



LONDON FIRE BRIGADE

# Maternity Pay Proposal

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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 .....

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Report by:

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For decision

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# 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 Deputy Mayor

That the Deputy Mayor for Fire and Resilience authorises the London Fire Commissioner to commit expenditure for the purpose of increasing the maternity and adoption pay provision and providing backfill:

- one-off expenditure of £432,725 to pay backpay to those staff already on maternity or adoption leave; and
- up to £841,507 for the remainder of 2023/24 and £1,470,606 additional annual ongoing expenditure from 2024/25 as a result of the policy change. Future years' costs will be reviewed as part of future financial planning rounds, taking into account pay rises and potential changes to workforce composition.

This LFC decision will only be taken after further consultation with the Greater London Authority's finance and legal advisers and Corporate Investment Board.

### 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 of 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 London<sup>1</sup>.
- 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 health<sup>2</sup>. 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 babies<sup>3</sup>. 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 documented<sup>4</sup>. 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 work<sup>5</sup>.
- 1.9 LFB acknowledges that the research in this area is still limited, likely due in part to the historic

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

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

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

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

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

lack of women in the profession. While plans for more detailed research on the occupational risks unique to female firefighters are beginning to be seen<sup>6</sup>, 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. Nationally<sup>7</sup>, 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 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

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

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[https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fgovernment%2Fuploads%2Fsystem%2Fuploads%2Fattachment\\_data%2Ffile%2F1111464%2Ffire-statistics-data-tables-fire1103-201022.xlsx&wdOrigin=BROWSELINK](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fgovernment%2Fuploads%2Fsystem%2Fuploads%2Fattachment_data%2Ffile%2F1111464%2Ffire-statistics-data-tables-fire1103-201022.xlsx&wdOrigin=BROWSELINK)

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 to 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 Wales<sup>8</sup>, 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

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

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 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

## Originating officer declaration

Reporting officer to confirm the following by using 'x' in the box:

Reporting officer	
[Report author] has drafted this report and confirms the following:	
1. Assistant Director/Head of Service Cliff Morton has reviewed the documentation and is satisfied for it to be referred to Board for consideration	X
2. Advice The Finance and Legal teams have commented on this proposal: Thomas Davies, Legal Advisor, on behalf of General Counsel (Head of Law and Monitoring Officer). Kat Kosa Financial, Advisor, on behalf of the Chief Finance Officer.	X  X