

Meeting: Fire Services Management Committee

Date: 9 December 2022



Workforce report

Purpose of report

For information

To update the FSMC on matters in relation to fire service industrial relations and pension matters.

Summary

This report briefly describes the main industrial relations and pension issues at present.

Is this report confidential? No

Recommendation/s

Members are asked to note the issues set out in the paper.

Contact details

Contact officer: Gill Gittins (Industrial Relations)

Position: Senior Adviser (Workforce and Negotiations)

Phone no: 07775 538917

Email: gill.gittins@local.gov.uk

Contact officer: Claire Hey (Pensions)

Position: Senior Pensions Adviser

Phone no: 07825 731 924

Email: claire.hey@local.gov.uk

PENSIONS

Legal cases related to pension matters

1. Members are aware of the range of legal cases brought against FRAs (supported by the FBU) that fall broadly under the category of the McCloud/Sargeant litigation. As they were named as respondents in the cases, Fire and Rescue Authorities (FRAs) had to submit defences. The defences continue to be managed collectively on behalf of the FRAs by the LGA under the auspices of the National Employers and decisions have been taken by a central Steering Group which is comprised of a number of legal and HR advisers from varying types of fire and rescue services across the UK, the national employers' Advisory Forum legal adviser, national employers' secretariat, and from the LGA its Corporate Legal Adviser and a Senior Employment Law Adviser.
2. The details of each category have been covered in previous reports. Therefore, each category is covered in short below, together with the current positions:
3. McCloud/Sargeant – this is the main category and concerns the issue of whether the transitional protections in the 2015 Fire Pension Scheme (FPS), which provide protections based on age allowing older members to remain in their former final salary scheme, are age discriminatory (other claims were made but it is the age discrimination claim which is the primary one).
 - 3.1. The Court of Appeal found that the transitional protections unlawfully discriminated on age and the case has now returned to the Employment Tribunal for it to determine remedy (a request to appeal was rejected by the Supreme Court).
 - 3.2. Current position - an [interim Order on remedy](#) was agreed by all parties. It does not bind the parties beyond the limited interim period before the final declaration. Paragraph 2 of the Order in effect provides that pending the final determination of all of the remedy issues, those that brought claims in England and Wales (the claimants) are entitled to be treated as if they remained in the 1992 FPS. While the Order anticipated that the final determination on the remedy issue in regard to membership of the 1992 FPS would be resolved in 2020, legislation to provide the main remedy needs to be put in place. Pending the legislation, which is expected to come in force on 1 October 2023, an Order in substantively the same form as the interim Order remains in place.
 - 3.3. The injury to feelings Employment Tribunal hearing which was scheduled to take place from 14 – 28 October was vacated, the parties having agreed provisional settlement arrangements.
 - 3.4. The injury to feelings claims were made as part of the Sargeant (age discrimination) litigation and are claims for compensation for non-financial loss.

- 3.5. Vacation of the hearing followed agreement in principle as to issues of non-financial loss, and to provide further time to negotiate the full settlement details between all parties (including FRAs) through their respective legal representatives. In the case of FRAs, approval will then be needed by the Steering Committee before final agreement is reached.
- 3.6. The compensation amounts are based on the established principles (often referred to as 'Vento' bands) and will have appropriate interest applied. The cost of compensation will be fully met by the Government, on the basis that FRAs are in funds before any payments are required to be made.
- 3.7. In respect of the claimants this applies to, it is all the named original 2015 claims in England and Wales brought by the FBU (but not claims in Scotland or Northern Ireland). This does not settle the further claims served last year, the Fire Officers' Association (Slater and Gordon) claims nor any of the reverse discrimination claims.
- 3.8. There still needs to be negotiation between the respective legal representatives on the details, including timescales and practicalities around making payments. The parties can apply for a tribunal hearing if matters are not fully resolved by 23 April 2022, so it is anticipated that discussions will be concluded by then. We continue to keep FRAs updated on any material developments through their nominated contacts.
4. Another related category of employment tribunal claims has been issued by the FBU against fire and rescue authorities on behalf of firefighters. The claims relate to members of the 2006 Scheme who were not transferred to the 2015 Scheme (and never will be), which they claim would have provided them with better benefits.
 - 4.1. Current position – Working together with Bevan Brittan, the solicitors acting for FRAs, we are coordinating the defence of those claims on behalf of FRAs. The claims are currently stayed pending the outcome of the main FBU claims.
5. The FBU has also issued another batch of employment tribunal claims for its members who had not brought claims before. Those claims are broadly of the same type of claims that have been brought previously
 - 5.1. Current position – Working together with Bevan Brittan, we are coordinating the defence of those claims on behalf of FRAs. The claims are currently stayed pending the outcome of the main FBU claims.
6. Claims have been issued by Slater and Gordon solicitors against fire and rescue authorities on behalf of firefighters. Slater and Gordon is working with the Fire Officers Association. The claims are of the same type as the main claims brought by the FBU on behalf of their members in that they allege that the transfer of younger firefighters to the 2015 pension scheme amounts to age discrimination. We anticipate the claims have been brought in order to protect these particular claimants' position in relation to any injury to feelings award.
 - 6.1. Current position – Working together with Bevan Brittan, we are coordinating the defence of those claims and the cases are currently stayed, pending the outcome of the main FBU claims.

7. **Matthews & others v Kent & Medway Towns Fire Authority & others:**

- 7.1. relates to application of the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 to retained duty system employees. Those Regulations were brought into force to implement the EU Part-time Workers Directive. Following a protracted legal process up to and including the House of Lords judgment, settlement agreements were reached in respect of terms and conditions in 2015 with both the RFU (now FRSA) and the FBU in regard to the many thousands of Employment Tribunal cases. The LGA acted for FRAs through the auspices of the National Employers.
- 7.2. Defence of the pensions aspect of the case was led by government. The House of Lords judgment allowed those who were serving during the period 1 July 2000 (the date the Regulations came into force) to the date on which they elected to join the 2006 Scheme, to have special provisions which generally reflect the rules of the Firefighters' Pension Scheme 1992 ("FPS 1992"). A time-limited options exercise took place between 2014 and 2015 to allow eligible individuals to join the FPS. While the benefits awarded to special members largely mirrored the benefits under the FPS 1992, the FPS 2006 was amended as the FPS 1992 was closed.
- 7.3. More recently, work has again had to take place on the pensions aspect of this case. This is because of a European Court of Justice judgment involving part-time judges ([O'Brien](#)), which in effect held that remedy could extend back before the Part-time Worker Regulations were implemented in July 2000. This also impacts on the fire service as the impact of the judgment and its interpretation of part-time workers' rights applies across all employers.
- 7.4. Current position - On 9 March 2022, after an extended period of negotiations, a [Memorandum of Understanding](#) (MoU) was agreed between the government, the Fire Brigades Union, the Fire & Rescue Services Association, and FRA employers.
- 7.5. It was confirmed that remedy for retained firefighters affected by the O'Brien judgment will be provided by way of a second options exercise allowing in-scope individuals the opportunity to purchase pension entitlement as a special member of the FPS 2006. Under the terms of the MoU it was agreed that the Employment Tribunal proceedings should be stayed for 18 months to enable that options exercise to progress.
- 7.6. A further issue arose during negotiation of the MoU around an inability to aggregate periods of pensionable service in the FPS as a retained firefighter with periods of service as a wholetime firefighter ("aggregation"). This has been addressed by affected retained firefighters (or their representatives) having the ability to give written notification to the GLD (on behalf of the Home Office) and FRAs prior to the commencement of the second options exercise of:
 - i. their identity; and
 - ii. details of the factual and legal basis of any aggregation claims

- 7.7. with a view to discussions for six months from the MoU date on a resolution of those claims. If agreed resolution of the aggregation issues was not reached by then it has been agreed that those Claimants can ask for the stay on their tribunal claims to be lifted so the tribunal can determine outstanding issues in relation to them. As a resolution has not been reached, we are aware that a number of claims have now been submitted and are in the process of agreeing an approach to the collective defence of those claims.
8. Legal costs in relation to the above cases are currently shared between FRAs. Since the outset, the position of FRAs that any costs arising from these cases should be met by governments has been made clear. Work continues with legal representatives on appropriate approaches to reinforce that position, and a formal letter was sent to UK governments on behalf of FRAs. Discussions are ongoing between the Home Office and LGA officers as representatives of the FRAs to discuss the costs issues.

Matthews and the second options exercise

9. The LGA continues to assist the Home Office with their policy development in this area. Project management meetings are held between the LGA, the Home Office and the Government Actuaries Department (GAD) every four weeks.
10. The LGA has published a [Matthews Project Implementation Document](#) (PID) which sets out the scope, deliverables, and high-level timeline for the project. The PID also includes a communications plan and draft terms of reference for the Scheme Advisory Board working group.
11. A consultation on the draft regulations is expected to take place before the end of the year.

Immediate Detriment Framework for McCloud/Sargeant type cases

12. The proposed amendments to the Framework remain with the respective legal representatives for agreement. The amendments would also require final approval from the Steering Committee before the revised Framework is published.
13. In the meantime, the technical guidance to FRAs has been updated to include clarity around the proposed treatment of contributions and add the technical/ practical issue and proposed resolution (if any), and potential risk and liability, to each element. At such point that the amendments to the Framework are agreed, the guidance will be updated to reflect those changes.
14. We have asked FRAs to be alert to the receipt of future claims brought on behalf of scheme members, and to inform the LGA immediately on such receipt.
15. We also remain in continuous dialogue with the Government on potential alternative solutions.

2015 Remedy timetabling

16. [The Public Service Pensions and Judicial Offices Act 2022](#) (PSPJOA 2022) requires scheme managers to provide all eligible members with a Remediable Service

Statements (RSS) that informs them of their options under remedy by 1 April 2025 (18 months from the in-force date of 1 October 2023).

17. Working collaboratively with NPCC, the LGA has developed a proposal for scheme managers to schedule the provision of these statements to eligible members from 1 October 2023 considering their individual cohort needs. The proposal has been delivered to the Scheme Advisory Board engagement groups and to stakeholders and have been received positively.
18. This will inform not only the timetabling but also software development (in terms of manual versus automated processes for non-standard cases) and pre-work that may be needed for certain scenarios. The next stage is to share the proposal more widely with the sector.
19. As part of the pre-work process, we have provided a [factsheet outlining which ill-health cases may require reassessment](#) in order that a member can be offered alternative benefits when remedy is implemented. The factsheet encourages scheme managers to take immediate steps to review the cohort of their membership which will require a re-assessment to ensure that cases can be dealt with as soon as possible after 1 October 2023.

Consultation on remedy tax regulations

20. On 25 November 2022, HMRC published a technical consultation on a draft statutory instrument, which ensures the pensions tax framework will apply as intended to pension scheme administrators and members affected by the public service pensions remedy.
21. The consultation seeks views from pension scheme administrators on the draft regulations. The regulations set out changes to how the pensions tax rules will apply to pension scheme administrators and members of public service pension schemes as a result of the public service pensions remedy.
22. The regulations will make changes to how pensions tax legislation operates in certain circumstances, including changes to how schemes will need to report and pay extra tax charges or reclaim overpaid tax and ensure that schemes can pay pension benefits as authorised payments.
23. This legislation is intended to take effect from 6 April 2023, but some provisions will have a retrospective effect.
24. The consultation documents include an explanatory memorandum and guidance for administrators on the draft regulations. We will respond to the consultation before it closes on 6 January 2023.

Valuation 2020 update

25. HMT's response to the discount rate methodology consultation is still awaited. It is expected that the response may be issued at the same time as any new rate is announced. Due to current economic climate, it could be anticipated that the discount rate will reduce, leading to an increase in employer contributions.

26. The FPS 2016 valuation results suggested that a 0.25% reduction in the discount rate would increase costs by c11% of payroll. A 0.6% deduction could increase costs by over 20% of payroll mainly due to increases in past and future service costs.
27. The Government is aiming to implement all three proposals on cost control mechanism for 2020 valuation. The widened breach corridor has already been legislated for under [The Public Service Pensions \(Employer Cost Cap and Specified Restricted Scheme\) Regulations 2022](#).
28. FRA data has been collected and analysed and an improvement in data quality has been noted. GAD has engaged the Scheme Advisory Board on key scheme-set assumptions. Any changes to employer rates will be effective from April 2024 at the earliest.

Judicial review of 2016 cost control valuation

29. The FBU and the British Medical Association were in July granted permission for judicial reviews challenging the lawfulness of the Government's decision to place the cost of remedy on members of the schemes, rather than for the cost to be met by the Treasury.
30. The cases (being heard together because of their similarity) have been listed for hearing from 31 January to 3 February 2023.
31. Even if the Judicial Review is successful, it is unclear what remedy the court may order, and the Government would then need to consider how to proceed following that.

Autumn Statement 2022

32. The Chancellor of the Exchequer delivered his Autumn Statement to Parliament on 17 November 2022. The statement confirmed the following policies that have a direct or indirect impact on FPS members:
 - 32.1. The State Pension triple lock was maintained and working age benefits will increase in line with inflation in April 2023. Next year's State Pension increase will be 10.1 per cent.
 - 32.2. The [DWP review of the State Pension age](#) will be published early in 2023. The review is currently underway to consider whether the existing timetable to increase the State Pension age remains appropriate. The Government must publish the review by 7 May 2023.
 - 32.3. No changes to the annual allowance, tapered annual allowance or Money Purchase Annual Allowance in 2023/24.
 - i. No changes to the Lifetime Allowance which will remain at its current level of £1,073,100 until the end of the 2025/26 year.
 - ii. Current personal tax thresholds for income tax and national insurance (in England and Wales) will be frozen until April 2028.

- iii. The additional rate threshold (in England and Wales) will reduce from £150,000 to £125,140 from April 2023. This is the threshold beyond which individuals pay income tax at 45 percent.

- 33. The [Autumn Statement 2022 documents](#) are available to view on the Government's website.

SCHEME ADVISORY BOARD (SAB)

SAB remedy engagement sessions

- 34. The SAB has been invited by the Home Office to take part in a series of joint engagement sessions with the Police SAB to consider scheme specific versions of the Provision Definition Documents (PDDs) which define the provisions of the PSPJOA 2022 for each area of the 2015 Remedy.
- 35. One session is taking place per month between June and December 2022, with two topics discussed at each meeting. These discussions will help to inform the drafting of secondary legislation, ahead of formal consultation early in 2023. The schedule of sessions is set out below.

Policy topic 1	Policy topic 2	Date
Eligibility	Interest	24 June
ABS/ RSS	IC, DCU, defaults	27 July
Added Pension	Transfers	24 August
Contributions/ compensation	Ill-health retirement	23 September
Early/ late retirement	Abatement	12 October
Contingent decisions	CETV/ Divorce	21 November
Bereavement	Tax	24 January 2023

- 36. Any actions arising from the feedback from the Fire and Police SABs will be taken forward and responded to by the Home Office.

SAB and employer levy 2022-23

- 37. The Scheme Advisory Board (SAB) budget for 2022- 23 has been approved by the Minister for Crime, Policing and Fire and the invoicing process has started.
- 38. In 2014, FRAs entered a shared arrangement to fund a technical adviser post to support FRAs with their understanding and management of the Firefighters' Pension Schemes. The employers' voluntary subscription is included in the final levy.

39. The total levy for the 2022-23 year will be £6.27 per firefighter, which is calculated at £4.39 for the SAB and £1.88 for employers.
40. A letter was sent by email to Chief Fire Officers and HR Directors on 21 November 2022 advising them of this. Devolved FRAs have also been sent levy requests with regard to the employer advice service provided to them by the LGA.

SAB membership

41. Cllr Frank Biederman has been nominated to replace Cllr Ian Stephens as the Independent representative. Ministerial approval of the nomination is awaited.
42. A nomination has been requested from the Labour group office to replace Cllr Leigh Redman.

KEY CURRENT WIDER WORKFORCE ISSUES

Pay

NJC for Local Government Services (Green Book)

43. Support staff in fire and rescue services tend to be employed on NJC for Local Government Services terms and conditions (Green Book). Its scope is England, Wales, and Northern Ireland. Employee representatives on that NJC are Unison, Unite and GMB. The usual pay settlement date each year is 1 April.
44. The claim, received in June, was then the subject of regional employer consultation meetings at which authorities were also mindful of the difficult National Living Wage situation which is projected to increase by up to 20 per cent by April 2024 and the pressure that places on the current pay structure. The feedback informed national employer considerations and a final offer was made to the unions on 25 July:
 - 44.1. With effect from 1 April 2022, an increase of £1,925 on all NJC pay points 1 and above
 - 44.2. With effect from 1 April 2022, an increase of 4.04 per cent on all allowances (as listed in the 2021 NJC pay agreement circular dated 28 February 2022)
 - 44.3. With effect from 1 April 2023, an increase of one day to all employees' annual leave entitlement
 - 44.4. With effect from 1 April 2023, the deletion of pay point 1 from the NJC pay spine
45. Following respective consultation processes, membership of two out of the three unions indicated acceptance. This was sufficient for the NJC for Local Government Services to be able to reach agreement last month on the basis set out in paragraph 44.
46. Fire and rescue authorities and services have been kept up to date on pay negotiations and also National Living Wage issues. Some chose to attend the pay briefings organised by the regional employer organisations.

NJC for Local Authority Fire and Rescue Services

47. The scope of this UK-wide NJC is uniformed employees (other than those in Brigade Management roles). The usual settlement date for this (Grey Book) group is 1 July.
48. The pay claim for 2022-3 was circulated to FRA/Ss via circular [EMP/1/22](#) at the end of June.
49. Members of the employers' side of the NJC considered all relevant factors, including feedback from the consultation meetings with Chairs, chief fire officers and police, fire and crime commissioners and the advice of its Advisory Forum. A 2 per cent offer with effect from 1 July 2022 was made. The offer was not conditional on any other changes. Furthermore, going forward, the employers' side indicated it was open to exploring further the other points within the claim. The employees' side subsequently rejected the offer.
50. Information was provided to FRAs including an employers' media statement (since updated), key messages and FAQs to assist communications at local level and help to ensure a consistent approach. The NJC's media work is informed by a cross-organisation group of media specialists drawn from the LGA, WLGA, Scottish Fire & Rescue Service and the Northern Ireland Fire & Rescue Service. The information is kept under review and updated as and when appropriate.
51. The employers' side of the NJC made approaches, as appropriate, within all four stakeholder nations to see if additional funding could be secured. In terms of England specifically, an approach was made to the then Home Secretary. Various discussions have taken place including at Ministerial level and further detailed information provided. Both the Home Secretary and Minister with responsibility for fire changed during the course of discussions and a formal response was received on 30 September indicating the Home Office has decided not to assist FRAs in these exceptional circumstances this year.
52. The position in Scotland was more positive with Scottish Government supporting the Scottish Fire and Rescue Service to be able to make an improved NJC offer. The funding arrangements in Wales are different however the Welsh Local Government Association also indicated support in Wales for an improved NJC offer. The position in Northern Ireland has been complicated by not having a sitting NI Executive or confirmed budget for 2022/23 at present but it remains supportive of national collective bargaining.
53. Chairs, chief fire officers and police, fire and crime commissioners were invited to attend one of two further pay consultation meetings in September to discuss the possibility of an improved offer in the context of insufficient or no additional funding being identified. A further round of consultation was then undertaken immediately following receipt of the Home Office response.
54. At its meeting on 4 October NJC employers' side members considered a wide range of information including from advisers, current rates of inflation, views obtained through the consultation exercises, the potential financial costs and cultural damage of strike action and settlements/offers elsewhere (including the recommendations of

pay review bodies which although mainly accepted by the government were unfunded in several cases). A detailed confidential note indicating key issues considered was issued to Chairs, chief fire officers and police, fire and crime commissioners shortly thereafter.

55. An improved offer of 5% on all basic pay points and continual professional development payments was made at the NJC meeting on 4 October. On 5 October the employers were informed that the Fire Brigades Union would consult its members on the offer and not as part of a ballot on strike action, albeit it in the context of an executive council recommendation to reject the offer. We understand the main reason for such a recommendation was the still substantial gap between the offer and the current rates of inflation following a long period of low pay awards. Updated communications information was provided to FRA/FRSs to ensure consistency of the employers' message.
56. The two-week consultative postal ballot, which also included an online voting alternative, resulted in a 79% vote to reject the 5% offer. 78% of eligible members voted in the ballot.
57. The FBU had consistently been clear that, if necessary, it would ballot its members for strike action. It has now moved on to a formal industrial action ballot (which must be a postal ballot.) The ballot opened on 5 December and will close on 30 January. FRAs have been receiving the formal legally required notification of such a ballot.
58. While joint discussions continue, the employers' side of the NJC is unable to increase the pay award offer above 5%. It has however been reiterated that the employers' side remains open to exploring each of the other points within the claim:
 - 58.1. RDS firefighters: There are widespread and increasing difficulties in relation to the recruitment and retention of RDS firefighters. This has created, among other things, increasing problems regarding the availability of appliances crewed by those working retained duties in many FRSs. This matter should be addressed by the employers proposing significant improvements in the pay and rewards package for such firefighters, which should include a substantial increase in the annual retaining fee.
 - 58.2. Firefighters (Control): The essential contribution of firefighters (control) has been highlighted by the debate around the Grenfell fire and the issues discussed in the Manchester Arena Inquiry. We are concerned that this contribution is not currently recognised by the current pay scales. Therefore, we seek a reduction in the gap between the rates for control specific roles and "firefighting" roles.
 - 58.3. Pay progression: We have previously set out our concerns about the impact of the current flat pay structure on our members. You are aware that this has had the effect of hitting employees on Grey Book rates harder than those in sectors with systems of pay progression. CPD should be equalised and could be incorporated into a new system of pay progression beyond the competent rate.
 - 58.4. New roles: The employees' side has also previously set out the union's expectation for any agreement in relation to broadening the role of a firefighter.

We remain committed to developing the work of our service in the face of changing risk. This must be done by negotiation and agreement. It also requires investment from the governments of the UK. Nevertheless, these discussions should be immediately progressed.

58.5. Continuous Professional Development: A firefighter is a firefighter wherever he or she may work in the UK. They perform the same duties and take the same risks. Accordingly, payments should be equal across the sector according to rank/role. Moreover, firefighters perform to a very high standard. To these ends we seek agreement that CPD:-

- i. Will be paid at the highest current national rate, indexed by the %age pay rise for this and future years;
- ii. Should be paid as part of core pay, perhaps as an increment after a number of years service;
- iii. Should continue to be paid on promotion.

59. [FAQs and technical information](#) in respect of industrial action ballots are both available on the LGA website and have been circulated to FRA/FRSs. Should an FRA/FRS have any further queries they can be directed to the usual queries email address - firequeries@local.gov.uk

60. A further oral update will be provided at the meeting.

NJC for Brigade Managers of Local Authority Fire and Rescue Services

61. The scope of this UK-wide NJC is senior uniformed managers at Chief, Deputy Chief and Assistant Chief Officer levels. The usual settlement date for this (Gold Book) group is 1 January. The employee representative body is the Fire Leaders Association. Its pay claim seeks 'an unconditional pay increase for all Brigade Managers, with effect from 1 January 2022, that is commensurate with all other fire and rescue staff in the UK'. Accordingly, the position for other fire and rescue staff would need to be clear before further negotiation could take place. Opportunities were still taken to consult Chairs, portfolio holders and police, crime and fire commissioners on this claim. Outcomes from the recent further consultation sessions will also now be reported to the full employers' side.

62. An annual pay levels survey usually informs pay discussion within this group. Due to the resource pressures within services caused by the Covid pandemic, the NJC for Brigade Managers did not run a survey last year. However, as things are returning to normal, we will shortly be issuing the next survey, which will cover a two-year period.

LGA, NFCC and APCC Core Code of Ethics

63. The [Core Code of Ethics](#) has been promoted and welcomed across the groups the partnership bodies represent - NFCC, LGA and APCC - since its publication in May last year. The Core Code and its accompanying guidance was welcomed by the

Home Office, as well as by HMICFRS and the Fire Standards Board. A supporting Fire Standard was also launched at that time.

64. Following such widespread support, work has taken place, and is continuing to take place, to ensure the Core Code is adopted and embedded within all fire and rescue services in order to ensure consistency and delivery of improvements.
65. FRAs are expected to champion the Core Code and include in their scrutiny role its implementation and whether improvements sought are being delivered. Senior managers in each service were expected to ensure that as a first step a gap analysis was undertaken to ensure the principles are at the heart of day-to-day activity and reflected in all policies and procedures. Thereafter to embed the Core Code so that the improvements sought can be delivered.
66. Since release of the Core Code the partnership bodies have jointly undertaken several well attended workshops with fire and rescue services, initially to complement awareness activities and to support adoption of the Core Code. Workshops then moved on to progressing implementation and embedding the principles of the Core Code within services. The partners have also agreed that sharing of good practice going forward will be hosted through Workplace, which is operated by the NFCC and open to fire and rescue service employees working in this area. Partnership work will continue to support delivery of improvement. The majority of FRSs have adopted the Core Code and are well on the road to embedding its principles. Work will also continue with the remaining FRSs.
67. The importance of governance bodies in delivering effective scrutiny in this area is recognised and it is intended to also run a workshop for FRA Chairs/PFCCs and/or FRA member leads on equality, diversity and inclusion.
68. Discussions have taken place with HMICFRS to inform awareness especially given the creation of a code of ethics was a recommendation from the inspectorate.

Implications for Wales

69. The immediate detriment matters raised are the same in Wales where the matter of Section 61 of the Equality Act also applies. Given the work to agree a Framework took place under the auspices of the National Employers, it is also available to Welsh FRAs.
70. The remaining pension matters do not apply to Wales as Firefighters' Pensions are devolved to Welsh Government.
71. Each of the wider workforce matters in this report have the same implications for Wales as for England and we are working with WLGA, Welsh FRAs and FRSs as appropriate. The exception in this report is the Core Code of Ethics which applies in England only. The WLGA is one of the four employer stakeholder bodies on the NJC for Local Authority Fire and Rescue Services and the NJC for Brigade Managers.

Financial Implications

72. There will be financial implications for FRAs in respect of the pay awards referred to.
73. There will be financial implications arising from the legal remedies in Sargeant and Matthews in the following areas: administration, software, legal, and operational costs. Representations will continue to be made to the Government to seek to recover all costs arising as a direct result of the remedies.

Equalities implications

73. Equalities issues are central to the McCloud/Sargeant litigation.

Next steps

74. The pension and wider workforce issues will continue to be progressed as set out above.