



EAST SUSSEX FIRE AUTHORITY

URGENCY PANEL

FRIDAY, 29 MARCH 2019 at 09:30 hours

MEMBERS

East Sussex County Council

Councillors Barnes, Dowling, Elford, Lambert, Scott

Brighton & Hove City Council

Councillors O'Quinn, Theobald

You are requested to attend this meeting to be held in Meeting Room 1 (First Floor), Malling House, East Sussex Fire & Rescue Service Headquarters, Church Lane, Lewes, East Sussex, BN7 2DZ at 09:30 hours.

AGENDA

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35 1 In relation to matters on the agenda, seek declarations of interest from Members, in accordance with the provisions of the Fire Authority's Code of Conduct for Members

36 1 Apologies for Absence

37 1 Notification of items which the Chairman considers urgent and proposes to take at the end of the agenda/Chairman's business items

(Any Members wishing to raise urgent items are asked, wherever possible, to notify the Chairman before the start of the meeting. In so doing they must state the special circumstances which they consider justify the matter being considered urgently).

38 3 Minutes of the last Urgency Panel meeting held on 3 January 2019 (copy attached)

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39	7	<u>Pay Policy Statement for 2019/2020 – Report of the Assistant Director – People Services</u> (copy attached)
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ABRAHAM GHEBRE-GHIORGHIS
Monitoring Officer
East Sussex Fire Authority
c/o Brighton & Hove City Council

Date of Publication: 21 March 2019

For further details and general enquiries about this meeting contact Abigail Blanshard, Senior Democratic Services Officer, 01323 462069 or email democraticservices@esfrs.org

EAST SUSSEX FIRE AUTHORITY

Minutes of the meeting of the East Sussex Fire Authority URGENCY PANEL held at Fire & Rescue Service Headquarters, Lewes on Thursday, 3 January 2019 at 10:00 hours.

Members present: Councillors Barnes, Dowling, Lambert, Scott and O'Quinn.

Also present: D Whittaker (Chief Fire Officer), D Savage (Assistant Director Resources/Treasurer), L Woodley (Deputy Monitoring Officer) and E Simpkin (Democratic Services Officer)

29 DECLARATIONS OF INTEREST

- 29.1 Councillor Dowling declared that his wife was a Cabinet Member at Wealden District Council.

30 APOLOGIES FOR ABSENCE

- 30.1 Apologies had been received from Councillors Elford and Theobald.

31 NOTIFICATION OF ITEMS WHICH THE CHAIRMAN CONSIDERS TO BE URGENT

- 31.1 There were none.

32 BUSINESS RATES RETENTION PILOT

- 32.1 The Panel received a report from the Assistant Director Resources/Treasurer (ADR/T) seeking agreement for East Sussex Fire and Rescue Service (ESFRS) to participate in the East Sussex Business Rates Pilot for 75% business rate retention for 2019/20.

- 32.2 The ADR/T reminded the Panel that in September 2018 the Fire Authority had, as part of a report on Strategic Service Planning and Medium Financial Plan 2019/20, given approval for the submission of an expression of interest to join an East Sussex Business Rate Pilot for 2019/10. On Tuesday, 11 December 2018, as part of the Provisional Local Government Finance Settlement, the Ministry of Housing, Communities & Local Government (MHCLG) had confirmed that the East Sussex Business Rates Retention Pilot bid had been successful and approval was now being sought to progress in the Pilot. Approval was required prior to the consultation period deadline of 10 January 2019. The Panel was reminded that withdrawal of any partner would result in both Pilot and the existing Business Rates Pool failing. It was anticipated that participation in the pilot would result in £250k additional income in 2019/20, making £550,000 in total including the forecast income from the existing Business rates Pool.

- 32.3 The ADR/T went on to highlight the Government expectations for the use of the additional income, explaining that under the current pooling arrangement additional income had to be spent on economic development and business growth. A Safer Business Reserve had been established for this purpose, however, this had presented

challenges and some of these funds remained unspent. Under the 75% Business Rate Retention Pilot additional funds would be split between economic development (which would be the region of £70k) and financial stability (forecast to be £480k). It was envisaged that the Fire Authority would have discretion in how it utilised the economic development fund and could, for example, use the income for feasibility studies or existing planned projects which supported business growth/economic development. Detailed proposals were awaited from each District / Borough. With regard to financial stability, there was an understanding that these funds could be used to support the delivery of local services. The ADR/T reminded the Panel that the Authority would not have the final amount of gain under the Pilot confirmed (and receive the actual income) until after the audit of the 2019/20 accounts. For that reason it was proposed to transfer the additional Pilot income into an Earmarked Reserve and to make plans for its expenditure in 2020/21.

- 32.4 The Panel discussed the risks of the pilot including the potential for Business Rate income to decrease. The ADR/T clarified that the pilot did not have a safety net government guarantee and that any losses would be proportionally shared between the authorities. A sensitivity analysis had been carried out and it was thought that the risk was relatively low, partly due to nature of the businesses in East Sussex. Members highlighted the national challenge to Business Rates from NHS Trusts, however, the ADR/T thought it unlikely that this would be resolved in 2019/20 and would be a national issue. The difference between the risks associated with the pilot itself and the potential for more long term issues to affect Business Rate collection rates was acknowledged by the Panel. It was noted that the risks would form part of the general funding risk in the Corporate Risk Register. The Panel suggested that the acknowledgment of the risks be reflected in the report recommendations.

32.5 **RESOLVED:** That the Panel:

1. agrees that Wealden District Council be nominated as the lead authority;
2. agrees that East Sussex Fire Authority participates in the East Sussex Business Rates pilot for 2019/20 resulting in an anticipated gain of £0.250m over current pooling arrangements (i.e. £0.550m in total);
3. agrees that the basic principle be agreed that no authority will receive a lower level of funding than they would have received without the pool;
4. agrees to split resources gained on the growth in business rates on the basis of the split being 26% to East Sussex County Council, 5% to the Fire Authority and the remaining 44% split amongst the District/Borough Councils;
5. agrees the financial stability and economic development split of funding as set out in paragraphs 5.4 and 5.5 of the report;
6. agrees that additional income to the Fire Authority is transferred to earmarked reserves whilst investment plans are developed,
7. authorises the Assistant Director Resources/Treasurer, after consultation with the Chief Fire Officer and Monitoring Officer, to sign the Memorandum of Understanding on behalf of the Authority and to take such other steps as are necessary to give effect to the foregoing recommendations.; and

8. notes the risks as set out in the report.

33 EXCLUSION OF THE PRESS AND PUBLIC

- 33.1 **RESOLVED** – That items 34 be exempt under paragraph 3 of Part 1 Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 and accordingly not open for public inspection on the grounds that they include information relating to the financial or business affairs of any particular person (including the authority holding that information).

34 CONFIDENTIAL MINUTES OF THE LAST URGENCY PANEL MEETING HELD ON 6 AUGUST 2018

- 34.1 **RESOLVED** – That the minutes of the meeting of the Urgency Panel held on 6 August 2018 be approved as a correct record and signed by the Chair. (*Copy in minute book*)

The meeting concluded at 10:36 hours.

Signed

Chairman

Dated this

day of

2019

EAST SUSSEX FIRE AUTHORITY

Meeting	Fire Authority – Urgency Panel
Date	29 March 2019
Title	Pay Policy Statement for 2019/2020
By	Hannah Scott-Youldon, Assistant Director – People Services
Lead Officer	Hannah Scott-Youldon, Assistant Director – People Services

Background Papers None

Appendices Appendix 1 – Pay Policy Statement

Implications:

CORPORATE RISK		LEGAL	✓
ENVIRONMENTAL		POLICY	
FINANCIAL	✓	POLITICAL	
HEALTH & SAFETY		OTHER (please specify)	
HUMAN RESOURCES	✓	CORE BRIEF	

Purpose of Report To approve the Fire Authority's Pay Policy statement for the period 1 April 2019 to 31 March 2020.

EXECUTIVE SUMMARY The Localism Act 2011 imposes a duty on relevant local authorities to prepare pay policy statements for each financial year, beginning with 2012/13. The statement must be approved by 31 March 2019.

RECOMMENDATION The Urgency Panel is asked to approve the Pay Policy Statement set out in Appendix 1.

1 **BACKGROUND**

1.1 Section 38 of the Act places a requirement on a relevant authority (which term includes a Combined Fire Authority) to prepare a pay policy statement for the financial year 2012-13 and each subsequent financial year. A pay policy statement must set out the authority's policies for the financial year relating to:

- The remuneration of its chief officers
- The remuneration of its lowest paid employees
- The relationship between the remuneration of its chief officers and that of other employees who are not chief officers.

1.2 The statement must include the definition of 'lowest paid employees' adopted by the authority for the purposes of the statement, together with the authority's reasons for adopting that definition.

1.3 The statement must include the authority's policies relating to:

- The level and elements of remuneration for each chief officer
- Remuneration of chief officers on recruitment
- Increases and additions to remuneration for each chief officer
- The use of performance-related pay for chief officers
- The use of bonuses for chief officers
- The approach to the payment of chief officers on their ceasing to hold office under or being employed by the authority, and
- The publication of and access to information relating to the remuneration of chief officers.

In relation to the above, the authority does not operate performance-related pay for chief officers or bonuses at this stage. Work is currently underway to design and implement a performance related pay system for chief officers for implementation, if approved and agreed, in 2019.

It may also include the authority's policies for the financial year relating to other terms and conditions applying to its chief officers. The authority must comply with its Pay Policy Statement for the financial year when making any determination relating to the terms and conditions of a Chief Officer. The Policy can be amended by the Fire Authority at any time throughout the financial year to which it relates.

1.4 The term remuneration in relation to a chief officer is defined by the Act as:

- The chief officer's salary or, in the case of a chief officer engaged by the authority under a contract for services, payments made by the authority to the chief officer for those services
- Any bonuses payable by the authority to the chief officer
- Any charges, fees or allowances payable by the authority to the chief officer
- Any benefits in kind to which the chief officer is entitled as a result of the chief officer's office or employment

- Any increase in or enhancement of a chief officer's pension entitlement where the increase is as a result of a resolution of the authority, and
- Any amounts payable by the authority to the chief officer upon the chief officer ceasing to hold office under or being employed by the authority, other than amounts that may be payable by virtue of any enactment.

- 1.5 The Fire Authority's first pay statement was approved and published in accordance with the guidance by 31 March 2012. Thereafter the policy will be published annually, as soon as reasonably practicable after being approved, on the ESFRS website.
- 1.6 The Panel is asked to approve the Statement attached as Appendix 1, which has been drawn up with due regard to all relevant guidance and previous statements. Changes to the presentation reflect our experiences since the pay policy came into force and keeping under review other examples.

Pay Policy Statement 2019/20

Introduction

The Pay Policy Statement set out below has been compiled in accordance with Sections 38 to 43 of the Localism Act 2011. The Act requires East Sussex Fire Authority to publish a Pay Policy Statement for each financial year. The information contained in this Statement is based on the pay position of employees as at 31 December 2018, unless otherwise stated. The purpose of a Pay Policy Statement is to provide information to the public on the pay arrangements that apply to employees of the Authority, including the Chief Fire Officer and his direct reports. The Statement also includes information on how decisions to set or change pay are made.

Structure of the Workforce

As at 31 December 2018 the Authority employed 784 people (668 full-time equivalents or FTEs). These employees span various pay groups which perform a variety of roles and have different patterns of working to meet service delivery needs. In its simplest form these are employees who either have an operational role (firefighters working on fire stations, control operators and technical staff working in specialist areas) or those who provide administrative and corporate functions such as finance, information technology governance and human resources.

The Authority has a third group of employees, namely the Principal Officers (Chief Fire Officer, Deputy Chief Fire Officer and Assistant Chief Fire Officer).

Number of FTE Staff Employed by Category as at 31 December 2018:

Staff Group	Definition	Number of Staff in Group
Wholetime Firefighters	Firefighters who work 42 hours a week to crew stations 24 hours a day either as firefighters located at the station, or as firefighters located at the station during the day and responding from their own homes on an on-call basis at night, or who work in specialist areas such as Technical Fire Safety.	339
Sussex Control Centre	Staff who receive 999 calls.	44
On-Call Firefighters	A duty system where firefighters respond from their own homes or workplaces located near to the fire station on an on-call basis.	136
Support Staff	Staff who typically do not wear a uniform and work in administrative and professional support functions.	135
Community Support Front Line	Specialist staff who provide fire and road safety prevention advice and offer home safety services and specialist advice for those more at risk.	11
Principal Officers/ Statutory Officers	Principal Officers comprise the Chief Fire Officer, Deputy Chief Fire Officer, and Assistant Chief Fire Officer.	3

Pay Policy

The overarching framework for pay and conditions of service for staff employed by the Authority is governed by three National Joint Councils. These are the NJC for Local Authority Fire and Rescue Services, the NJC for Local Government Services and the NJC for Brigade Managers of Local Authority Fire and Rescue Services. The principal role of each of these national bodies is to reach agreement on a national framework of pay and conditions of service for authorities to apply locally. Each NJC is made up of people who represent the employers and others who represent employees; the latter will typically be trade union representatives. The frameworks of pay and conditions set by each of these national bodies are locally referred to as the Grey Book (applies to uniformed staff); the Green Book (applies to staff who do not wear a uniform); and the Gold Book (applies to the Principal Officers) respectively.

Each NJC acknowledges that its national framework of pay and conditions will need to be adjusted locally to reflect local needs. Where appropriate, this will be undertaken through local agreement, with recognised trade unions where they exist or, alternatively, through local decision-making processes.

The Equality Act 2010 gives women (and men) a right to equal pay for equal work. The Authority undertook an equal pay audit in 2011 to ensure that its pay and benefits policy and practice were not being applied inconsistently, resulting in unequal pay for work of equal value for men or women. There were no major areas of concern identified as a result of the audit, those areas which did need review have been catered for in the introduction of the new job evaluation scheme during 2016/2017.

Local Variations to Pay and Conditions of Service

The national pay agreements and the terms and conditions constitute a minimum standard but it is acknowledged that these can be modified through local negotiation to reflect local needs. There is a mechanism in place to agree such changes. However, any changes to the pay or conditions of service of the Principal Officers must be approved by the Authority's Principal Officers Appointments Panel. The Fire Authority will be informed of any national changes to the pay or terms and conditions of all employees.

Pay Structure

Each category of staff will be linked to a separate pay structure which is directly linked to a national pay agreement. When the pay agreement has been amended to reflect local needs, Members of the Authority will be updated accordingly.

The pay structure for uniformed staff is based on the national pay agreement which is negotiated and issued by the National Joint Council. The pay structure for uniformed staff is based upon six roles, each having a development or competent pay point. Movement from one to the other is based on an individual completing a development programme which is then subject to independent verification. The

annual salary within each role is a fixed point salary. This means that, unless the employee is promoted, or a national pay award is agreed, the salary will remain unchanged. Employees may move up the pay structure through promotion into a higher role. For an employee to do this they must be approved by their line manager as having demonstrated the type of behaviours and skills required of an employee operating at the higher level; potentially have attended an assessment centre; and then be successful through interview for a role at the higher level.

The pay structure is different for those support staff the majority of whom do not wear a uniform. A project to update the pay and grading structure was undertaken in 2017. New employees are assigned to the new pay and grading structure with the majority of existing staff, transitioning over on 1 April 2018 or earlier if there were issues with parity. Employees are appointed to a post which has a specific job family assigned to it. Within each job family there are pay points. The experience and skills of the employee are evaluated against the requirements of the job which will then determine the pay point to which they are appointed. Progression to higher pay points within the job family is made on an annual basis.

The pay and grading structure project will be reviewed in 2019 following 12 months of implementation.

Pay Awards

An annual pay increase is awarded based on the outcome of the relevant national pay negotiation process. Based upon the decisions taken at a national level by the NJCs relevant to this Authority, the Authority's Green Book staff received a pay award of 2%, applicable from 1 April 2018, except for those on salaries starting below £20,384 per annum who received an increase of 3.74%, and Grey Book Staff received a 2% award, effective from 1 July 2018. The pay award for the Principal Officers was a 1.0% increase on 2017 basic salary levels with effect from 1 January 2018, rising to a 2.0% increase on 2017 basic salary levels with effect from 1 July 2018.

How are Grades and Roles Determined?

When a post is created or has changed significantly it is evaluated in order that it can be matched against the appropriate grade for the role. A job evaluation process is used to determine the grade of a post. The process of job evaluation considers a range of factors relating to the demands of the job, including knowledge necessary to do the job; complexity; level of discretion in, and potential impact of, decision-making; accountabilities in relation to people, finance and physical resources such as equipment or property. The job evaluation process ensures that the principle of equal pay for work of equal value is met and that the demands required of the post are assessed as objectively as possible. The job evaluation process includes input from trained individuals from across the organisation, including union representatives.

Pension Arrangements

The Authority currently administers four occupational pension schemes. There are three schemes for firefighters: the Firefighters' Pension Scheme 1992 (FPS) (closed to new entrants from April 2006), the New Firefighters' Pension Scheme 2006 (NFPS) (closed to new entrants from April 2015) and the Firefighters' Pension Scheme 2015 for new entrants. The employee contribution rates effective from 1 April 2015, determined by statute, currently range from 11.0% to 17.0% for the FPS, 8.5% to 12.5% for the NFPS and 11% to 14.5% for FPS 2015, depending on salary level. Employer contribution rates are 37.3% (FPS), 27.4% (NFPS) and 28.8% of core pensionable pay from 1 April 2019.

The Firefighters' Pension Scheme 2015 (FPS 2015), Firefighters' Pension Scheme (FPS) and New Firefighters' Pension Scheme (NFPS) are statutory schemes. The rules and regulations governing the schemes are laid down by the Government.

There are some provisions of the Schemes that are discretionary. Discretionary powers allow employers such as East Sussex Fire Authority to choose how, or if, they apply certain provisions.

Generally these discretions lead to enhanced benefits to scheme members, but result in an additional strain on the pension fund. As at 31 December 2018 no discretions have been awarded under the schemes.

Green Book staff are auto-enrolled onto the Local Government Pension Scheme (LGPS). The employee contribution rates for this scheme currently range from 5.5% to 12.5% depending on salary level. The employer contribution rate is 17% for tax year 2018/2019 and a cash payment of £213,000.

The new Local Government Pension Scheme 2014 came into effect on 1 April 2014. The Scheme is a 'Career Average Revalued Earnings' (CARE) Scheme, which is a move away from a final salary scheme.

The Local Government Pension Scheme (LGPS) is a statutory scheme. The rules and regulations governing the schemes are laid down by the Government.

There are some provisions of the Scheme that are discretionary. Discretionary powers allow employers such as East Sussex Fire Authority to choose how, or if, they apply certain provisions.

Generally these discretions lead to enhanced benefits to scheme members, but result in additional costs which fall to the Authority and not to the pension scheme. As at 31 December 2018 no discretions have been awarded under the new scheme.

Senior Officers

The Authority is required to publish information relating to the pay of its most senior employees, which are defined as those employees whose annual salary is £50,000 or more. Information regarding those employees who influence the decisions of the Fire Authority as a whole (i.e. those officers who are members of the Senior Leadership Team and the number of employees whose annual salary is £50,000 or more is published on an annual basis in the Authority's Statement of Accounts.

Post	FTE Salary	Notes
Chief Fire Officer	£142,864	Car provided
Deputy Chief Fire Officer	£115,468	Car provided
Assistant Chief Fire Officer	£107,412	Car provided
Assistant Director – Operational Support & Resilience	£53,238	Response car provided plus 20% flexible duty system allowance.
Assistant Director – Safer Communities	£58,397	Response car provided plus 20% flexible duty system allowance.
Assistant Director – Human Resources & Organisational Development	£61,193	Eligible for lease car provision (taken)
Assistant Director – Training & Assurance	£53,238	Response car provided plus 20% flexible duty system allowance
Assistant Director – Planning & Improvement	£59,411	Eligible for lease car provision (not taken)
Assistant Director – Resources / Treasurer	£78,650	Eligible for lease car provision (not taken)
ITG Manager	£50,306	
Strategic Engineering Manager	£56,784	Lease car provision (eligible due to mileage)
Finance Manager	£56,784	

Ratio between Highest Earner and Average Earnings of the Organisation and Definition of 'Lowest Paid'

The Authority is required to publish information which expresses as a ratio the difference between the pay of its highest paid employee and the average pay for all other employees.

The Authority is also required to publish its own definition of 'lowest paid' employees as it applies to the Authority's workforce.

The Authority has a range of staff employed on different conditions of service and this means that it has a range of salary levels. Some staff are employed on contracts which are regarded as secondary employment. This means that they are able to undertake their contract in addition to other full-time employment. Specifically, this relates to firefighters who work the 'On Call' duty system, providing on call availability from their home or place of work. These employees have full-time work outside the Authority.

The Authority also has a group of staff employed on annualised contracts. These are part-time contracts worked by staff that may have primary employment elsewhere. However, they could be staff who are already employed by the Authority but whose working pattern allows them to work some additional hours whilst still maintaining appropriate levels of rest. For the purposes of publishing information on the comparison of pay in relation to the Authority's highest earner when compared to the rest of the workforce and a definition of the 'lowest paid' in the context of the Authority, these groups of employees has not been included. This is because these posts constitute secondary employment and will typically be for a lower number of hours, which results in no true full-time equivalent salary. They would, therefore, skew the results of any comparison to full-time salaries.

The table below sets out the difference between the pay of the highest paid employee (the Chief Fire Officer) when compared to the average pay of all other employees. The information illustrates that the Chief Fire Officer's pay is (4.68) times more than the average pay of a competent Firefighter role as at 31 December 2018. This differential is £112,331.

The pay award for the Principal Officers was a 1.0% increase on 2017 basic salary levels with effect from 1 January 2018, rising to a 2.0% increase on 2017 basic salary levels with effect from 1 July 2018.

	December 2016	December 2017	December 2018
Chief Fire Officer	£138,663	£140,050	£142,864
Mean Salary	£29,638	£29,934	£30,533
Ratio	4.68	4.68	4.68

This ratio is calculated by dividing the Chief Fire Officer's pay by the average mean salary for a Firefighter (excluding secondary contracts). The number of other staff is the average FTE for the 12 months ending 31 December 2018.

The Authority's Definition of 'Lowest Paid' Employees

The Authority regards its lowest paid employees to be those employed on its Green Book conditions of employment. These are employees who do not wear a uniform and who tend to work in administrative and corporate function areas.

Re-Engagement of Employees

The Authority does not have a policy on re-engagement. Former employees are entitled to apply for posts in accordance with a competitive process and, if employed, usual rules on pension arrangements (should the individual be in receipt of one) apply.

Occasionally, due to the specialist nature of the Fire Service, specialists or experts may be called in under a contract for consultancy services.