



Essex Police, Fire and Crime Commissioner Fire and Rescue Authority

Decision Report

Report reference number: 022-23

Government security classification: Not protectively marked

Title of report: Brigade Managers' Pay Award

Area of county / stakeholders affected: Gold Book Officers (Brigade Managers)

Report by: CFO Rick Hylton and Pippa Brent-Isherwood (Monitoring Officer)

Date of report: 14th April 2023

Enquiries to: Pippa Brent-Isherwood (Monitoring Officer)

1. Purpose of the report

The purpose of this report is to present the decision of the Police, Fire and Crime Commissioner Fire and Rescue Authority ("the PFCC") to award a cost of living pay award for Uniformed Principal Officers, who fall outside of the NJC Grey and Green Book pay awards for 2022/23 and 2022/24. At the formal Performance Meeting of the PFCC and Chief Fire Officer on 13th April 2023, the Police, Fire and Crime Commissioner indicated their intention to award a 5% pay award for 2022/23 and a 3.5% pay award for 2023/24 to Brigade Managers. The PFCC instructed the Chief Fire Officer as Head of Paid Service and the Monitoring Officer to prepare this decision report to formalise this intent into a formal decision in line with the constitutional decision-making process.

2. Recommendations

That the Police, Fire and Crime Commissioner Fire and Rescue Authority awards a cost of living pay rise of 5% to Gold Book Brigade Managers, aligned to the Authority's Medium-Term Financial Plan assumptions for 2022, backdated to January 2022, and makes an award of 3.5% for the year 2023, backdated to January 2023, aligned to the most recent offer from the employers to the Brigade Managers via the NJC, which at this time has not been accepted.

3. Benefits of the proposal

The Police, Fire and Crime Commissioner Fire and Rescue Authority will be seen to value the staff concerned and to have a commitment to treating all staff in a fair and appropriate manner.

In the absence of any clear timescales on a national agreement being reached, this proposal provides financial support to Brigade Managers, means that all staff in ECFRS will have received pay awards for 2022, and further adds clarity to the pay award for 2023 to support budget planning and delivery.

4. Background and proposal

Most Essex County Fire and Rescue Service employees are conditioned to terms and conditions relating to either the Grey Book (uniformed staff from Fire Fighter to Area Manager) or Green Book (professional support staff). Pay awards for each of these are determined through national negotiation and pay bargaining through the National Joint Council (NJC) for Grey Book or Green Book staff.

The following Gold Book roles fall outside of these terms and conditions. Their terms and conditions, including pay, are set by the employer (in this case the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority):

- Chief Fire Officer
- Deputy Chief Fire Officer
- Assistant Chief Fire Officer (Director of Operations)

The financial year 2022/23 saw inflation rise to around 10%. The two national negotiating bodies (NJC) for Grey and Green Book staff have agreed pay awards as a result of the collective national pay bargaining route, with Green Book staff receiving a flat rate pay award of £1,925 for 2022/23 and Grey Book staff a 7% pay award for 2022/23. These awards have been backdated to July 2022 and have been applied to staff within the Essex County Fire and Rescue Service. In addition, Grey Book staff have accepted a 5% pay award for 2023/24 which will be paid from July 2023.

As a result of these pay awards, Brigade Managers, who fall outside these terms and conditions, are the only members of staff who have not received any cost of living pay award for 2022/23. The usual settlement date for this group each year is 1 January, although historically members of the National Employers have been content to backdate any pay award to the usual settlement date.

An initial offer was made to Brigade Managers on 4th March which contained a mechanism to cap pay increases at £5,000 and £4,000 in each of the pay review years. This was rejected by the Fire Leaders Association (FLA) on 6th March. On 20th March, the NJC for Brigade Managers made an improved offer to the Brigade Managers (employees' side) which removed the caps on pay awards that were part of the original offer and again offered a 4% pay award with effect from 1 January 2022 and 3.5% with effect from 1 January 2023. This is in the context of the employees' side pay claim of terms no less favourable than those received by Grey Book staff. In response, the FLA requested a joint meeting with the NJC in early April, which has not yet been scheduled but which is hoped will take place before the end of the month. As such, whilst this offer has not been rejected, nor has it yet been accepted, and there is a risk of a prolonged period of negotiation.

Although these posts are employed under terms and conditions that give due regard to the national terms and conditions of the Gold Book, they are set by the employer (the Essex, Police Fire and Crime Commissioner Fire and Rescue Authority) and therefore, consistent with previous years, any pay award is to be determined by the employer whilst having due regard to any national award.

It has been the Commissioner's preference to wait for a national agreement to be reached prior to making any local awards. It has however become clear that these national negotiations have not concluded satisfactorily within a reasonable timescale and, as such, the Commissioner is minded to make a local award that is aligned to the intelligence from the national pay discussions for Brigade Managers and one that meets the affordability of the Authority.

The Authority has precedence of doing so. Whilst it is incumbent upon the Commissioner to have due regard for any national pay award for Brigade Managers, upon consultation with the Head of Paid Service, Monitoring Officer and Section 151 Officer, they can make a local variation. In 2020, the Commissioner chose to not to award a pay award to Brigade Managers despite a national award being agreed, as a result of budget pressures and national government direction of a public sector pay freeze during the COVID pandemic.

In determining an appropriate pay award, the Commissioner has considered a number of factors including affordability, central government direction, likely appetite from NJC employers for levels of award and the need to ensure that Brigade Manager pay in ECFRS remains competitive.

The Commissioner, at their formal Performance Meeting with the Chief Fire Officer / Chief Executive on 13th April, at which the Monitoring Officer was present, indicated to the Chief Fire Officer that it was their intention to offer a pay award of 5% for 2022 and 3.5% for 2023, and instructed the Chief Fire Officer as the Head of Paid Service and the Monitoring Officer to formalise that decision.

5. Alternative options considered and rejected

The following alternative options are available to the employer for these posts:

1. Maintain current levels of pay. This would mean that the three Gold Book posts would maintain their current salary levels. This would, because of inflation, mean that they would suffer a real terms reduction in salary. Due to other Directors being awarded a Green Book pay award and Area Managers receiving the Grey Book award, this would result in erosion of the pay structures currently in place. Continued restraint of this kind would also result in the salaries of Principal Officers in Essex becoming less competitive and the risk of not retaining or attracting the quality of officers required.
2. The Authority chooses to await the outcome of the NJC Gold Book negotiations and make a pay award aligned to the outcome of this. This enables the Authority to align to the national negotiated outcome, however it also means that further time will elapse. It should be noted that the Gold Book does allow for a twin track approach to pay, which means that a further increase could be applied following a local review should an individual FRA choose to do so once a national settlement is reached. However, it should also be noted that the current Gold Book employees' claim is for an offer no less favourable than that which has been awarded to Grey Book employees. This would result in Brigade Managers receiving 7%, an additional cost to the Authority of 2% over that budgeted at a time when the Authority is already needing to find an additional £800,000 to fund the Grey Book pay award.

3. The Authority opts to make a pay award aligned to the Green Book or other comparable sectors such as the Police or Local Authority Chief Executives. An award aligned to the Green Book or policing of circa £1,900 would not address the pay structure erosion created by Area Managers being in receipt of a pay award of 12% over the next two years.

6. Strategic priorities

We have committed to the promotion of a positive culture in the workplace and to making the best use of our resources. Both of these strategies could be seen to be impacted without agreement to and implementation of this award.

7. Operational implications

None immediately, however staff retention may be affected in the medium to long term. The Head of Paid Service has undertaken informal discussions with those involved and they have indicated they would be content to accept this offer.

8. Financial implications

ECFRS had budgeted for a 5% pay award for 2022 and 4% for 2023 for staff. The proposed 5% award for 2022/23 has therefore already been factored into budget calculations and the 3.5% proposed for 2023/24 is a 0.5% reduction on the basis on which the 2023/24 budget was set.

The Grey Book award has resulted in a funding gap of around £800,000 for 2023.

9. Legal implications

On 27th February 2023, the Chair of the FLA wrote to the Chair of the NJC, putting it on notice that the FLA intended to enter into a dispute with the NJC over the issue of pay and the national negotiating machinery which would amount to a trade dispute for the purposes of section 244 of the Trade Union and Labour Relations (Consolidation) Act 1992. This dispute will continue to exist until such time as the FLA receives a pay award for its members who are employed under Gold Book terms and conditions that it feels able to recommend and which they feel able to accept.

The joint constitution of the NJC states that:

“There is a two-track approach for determining levels of pay for Brigade Manager roles. At national level, the NJC shall review annually the level of pay increase applicable to all those covered by this agreement. In doing so, the NJC will consider affordability, other relevant pay deals and the rate of inflation at the appropriate date. Any increase agreed by the NJC will be communicated to fire authorities by circular.

All other decisions about the level of pay and remuneration to be awarded to individual Brigade Manager roles will be taken by the local Fire and Rescue Authority, who will annually review these salary levels.”

The recent fire reform white paper acknowledges that the effectiveness of the National Joint Council (NJC) in overseeing decisions on pay and terms and conditions has long been questioned. His Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) has also made recommendations on the current pay negotiation structure, including a suggestion to review its current operation and effectiveness. The Government has welcomed

this recommendation and will consider how best to take it forward as part of its package for reform.

10. Staffing implications

In reviewing national data and undertaking a more local benchmarking exercise, it is evident that, whilst ECFRS pay is comparable, it is certainly not out of kilter with pay nationally, nor towards the higher end of pay offered to Brigade Managers in similar sized fire and rescue services. A pay award aligned to that being proposed would not adversely affect this position; it would continue to keep ECFRS Brigade Managers paid appropriately and comparably but not higher than similar fire and rescue services, even before other services make pay awards to their Brigade Managers.

11. Equality and Diversity implications

There are no direct equality implications of this paper.

12. Risks

It is an employer's duty to protect the health, safety and welfare of their employees and other people who might be affected by their business. There is a risk that, if a higher award is made in due course by the NJC, local principal officers may have a sense of dissatisfaction with their pay falling below similar fire and rescue services. A timely award is however advantageous to ensuring that principal officers in the service feel valued, especially at a time when neighbouring fire and rescue services may be advertising similar roles at higher rates of pay.

13. Governance Boards

None, however this matter has been discussed regularly at formal Performance Meetings between the PFCC and the Chief Fire Officer / Chief Executive.

14. Background papers

Appendix 1 – National Pay Benchmarking and Similar and Local FRS Benchmarking

Background paper - Meeting notes of the formal Performance Meeting of the Chief Fire Officer and the Police, Fire and Crime Commissioner on 13th April 2023

Decision Process

Step 1A - Chief Fire Officer Comments

(The Chief Fire Officer is asked in their capacity as the Head of Paid Service to comment on the proposal.)

I declare my interest in this decision as a Brigade Manager whom this award would directly affect. I have prepared this decision sheet in full consultation with the Monitoring Officer in my role as Head of Paid Service to enable the Commissioners decision to be implemented in line with the Authorities Constitution.

Sign:  Date:.....20/04/2023.....

Step 1B – Consultation with representative bodies

(The Chief Fire Officer is to set out the consultation that has been undertaken with the representative bodies)

The NJC for Brigade managers continues to negotiate a national pay award. Consultation locally has been undertaken with those affected prior to this award being made.

Step 2 - Statutory Officer Review

The report will be reviewed by the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority's ("the Commissioner's") Monitoring Officer and Chief Finance Officer prior to review and sign off by the Commissioner or their Deputy.

Monitoring Officer

Sign:



Print: P. Brent-Isherwood

Date: 20 April 2023

Chief Finance Officer

Sign: 

Print:Neil Cross.....

Date: 20/04/2023

