



Home Affairs Committee

House of Commons, London, SW1A 0AA

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From the Committee Chair

Mr Matt Wrack
General Secretary
Fire Brigades Union
Via email

22 March 2024

Dear Mr Wrack,

We're grateful to you for giving evidence to the Home Affairs Committee on 5 March. The Committee is writing to you now to ask you to clarify part of your evidence: in particular the evidence you gave between Q137 and Q139, which I have set out at the end of the letter, together with a link to the full transcript.

In the light of this evidence, please could you reply in writing to the following questions:

1. What is the difference between non-disclosure agreements and settlement agreements with a confidentiality clause, especially in terms of their impact on the individual concerned?
2. Has the FBU ever used non-disclosure agreements in response to allegations of bullying, discrimination or harassment? If it has, how many times has it used them over the past five years and when was the most recent occasion on which one was used?
3. How many times over the past five years has the FBU used settlement agreements with a confidentiality clause or clauses in response to allegations of bullying discrimination or harassment?

Please could you send us your reply by 11 April.

Yours sincerely

Dame Diana Johnson MP
Chair of the Home Affairs Committee

Q137 Chair: We have to be very brief, so perhaps you can write to me about your reflections on that very poor statistic. I know the TUC often rallies about the use of non-disclosure agreements, where employers use them. Do you use non-disclosure agreements in your union?

Matt Wrack: What do you mean by that?

Chair: When you get rid of people.

Matt Wrack: When you get rid of people?

Chair: Yes, in your union.

Matt Wrack: What are you referring to?

Chair: I am just asking you: do you have a policy of using non-disclosure agreements?

Matt Wrack: I don't have a policy of using anything.

Chair: Do you use them?

Matt Wrack: We have used settlement agreements, if that is what—

Chair: You use settlement agreements, okay.

Matt Wrack: Do you know what a settlement agreement is? Are you aware of settlement agreements?

Chair: I am asking you: are you using non-disclosure agreements in the trade union?

Matt Wrack: A settlement agreement may include a confidentiality clause.

Chair: Yes. You use those in your trade union.

Matt Wrack: I would imagine many organisations, including the Labour party, which you are a part of, have—

Q138 Chair: I am just aware that the TUC says, "Too many employers are using NDAs to shirk responsibility for tackling and eradicating sexual harassment, discrimination and bullying at work." I am just asking if your union uses them.

Matt Wrack: There are no cases in the Fire Brigades Union that I am aware of where there are allegations of discrimination or bullying that have led to a non-disclosure agreement.

Chair: You don't use them.

Matt Wrack: But we have used settlement agreements. They are quite a common practice in employment.

Q139 Chair: I am just asking you if you use them. I don't know quite why you are so defensive about it. I am just asking you.

Matt Wrack: We have used them, yes.

Chair: You have used them.

Matt Wrack: Yes

Full transcript: <https://committees.parliament.uk/oralevidence/14416/pdf/>



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Our reference: 20240405 – Dame Diana Johnson - RS

By email only

The Rt Hon Dame Diana Johnson
Chair, Home Affairs Select Committee

05/04/2024

Dear Diana,

Further request for clarification

The FBU was surprised by the further request from the Home Affairs committee, sent on 22 March. You asked about non-disclosure agreements at the 5 March hearing and I gave the committee my answers. The FBU also provided clarification following the communication on 11 March.

I made the same distinction between non-disclosure agreements and settlement agreements as the House of Commons Women and Equalities Committee report, 'The use of non-disclosure agreements in discrimination cases' (July 2019). This distinction is also made in TUC and ACAS guidance.

You asked for further information about internal matters within the FBU. I have a duty of care and a duty of confidentiality to former employees of the FBU. I am not prepared to breach agreements the FBU made in good faith with individuals when they left their employment. You refer to unspecified "allegations". It is unreasonable to expect the FBU to respond to hearsay.

The remit of the Home Affairs Select Committee is "a cross-party committee of MPs responsible for scrutinising the work of the Home Office and its associated bodies". This inquiry was "to examine the workplace culture in the Fire and Rescue Service". These questions about internal matters within the FBU do not hold ministers, fire employers or chief fire officers to account for the current state of the fire and rescue service, for which they are principally responsible.

The FBU is the trade union that represents the majority of victims of bullying, discrimination and harassment within the fire and rescue service. Most legal cases on behalf of such victims are run by the

FBU. The FBU also has policies in place so our officials do not generally represent the perpetrators of such behaviours. The FBU is working to improve our own equality practices and campaigning for improvements within the service. Therefore, our members interpret this line of questioning as an attempt to undermine their union, which does most to support them.

I hope that your report will identify the causes of poor workplace culture with those senior leaders who are responsible for it or who fail to act in such cases. The FBU, which represents the majority of the workforce, remains willing to work to support any genuine attempts to improve the situation.

Your sincerely

A handwritten signature in black ink, appearing to read 'M. Wrack', written in a cursive style.

Matt Wrack
General Secretary
Fire Brigades Union



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From the Committee Chair

Mr Matt Wrack
General Secretary of the FBU
Via email

11 April 2024

Dear Matt,

Thank you for your letter dated 5 April 2024. You referred to the Women and Equalities Committee report on non-disclosure agreements as your definition of settlement agreements. This report states that:

in wider public debate, the term NDA is increasingly used as a catch-all term to describe any agreement containing confidentiality or non-disparagement clauses, or to describe those clauses themselves. This is how we have used the term during this inquiry.

This definition includes settlement agreements that “may include confidentiality and non-derogatory clauses”. Therefore, according to the definition you have provided any settlement agreement that includes a confidentiality or non-disparagement clause would be considered an NDA. As you stated in the oral evidence “a settlement agreement may include a confidentiality clause”.

Due to this being the case I will ask two of the questions again:

1. Has the FBU ever used non-disclosure agreements in response to allegations of bullying, discrimination or harassment? If it has, how many times has it used them over the past five years and when was the most recent occasion on which one was used?
2. How many times over the past five years has the FBU used settlement agreements with a confidentiality clause or clauses in response to allegations of bullying discrimination or harassment?

The work of Select Committees also covers matters of public concern as outlined on page 30 of the Liaison Committee report of 2019 [The effectiveness and influence of the select committee system](#). We feel this is a matter of public concern as the FBU represents the people who work in fire and rescue services and has an impact on the culture within the fire and rescue services.

During the evidence session on 5 March 2024 we asked you about the number of people the FBU had represented when they were under investigation about sexual harassment or misogyny ([Q120](#)). In your written evidence ([FRS0003](#)) you say that “I explained to the committee that this question is best put to ministers, fire employers and chief fire officers, who are in charge of fire and rescue service discipline and for statistics on these matters”. We have asked them. The minister responded: “The people within the FBU should have the data on who they are representing” ([Q245](#)). In follow up written evidence the NFCC said:

The fire and rescue services represented at the committee do not hold this information. The FBU policy states that they carry out a risk assessment for any case that falls under their ‘All Different, All Equal’ policy.

Due to this we ask you:

3. Do the FBU intend to keep records on how many people the FBU represents at disciplinary hearings on the grounds of sexual harassment or misogyny?
4. How many risk assessments has the FBU made under the ‘All Different, All Equal’ policy since it has been implemented?
5. How is the FBU evaluating the impact of the ‘All Different, All Equal’ policy?

We would appreciate clear answers to the above questions by 24 April 2024.

Yours sincerely,

A handwritten signature in dark ink, reading "Diana Johnson". The signature is fluid and cursive, with the first name "Diana" and last name "Johnson" clearly distinguishable.

Dame Diana Johnson MP
Chair of the Home Affairs Committee



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Our reference: 20240424 – Diana Johnson
By email only

The Rt Hon Dame Diana Johnson
Chair, Home Affairs Select Committee

24/04/2024

Dear Diana Johnson,

Additional request

The FBU was disappointed to receive another request from the Home Affairs committee, dated 11 April.

This request repeats questions previously asked and answered by the FBU at the hearings and in subsequent correspondence. The FBU notes that you have not explained how these requests to the FBU will hold ministers and their advisers (the NFCC and HMICFRS) to account.

The FBU has already provided our answers on settlement agreements and non-disclosure/confidentiality. It would be inappropriate for the FBU to disclose details of individual cases (for instance dates or names), especially given the fact that our HR processes are not even the focus of this committee's brief.

The FBU's policies and procedures are found on our public website. All Different All Equal figures are published in the Executive Council's annual report. This also includes reports from our equality sections, legal cases and education courses. Our policies are made and reviewed at annual FBU conference, for which we publish the verbatim Report of Proceedings and Record of Decisions.

No other fire and rescue service body organises openly and democratically in this way. None provides such publicly available information, nor do they have a procedure to address difficulties around representation on equality matters. The FBU hopes this will be acknowledged in your report.

Yours in unity,

A handwritten signature in black ink, appearing to read 'M. Wrack'. The signature is written in a cursive, flowing style.

Matt Wrack
General Secretary
Fire Brigades Union



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From the Committee Chair

Via email

7 May 2024

Dear Matt,

Thank you for your letter dated 24 April.

The questions that you have not answered are repeated below.

1. Has the FBU ever used non-disclosure agreements in response to allegations of bullying, discrimination or harassment? If it has, how many times has it used them over the past five years and when was the most recent occasion on which one was used?
2. How many times over the past five years has the FBU used settlement agreements with a confidentiality clause or clauses in response to allegations of bullying discrimination or harassment?

To make it clear; we do not require any details of individual cases, we are asking for numbers.

We would appreciate a response by 21 May 2024.

Yours sincerely,

Dame Diana Johnson MP
Chair of the Home Affairs Committee