

For Publication

**Bedfordshire Fire and Rescue Authority
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REPORT AUTHOR: ASSISTANT CHIEF FIRE OFFICER

SUBJECT: LOCALISM ACT 2011 – PAY POLICY STATEMENT FOR 2022

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Background Papers:

- Hutton Review of Fair Pay in the Public Sector March 2011 (available on request)
 - DCLG Openness and accountability in local pay: Draft guidance under Section 40 of the Localism Act November 2011 (available on request)
 - Localism Act 2011 Chapter 20 Part 1 Local Government, Chapter 8 Pay Accountability (available on request)
 - Localism Act Pay Policy Statements guidance for Local Authority Chief Executives November 2011 (available on request)
 - Policy on Principal Officer Salary reviews – March 2009 (available on request)
 - 2021 Pay Policy Statement (available on request)
 - Localism Act 2011 – Pay Policy Statement FRA paper February 2021 (available on request)
 - Local Government Association Pay Policy and Practice in local authorities 2013 (available on request)
 - Local Government Transparency Code 2015
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PURPOSE:

To advise the Fire Authority of the requirement to agree and publish an annual pay policy statement and its constituent parts for the financial year 2022/23.

RECOMMENDATION:

That the submitted proposed pay policy statement for 2022/23 be approved.

1. Introduction

- 1.1 Section 38 (1) of the Localism Act 2011 requires English and Welsh local authorities to produce a pay policy statement for 2012/13 and for each financial year thereafter. This is Bedfordshire Fire and Rescue Service's eleventh annual Pay Policy Statement.
- 1.2 The Department for Communities and Local Government (DCLG) Guidance on Section 40 of the Localism Act clarified that each local authority is an individual employer in its own right and has the autonomy to make decisions on pay that are appropriate to local circumstances. The provisions in the Act do not seek to change this, determine what decisions on pay should be taken, or what policies individual authorities should have in place. Rather, they require that authorities are more open about their local policies and how decisions are made.
- 1.3 Bedfordshire Fire and Rescue Authority's proposed pay policy statement is derived from the 'model' pay policy statement contained in the Local Government Association Document 'Pay Policy and Practice in Local Authorities' which was recommended to Fire and Rescue Authorities by the Head of Workforce at the Local Government Association via the principal negotiating officer of the National Joint Council for Fire and Rescue Authorities in November 2013.

2. Pay Policy Statement Content

- 2.1 Matters that must be included in the statutory pay policy statement are:

- Information on the approach to Chief Officer remuneration at recruitment, salary, bonus/performance related pay, charges, fees allowances, benefits in kind and enhancement to pension at termination. The definition of chief officer is not limited to heads of paid service or statutory chief officers; it includes those who report directly to them;
- Local authority's policy on the level and elements of remuneration for each chief officer;
- Local authority's policy on the remuneration of its lowest-paid employees (together with its definition of 'lowest-paid employees' and its reasons for adopting that definition); and
- A local authority's policy on the relationship between the remuneration of its chief officers and other officers.

2.2 The Act does not require the pay policy statement to include numerical data on pay; the statement is about policy and not the actual pay of individuals.

2.3 It is a requirement of the Localism Act that the data from the preceding year must be used to calculate the pay multiple, therefore this annual pay policy statement is based on the data from 1 April 2020 to 31 March 2021.

2.4 Information that has changed since the last Annual Pay Policy Statement is highlighted in bold.

3. Process for Annual Adoption of a Pay Policy Statement

3.1 The Localism Act also prescribes that the pay policy statement must be approved formally by a meeting of Members. In the case of a Fire and Rescue Authority, it cannot be delegated to any sub-committee and must be approved by the end of March each year and can be amended in-year. It must also be published on the Authority's website (and in any other way the Authority chooses) and must be complied with when the Authority sets the terms and conditions for a Chief Officer.

4. Information

4.1 Nationally negotiated pay increases for employees covered by the Green Book (National Joint Council for Local Government Services National Agreement on Pay and Conditions), are applied as advised by the National Joint Council. In **October 2021** the NJC announced **its' members had rejected the employers' final pay offer of 1.75%, effective from 1 April 2021, and confirmed that they would undertake industrial action ballots. Two of the ballots had a majority vote in favour of strike action but did not achieve the legal threshold turnout requirement. They continue to seek an improved pay offer from the Employer. Unite's ballot will close on 25 February 2022.**

- 4.2 Nationally negotiated pay increases for employees covered by the Grey Book (National Joint Council for Local Authority Fire and Rescue Services) are applied as advised by the National Joint Council. In **August 2021** the NJC announced a pay award of **1.5%** backdated to 1 July **2021** for grey book employees on pay and CPD payments whilst negotiations continue to put in place a longer-term deal. Any longer-term deal is contingent upon a successful conclusion to negotiations regarding broadening the role of the fire and rescue service and securing additional funding from government.
- 4.3 In accordance with nationally negotiated pay awards advised by the National Joint Council (NJC) for Brigade Managers of Local Authority Fire and Rescue Services **in June 2021 a 1.5%** increase was awarded to Gold Book employees (the Chief Fire Officer, Deputy Chief Fire Officer, and Assistant Chief Officer) **and backdated to January 2021**.
- 4.4 **As requested by the FRA, we have sought to obtain comparative pay multiple information from across our Fire region and the 3 local authorities that make up the county of Bedfordshire. This has been collated using information published for 2020/21 on each authority's website.**

The Annual Pay Statement and Pay Multiple data for BRFS is easily accessible on the BFRS Website. However, it was not as readily accessible for some of the other authorities due to the way in which they report and in one case, it was not possible to find current information at all.

In order to be as accurate and transparent as possible, the BFRS pay multiple is calculated using the actual salary of the lowest paid employee and the salary of the Chief Fire Officer/Chief Executive. Other authorities choose to calculate and publish the pay multiple using either the median salary (the middle value of all salaries in the organisation) or mean salary (the average of all salaries paid in the organisation) of paid employees at the authority, against the salary of the Chief Executive/Chief Fire Officer. This makes comparing like for like data difficult. In order to be able to compare the pay multiples, where an authority has calculated using the mean or median salary, further salary data has been obtained from the authority's website or published annual accounts and the pay multiple re-calculated using the lowest and highest salaries.

Pay Multiples for Fire Services across our region

<u>Authority</u>	<u>Pay Multiple</u>	<u>Figures used for calculating pay ratio</u>
Bedfordshire Fire & Rescue Service	1:7.82	Actual lowest salary & highest salary (CFO)
Cambridgeshire Fire & Rescue Service	1:7.69	Actual lowest salary & highest salary (CFO)
Norfolk County Council	1:7.36	CFO salary & Lowest salary point on NJC Pay Grade
Essex County Fire & Rescue Service	1:8.07	CFO salary & Lowest salary point on NJC Pay Grade
Hertfordshire County Council	1:7.64	Director, Community Protection (CFO) salary & Lowest salary point on NJC Pay Grade

Pay Multiples for local authority councils in the region. Whilst not comparing like for like they represent the local area.

Luton Borough Council	1:10.6	Chief Executive salary & Lowest salary point on NJC Pay Grade
Central Bedfordshire Council	1:9.8	Chief Executive salary & Lowest salary point on NJC Pay Grade
Bedford Borough Council	1:10.39	Chief Executive salary & Lowest salary point on NJC Pay Grade

Based on the above data, the average Pay Multiple of the local authorities above is 1:8.67. The average pay multiple of the Fire authorities in the region listed above is 1:7.72. The BFRS Pay Multiple is slightly above the average of the region's Fire authorities but remains lower than the public sector averages of 8:1 to 12:1 identified by Lord Hutton in 2011.

4.5 The Fire Authority is asked to consider and approve the proposed pay policy statement at Appendix 1.

ALISON KIBBLEWHITE
ASSISTANT CHIEF FIRE OFFICER

**ANNUAL PAY STATEMENT OF
BEDFORDSHIRE FIRE AND RESCUE SERVICE**

1. Introduction and Purpose

This is the Pay Statement of Bedfordshire Fire and Rescue Service covering the period April **2022** to March **2023**.

This Pay Statement (the 'statement') sets out Bedfordshire Fire and Rescue Service's (the Service) approach to pay policy in accordance with the requirements of Section 38 of the Localism Act 2011.

This pay statement has been approved by Bedfordshire Fire and Rescue Authority and is effective from 1 April **2022**. It will be reviewed annually and in accordance with new or proposed legislation to ensure that it remains relevant and effective.

2. Accountability and Decision Making

Decision making in relation to the recruitment, pay, terms and conditions and severance arrangements in relation to employees of the Service is determined by the Fire Authority who have delegated some powers to the Chief Fire Officer through a scheme of delegation.

3. Responsibility and Scale

The Service is directly responsible for a budget of **£32.811m** and for the employment of **569** staff.

4. The Service Pay Strategy

In determining the pay and remuneration of its employees the Service will comply with all relevant employment legislation this includes the Equality Act 2010, the Part Time Employment (Prevention of Less Favourable Treatment) Regulations 2000 and The Agency Workers Regulations 2010.

The Service takes the following approach to determining overall pay levels.

4.1 Firefighting Roles - Salary and Remuneration

This relates to the following roles within Bedfordshire Fire and Rescue Service:

Firefighter, Crew Manager, Watch Manager, Station Manager, Group Manager and Area Manager, regardless of duty system (e.g. wholetime, day duty, retained or flexible duty) and Control specific roles. The pay structure for employees conditioned to the Scheme of Conditions of Service for Local Authority Fire and Rescue Services (Grey Book) provides a three point pay structure at Firefighter level and a two point pay structure for all other roles. Rates of pay are based on defined stages of development such as training, development and competent pay levels. After all the applicable functions have been assessed as having been achieved, and a quality assured process is in place, competence is deemed to have been demonstrated and competent salary rate applied.

Pay awards applied to the salary scales are as agreed through the national joint council and notified to Authorities.

4.2 Support Roles - Salary and Remuneration

Salary and remuneration levels for support staff roles are determined in accordance with the National Joint Council for Local Government Services (NJC) National Agreement on Pay and Conditions of Service (Green Book).

The pay structure is aligned to the National spinal column point system. In 2005 Bedfordshire Fire and Rescue Service applied the Korn Ferry (formerly Hay) analytical job evaluation process that systematically ranked each job objectively and fairly. This evaluation system is a recognised best practice non-discriminatory method of ranking jobs against a pre-determined scale. The system is used in over ninety countries and within the public and private sector. In 2018 Korn Ferry were commissioned to quality assure the job evaluation scheme and reviewed the ranking of all Green Book roles against the pre-determined scale to ensure the job evaluation scheme was being applied correctly.

Spinal column points are configured into groups to provide incremental pay points. The incremental rises occur on 1 April, subject to National pay bargaining. Starting salary may be uplifted along the incremental structure if experience and knowledge warrant this approach.

In 2019 Green Book employers were required to implement a new National pay spine, which entirely replaced the existing pay spine. The Service assimilated employees from their existing spinal column point to their new spinal column point on 1 April 2019. For some time, the Service has experienced recruitment difficulties in certain Green Book posts, this has primarily been 'professional' posts in areas like HR, Finance and Property and there were concerns at Corporate Management Team level that salaries were no longer competitive in the local labour market. Therefore, as part of the assimilation exercise the Service took the opportunity to compare the pay line to other organisations that also use the Korn Ferry Job Evaluation Scheme, by undertaking a salary benchmarking exercise. This resulted in the application of the 2% NJC pay award to employees at Grade 12 and below, whilst Grades 13-17 were aligned to the 60th percentile of the Industrial and Service Sector.

4.3 Chief Fire Officer and Principal Officer - Salary and Remuneration

The National Joint Council (NJC) for Brigade Managers of Local Authority Fire and Rescue Authorities will publish annually recommended minimum levels of salary applicable to Chief Fire Officers/Chief Executives employed by local authority fire and rescue authorities. The Fire Authority recognises that there is a two-track approach for determining levels of pay for Chief Fire Officer/Chief Executives and Director roles.

- i. At national level, the NJC shall review annually the level of pay increase applicable to all those covered by the Gold Book. Any increase agreed by the NJC will be communicated to fire authorities by circular.
- ii. Pay increases will be considered for local negotiation on an annual basis. All decisions about the level of pay and remuneration to be awarded to individual Chief Fire Officer and Principal Officer roles will be taken by the Fire Authority paying due regard to the information circulated by the NJC.

Details of senior salaries is published on the Transparency pages of our website and can be accessed on the internet at <https://www.bedsfire.gov.uk/About/Governance/Salary-Details-as-at-31.03.21-FINAL-v2.pdf>

Alternatively, at page 63 of the Annual Statement of Accounts <https://www.bedsfire.gov.uk/About/Finance-and-budget/Monthly-Financial-Reports/Pre-Audited-Statement-of-Accounts-2020-21.pdf>

5. All Roles - Allowances, Expenses, Bonuses and Performance Related Pay

The Chief Fire Officer and Principal Officers are employees of Bedfordshire Fire and Rescue Service and are not self-employed. The Fire Authority (the Authority) will not award bonuses or Performance Related Pay (PRP) additional to base

salary, as the Authority expects excellent performance of its Principal Officers at all times in line with the Authorities objectives. Individual performance will be reviewed via the performance management framework.

When legitimately incurred in the performance of their duties all employees are able to claim a restricted range of legitimate expenses. These are reimbursed in accordance with the relevant terms and conditions specified in the Gold, Grey or Green Book. All expenses have the usual audit requirements with the requirement to produce receipts, authorisation of all expenditure and the requirement to retain records. Eligible Operational officers can utilise pool cars to undertake their operational duties and responsibilities or can access the car leasing scheme. Use of a pool car for non-official purposes will require reimbursement to the Service.

A range of allowances are payable subject to employees meeting relevant criteria. These include:

- Shift allowances for Green Book employees working unsocial hours;
- Flexible Duty System supplement for fire officers conditioned to the flexible duty system;
- Overtime allowances for employees required to work additional hours;
- Continuous Professional Development (CPD) payments for Grey Book employees who meet the qualifying criteria and are able to demonstrate and provide evidence of continuous professional development in four key areas prescribed by the NJC;
- Essential user car allowance or (Grey Book only) access to a lease car scheme for employees required to use their own vehicle on official business;
- Honoraria payments to recognise employees acting up to a higher role, special projects involving work outside the job role and outstanding contribution;
- Additional Responsibility Allowance to reward additional skills and responsibilities outside of the requirements of Grey Book job roles;
- Acting up and temporary promotion allowances for employees performing the duties of a higher role.
- Mileage, travel expenses, subsistence and other expenses (e.g. Professional expenses) reimbursed when appropriate and in accordance with service procedure on expenses.
- Additional Holiday Payment for employees working overtime or additional hours paid on a monthly basis when eligible.

(Strategic Operational Commanders, Area Manager B) are paid an Additional Responsibility Allowance. This is to reflect the additional responsibility they undertake in the performance of Service operational command cover and for working a locally agreed rota that provides the Service with additional managerial hours.

6. Severance Arrangements

Provision for severance arrangements exist in the Local Government Pension Scheme applicable to Green Book and Control employees. The Fire Authority has previously agreed policy in relation to The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006. Regulation 7 states that employing authorities must formulate, publish and keep under review discretionary powers that they apply in the exercise of their discretionary powers under regulations 5 and 6. They provide the discretions that local authorities can use in awarding compensation to employees whose employment is terminated early as the result of redundancy, early retirement on the grounds of efficiency.

There is currently no provision for enhanced redundancy payments in the Firefighters Pension Scheme 1992, New Firefighter Pension Scheme 2006, or the Firefighters Pension Scheme 2015 for Grey Book/operational employees.

7. Pension Schemes

The Service operates five pension schemes, the Firefighters Pension Scheme 1992, the New Firefighters Pension Scheme 2006, the Firefighters Pension Scheme 2015, the Retained Modified Pension Scheme 2015 and the Local Government Pension Scheme 2014. New employees are automatically enrolled to the relevant occupational pension scheme as defined by their terms and conditions of employment on appointment and qualifying employees are automatically re-enrolled during their employment.

Employer contribution rates for each scheme are set by Actuaries and subject to regular review. As at 1 April **2021** the employer contribution rates are 37.30% for 1992 Fire Fighters Pension Scheme, 27.4% for the 2006 New Fire Fighters Pension Scheme, 28.8 % for the Firefighters Pension Scheme 2015, 37.30% for the Retained Modified Pension Scheme and **20.5%** for the Local Government Pension Scheme. Employee contribution rates are defined by statute and vary across the different pension schemes. Current employee contribution rates as at 1 April **2021** for the 1992 Firefighters pension scheme range from 11% –17%, contribution rates for the 2006 New Firefighter Pension Scheme are 8.5% - 12.5%, Firefighters Pension Scheme

2015 contribution rates range from 11% - 14.5%, contribution rates for the Retained Modified Pension Scheme are between 11% - 17%. The employee contribution rates for the Local Government Pension Scheme are presently 5.5% to 12.5%.

8. Abatement and Re-engagement

The Service will consider re-employment of retired employees in accordance with the relevant pension scheme orders and governance arrangements. There is no automatic right to be re-employed; the decision will be strictly based on organisational needs and will usually follow an advertising and selection process. Bedfordshire Fire and Rescue Service apply re-engagement and abatement rules for Grey Book employees in line with the requirements of the relevant pension scheme and in line with all Government guidance.

Abatement and re-engagement is a provision within the Firefighters' Pension Schemes that enables a retired member of the pension scheme to be re-employed. This means that the pensioner receives their commutation (lump sum) upon retirement. Pensioners who are re-engaged following their retirement are subject to the Abatement Rules under the terms of the relevant pension scheme. This requires that the current pension plus current pay cannot be more than pay on retirement, so any excess is abated (reduced). The **former** Chief Fire Officer was re-employed under the abatement and re-engagement rules of the 1992 Fire Fighters Pension Scheme in February 2010 under these rules. **In 2019 the Fire and Rescue Authority determined that** the Service will not reappoint Principal Officers after retirement to their previous, or a similar, post save for in exceptional circumstances when such a decision is necessary in the interests of public safety. Any such appointment must be transparent, justifiable and time limited.

9. Low Pay Definition

The lowest paid employees of the Service are employed on full time (37 hours) equivalent salaries in accordance with the minimum scale point in use within the Service grading structure. As at 1 April **2021**, this is Grade 6, spinal column point 6 **£10.21** per hour, **£19,698** per annum (**no pay award has been agreed since 1 April 2020**). The Service believe that this is the most easily understood definition of low pay as it is the lowest pay grade routinely used for substantive roles.

10. Pay Multiples

The Service uses an established process to determine job size and salary levels. This process determines the relationship between the rate of pay for the lowest paid employee and the highest paid Chief Officer, described as a pay multiple.

It is a requirement of the Localism Act that the current pay multiple to be applied for this annual pay policy statement must use data from the preceding year, therefore data from 1 April 2020 to 31 March 2021. At this point in time the pay multiple between the lowest paid employee and the highest paid Chief Officer (previous Chief Fire Officer) was 7.82:1. The pay multiple between the lowest paid employee and the current highest paid Chief Officer (current Chief Fire Officer) is 7.94:1. The increase in the current pay multiple is as a result of the Gold Book pay increase being awarded in June 2021 and the Green Book pay award for 2021 remaining unsettled. This ratio can be measured as being lower than the public sector averages of 8:1 to 12:1 identified by Lord Hutton in March 2011. This is as a result of the Green Book pay award for 2018 and 2019 which resulted in a salary uplift equivalent to 5.06% to the lowest paid spinal column point.

BFRS pay multiple for the lowest earner has been calculated using all taxable earnings for the given year, including base salary, allowances, overtime and the cash value of any benefits-in-kind; pro-rated to a full time equivalent, compared to the unabated Chief Fire Officer full time equivalent.

11. Part-Time Employees

The salary and remuneration of part-time employees is the same as those of full-time employees (pro-rata where appropriate) unless otherwise stated.

12. Code of Recommended Practice for Local Authorities on Data Transparency

Bedfordshire Fire and Rescue Service is committed to the three principles enshrined in the Code:

- Responding to public demand;
- Releasing data in open formats available for re-use; and
- Releasing data in a timely way.

Data on senior salaries is published in the annual statement of accounts and the most recently produced can be accessed on the internet at page 64 of the Annual Statement of Accounts

<https://www.bedsfire.gov.uk/About/Finance-and-budget/Monthly-Financial-Reports/Pre-Audited-Statement-of-Accounts-2020-21.pdf>

The approved Pay Policy Statement will also be available from

<https://www.bedsfire.gov.uk/About/Governance/Transparency.aspx> as well as the intranet site. In addition a range of information relating to Bedfordshire Fire and Rescue Services responsibilities under the local Government Transparency Code can be found on <https://www.bedsfire.gov.uk/About/Governance/Transparency.aspx>