The Fire Brigades Union

Established 1918

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TO: ALL MEMBERS

Dear Brother/Sister

PARLIAMENTARY DEBATE ON FIREFIGHTERS PENSION SCHEME - FOLLOW UP

FBU members will all be aware of the debate that took place in the House of Commons on 17 December 2014. Many members attended the debate and many, many more watched the debate on television. We are also aware that firefighters elsewhere in Europe and beyond became aware of the debate and followed it.

The debate covered several aspects of the firefighter pension scheme proposals that we have been raising concerns about for over three years. It was forced by a tremendous effort from FBU members who lobbied their MP to support the Early Day Motion which called for the regulations to be annulled.

Several key areas of concern remain unaddressed but the debate did outline a crucial issue that we have been trying to get clarity on; the question of what would happen should a firefighter fail a fitness test through no fault of his or her own.

This circular focuses on this one aspect of the debate.

Following this debate the DCLG Fire Minister wrote to the FBU and confirmed that a decision had been taken in Parliament with the full understanding that should a firefighter fail a fitness test through no fault of his or her own, the Fire Authority should consider suitable alternative employment, and if that is not possible and the employee is at least age 55, commence an Authority-initiated retirement and pay an **unreduced pension**.

During the debate the DCLG Fire Minister clarified that this is the case in several responses, including these ones to Duncan Hames MP, Richard Fuller MP and Peter Bone MP:

> ***Duncan Hames*** *(Chippenham) (LD): Can my hon. Friend confirm that it is her intention that under these circumstances firefighters will be guaranteed an authority-initiated retirement?*

- *Response: Absolutely. We are very clear in the ministerial statement that we have tabled today and in the guidance that will accompany it that that is what we expect to happen. In addition, because I recognise that firefighters need those safeguards, my Department will carry out an audit.*

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Richard Fuller *(Bedford) (Con): We have a special responsibility today to get these regulations right. So, how are we doing? The answer must be: not very well… I say to my hon. Friend the Minister that she must make this guarantee a 'must', not a 'may be' or a 'trust me' but a 'must'. We must ensure that we give that guarantee to our firefighters to do them justice for their heroism on our behalf.*

- *Response: We are introducing a measure that will improve the current situation and ensure that if there is no operational role for someone to go into, they will get not just a pension but an unreduced pension.*

Peter Bone *(Wellingborough) (Con): The one problem is that firefighters are genuinely worried that when they get to 55 they might, through no fault of their own, lose their pension. If the Minister could give me an assurance that those firefighters would be redeployed or –*

- *Response: I am very happy to give those assurances. We have done that. If someone fails a fitness test through no fault of their own and they do not qualify for ill health retirement, they will get a redeployed role or an unreduced pension. That will be put on a statutory footing in the national framework – a full, unreduced pension, if not an alternative role.*

It was also confirmed the following day at the Communities and Local Government Committee where, in response to a question, the DCLG Secretary of State replied:

Q37 ***Simon Danczuk*** *MP: This question is from the Fire Brigades Union: "As there are virtually no redeployment opportunities, surely this means, if firefighters fail a fitness test, they lose their job".*

- *Mr Pickles: That is certainly not the case. We were very keen to ensure - and we went through a debate yesterday to ensure - that would not be the case. It is now very clear: if firefighters fail the test on the grounds that they are unwell, they will, of course, receive a full pension. The changes that took place yesterday mean that, if a firefighter is unfit, they have to go through a process of trying to get back into a fit condition to be able to fulfil their jobs. If they cannot, and they cannot be redeployed, the effect of yesterday's decision is that they will get a full pension. If I am being really blunt, I was very hacked off with the employers' side, who refused to make this concession for two years, and that is why we are putting it into a statutory instrument. It is a sign that I thought the firefighters had made a very reasonable point.*

It is worth emphasising that the Secretary of State was very clear that a ***decision*** had been made as a result of the debate and vote in Parliament and that this ***decision*** was that a firefighter in the circumstances described "***will get a full pension"***.

If this is correct, it is clearly a welcome move and could address one of our key concerns. The assurances given by Penny Mordaunt are a departure from the previous position adopted by DCLG. In previous meetings DCLG officials have stated that the National Framework cannot and will not provide the sort of individual guarantee to firefighters which we have been seeking. This has previously led to a discussion with legal advisors present on both sides. This discussion also confirmed our concerns.

If the decision of Parliament provides the guarantee of an unreduced pension then clearly that would be a significant move from DCLG. On the other hand, if such a guarantee does not, in fact exist, then the firm assurances given in Parliament would turn out to be false – which would be a very serious matter indeed.

Therefore a key task for us all is to obtain clarity on this point.

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One thing is clear. The numerous comments from Penny Mordaunt regarding this guarantee influenced many of the MPs who were in attendance and who were aware of the concerns of firefighters on this issue. That is clear from the record of the debate and from the extracts provided above.

We now seek to ensure that any guarantee given in the House of Commons is honoured.

We have therefore written to Penny Mordaunt suggesting that a further meeting take place as early as possible. We have suggested, to avoid any confusion or misinterpretation, that this meeting involves lawyers from each side – so that the legal position for individual firefighters can be clarified. We have stressed the importance of such a meeting so that all parties are clear about what the legal position is and how any guarantee will be honoured.

What will Labour do?

In addition to this we have met with Labour MPs to discuss this and the role they may play in ensuring the guarantee given in Parliament is honoured. Please continue to lobby your MP to ensure that they keep up the pressure on DCLG to deliver on its promises.

The debate also clarified the opposition from the Labour Party (and some others) to a number of aspects of the attacks on our pensions – although it is important to note that they did not agree with the union's position on all issues.

An obvious question which arises from this is what Labour would do if they were to form a Government after the election in May this year. They would have the power to make changes to the pension scheme. It is important for FBU members to be aware that the scheme rules could be changed in our favour at that point.

We are therefore continuing our discussion with Hilary Benn and others about what might be possible and what assurances Labour might give on these issues. Again, members will appreciate the importance of this and the importance of continued lobbying around these issues.

Other matters

Other issues were also raised during the debate by Penny Mordaunt which we will be addressing to her and to FBU members.

A further update will be given on these shortly.

Best wishes.

Yours fraternally

M. Wrack

MATT WRACK
GENERAL SECRETARY

MW/sll