby reducing the risk of stress, anxiety or depression.	
Gender reassignment (someone proposing to/undergoing/ undergone a transition from one gender to another)	Neutral	By law, if a person changes legal gender, they do not lose their legal status as the mother or father of an existing child. That means that a transgender woman remains her child's legal father if she legally becomes a woman and a transgender man remains his child's legal mother if he legally becomes a man. It should be noted that the Brigade does not currently collect data on gender reassignment.	Gender Recognition Act 2004; Equality Act 2010
Marriage / Civil Partnership (married as well as same-sex couples)	Neutral	The proposed changes would apply to new mothers / primary adopters regardless of their marital status. The aim of the policy is to enable those who wish to take longer periods of maternity or adoption leave to do so by delaying the point at which the decision becomes a financial one; this should greatly reduce the pressure where the mother or primary adopter is also the primary or sole earner in their household. Further work is planned to review shared parental leave, which would further reduce this stress. The Brigade does not currently collect data on marriage / civil partnership.	
Pregnancy and Maternity	Positive	In addition to the potential for decreased incidence of stress, anxiety and depression set out above, the proposed change also seeks to increase the financial wellbeing of those on maternity or adoption leave. A recent study ² showed that new and expectant mothers are making significant and unsustainable cuts to their quality of life, such as cutting meals and not heating their homes in order to live within the reduced income they	Survey analysis: Maternity Leave and the cost of living crisis - Maternity Action

² <https://maternityaction.org.uk/2023/04/survey-analysis-maternity-leave-and-the-cost-of-living-crisis/>

		<p>receive whilst on maternity leave. Although this study was not specific to firefighters or the fire and rescue sector, it may be considered that female firefighters face similar issues while on maternity leave. This policy change represents an increase of 68.5% of paid time off and so should make a significant impact on the financial challenge this group faces.</p> <p>Although the overall impact for pregnant staff is considered to be positive, there are potentially staff who are pregnant who will not benefit from the proposed changes to maternity pay. Staff who experience stillbirth or miscarriage before 24 weeks of pregnancy, or who give birth as part of a surrogacy arrangement will not be eligible for maternity pay. This is a continuation of current arrangements so is not a direct negative impact. However, it may be considered that increasing a benefit predominantly provided to staff who carry a baby beyond 24 weeks or adopt a child, will potentially lead to a reduction in equality between different groups of pregnant staff based on their individual circumstances. LFB's existing maternity policy states that "sympathetic consideration will be given as to what action is necessary by way of granting a period of paid leave or sickness absence" so there is existing provision for this to be mitigated.</p>	
<p>Race (including nationality, colour, national and/or ethnic origins)</p>	<p>Neutral</p>	<p>Ethnicity pay gap reporting shows that LFB staff from ethnically diverse backgrounds had a median pay gap of 0.8% and a mean pay gap of 4.52% in 2022. Given this, the issues concerning the financial impact of maternity or adoption leave likely disproportionately affect ethnically diverse, which this proposal will help to alleviate.</p>	<p>LFB Staff Statistics, April 2023</p>
<p>Religion or Belief (people of any religion, or no religion, or</p>	<p>Neutral</p>	<p>No change from current policy.</p>	

people who follow a particular belief (not political)			
<p>Sex (men and women)</p>	<p>Neutral</p>	<p>The majority of benefit will be enjoyed exclusively by women (maternity leave and allowance for maternity wear); men are however equally eligible to take adoption leave as a primary adopter.</p> <p>Male staff will not be directly affected by this policy change. As LFB does not pay for shared parental leave above the statutory minimum amount, male staff do not have access to these benefits currently (except as primary adopters), and this will continue. It may be considered that increasing a benefit predominantly provided to one sex leads to a reduction in equality between sexes within LFB. However, this assessment has to be balanced against the variety of other factors affecting experiences of LFB employment for women and men.</p> <p>Currently, women make up 18.26% of the LFB workforce (10.04% in Ops): this change represents positive action to advance equality of opportunity by enabling more women to remain in the workforce while taking the time off they're entitled to after the birth of a child.</p> <p>Whilst this change will primarily have a positive impact, there is a potential negative impact on women and primary adopters not being able to maintain their skills and development (especially on the ops side) while on leave. Caring responsibilities have been deemed as being a contributing factor to gender pay gaps due to extraction from the workplace leading to missed opportunities, which typically impact women more than men, however this an extant issue that this policy change does not necessarily exacerbate. LFB has committed to undertake a holistic review of parental leave policies, including work</p>	<p>LFB Staff Statistics, April 2023</p>

		to make women's return to the workplace easier, thereby decreasing the length of time they are non-operational.	
<p>Sexual Orientation (straight, bi, gay and lesbian people)</p>	<p>Neutral</p>	<p>No change from current policy.</p> <p>While maternity leave can only be applied to women (and so would be unavailable to gay male couple, for example), adoption leave can be taken by anyone regardless of gender or sexual orientation and is broadly analogous to maternity.</p> <p>Further work is required to understand the impact of this policy change on staff who are not in straight/heterosexual relationships. For instance, while all female staff would be eligible for maternity pay after giving birth to a live infant, this would not be the case for a lesbian member of staff who becomes a mother after their partner gives birth. As LFB does not have pay for shared parental leave above the statutory minimum amount, lesbian staff do not have access to these benefits currently (except as primary adopters or by giving birth), and this will continue. It may be considered that increasing a benefit predominantly provided to straight/heterosexual staff and leads to a reduction in equality between LFB staff of differing sexual orientations. It should be noted however that the purpose of this policy change is, in large part, to ensure that women who give birth are able to remain absent from work for sufficient time to allow their bodies to recover, which would not apply to those people identified above.</p> <p>6% of Brigade employees identify as LGB: 8.1% of Control staff, 6% of FRS staff, and 5.9% of Operational staff.</p>	<p>LFB Staff Statistics, April 2023</p>

8. Impacts outside the Equality Act 2010
What other groups might be affected by this policy, project, decision or activity?
Consider the impact on: carers, parents, 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.
Extended maternity and adoption pay will enable more staff to take the full amount of maternity leave, particularly those on a lower income. Between 2017 and 2022, 42.2% of staff who took maternity leave returned to work within nine months – the point at which half-pay runs out. This change will remove or lessen the financial barrier that may prevent staff on lower household incomes from taking more of their leave entitlement.

9. Legal duties under the Public Sector Equality Duty (s149 Equality Act 2010)	
How does this work help LFB to:	
Eliminate discrimination?	This change will make it more financially viable for women to use the full amount of maternity leave being offered and will improve their workplace experience prior to maternity leave with enhanced maternity clothing allowance.
Advance equality of opportunity between different groups?	The extension of paid maternity leave will enhance the offer to female staff, making LFB a more attractive place for women to work and increasing our recruitment and retention of women. A further consideration is that increasing the likely period of maternity leave will advance the opportunities of those seconded in to backfill them, as they will have longer in-role to develop.
Foster good relations between different groups?	This policy change is in response to a request made by the Women's Action Committee of the FBU and will improve the relationship between LFB, that group's membership, and women in the organisation generally.

10. 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

11. Follow up, actions and evaluation		
Where the Inclusion Team or other stakeholders have recommended actions in order to demonstrate due regard, these must be recorded here and delivered in accordance with time scales. Additionally, what is the organisational learning in relation to this piece of work in regards to the Equality Act 2010.		
Action recommended and person responsible for delivery	Target date Action to be completed by	Date action completed
Lessons learnt and evaluation		
Free text		


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.

Document Control

Signed (lead for EIA / action plan)			Date	15/08/2023
Sign off by Inclusion Team	Deborah Alleyn		Date	15/08/2023
Stored by				
Links				
External publication	Are you happy for this EIA to be published externally?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	If No state why: