



The Fire Brigades Union

General Secretary: Matt Wrack

Bradley House, 68 Coombe Road, Kingston-upon-Thames, Surrey, KT2 7AE

Telephone: 0208 541 1765

Facsimile: 0208 546 5187

E-mail: office@fbu.org.uk

Circular: 2015HOC0041MW

23 January 2015

TO: ALL MEMBERS

Dear Brother/Sister

**PENSIONS: FOLLOWING UP THE PARLIAMENTARY DEBATE: FIREFIGHTERS SEEK CLARITY -
GOVERNMENT RESPONSES ADD TO THE CONFUSION**

Do Penny Mordaunt and Eric Pickles know the meaning of the word 'guarantee'?

As the imposition of the 2015 pension regulations approaches, firefighters are asking for clarity about their pension situation. The responses so far from DCLG have done nothing to assist this.

As we have set out previously, one of the key areas of activity currently has been to seek clarification over the 'guarantee' given to firefighters in Parliament by DCLG Minister Penny Mordaunt and subsequently confirmed by her Secretary of State, Eric Pickles. This was that a firefighter, who experienced a decline in fitness which could not be reversed, who was over the age of 55 and who could not be re-deployed, would be given an unreduced pension. This is clearly only one of many FBU concerns but it was one which was discussed in some detail in Parliament during the debate on firefighter pensions.

In order to try to clarify the position over the 'guarantee' we have:

- Raised the matter with Penny Mordaunt and sought a meeting with her.
- Raised the matter with the Fire Service employers nationally.
- Raised the matter with each individual Fire and Rescue Service.
- Advised individual FBU members to do the same.

Unfortunately, so far the responses from Penny Mordaunt have not addressed our concerns at all. Indeed, it will be of significant interest to firefighters that the word 'guarantee' has disappeared from all DCLG communication following the Parliamentary debate.

However, we are in no doubt that the Minister's clear responses in Parliament around the issue of the 'guarantee' undoubtedly influenced MPs who were very concerned on these issues - including to the extent of considering not supporting the legislation. Without her clear 'guarantee' the debate and vote may have been significantly different. The assurances given enabled a number of these MPs to vote with the Government in the clear knowledge that it would be applied in **every case** and that this issue was resolved. A number have subsequently confirmed this locally to the local press and to firefighter constituents.

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We were hopeful that the responses from Fire Service employers would clearly demonstrate that this is the case, allowing us to move on from this issue. We have now been informed that the National Fire Service Employers are seeking further legal advice on this matter. Although we do not yet know the outcome of this advice it is nevertheless alarming in view of the fact that the DCLG Minister's answers were so clear and unequivocal during the Parliamentary debate. We have made it absolutely clear to all parties including the DCLG Minister that for all reasonable people **a guarantee means a guarantee**.

However, the initial responses received from local employers have cast immediate doubt on the 'guarantee' pledged in Parliament and later confirmed by the Secretary of State.

For example, one response clearly states that matters do not stand as the Minister suggested, as the following extract demonstrates:

I can advise you of the position of this Authority on the key issue you have raised.

We are advised that the addendum to the National Framework, issued by DCLG in December 2014, continues to provide discretion over the award of an unreduced pension should a firefighter be in the position you have outlined.

*We are further advised that such discretion cannot be fettered, and that to provide the 'guarantee' you are seeking would be unlawful. Members would, I am certain, be sympathetic towards any firefighter who finds themselves in this position. However, it is impossible to predict the circumstances in each case, as well as the financial situation of the Fire Authority. These factors must be considered in exercising the discretion that the rules allow for. For these reasons, **we cannot provide the guarantee of an unreduced pension (our emphasis).***

This appears to confirm the concerns which we have held throughout this debate. We have made DCLG well aware of our concerns around the 'guarantee' but they have always sought to dismiss them. We have been clear for a long time and throughout all related discussions that 'sympathy' is not adequate to address this matter; nor does future sympathy from employers (however well meaning) provide any guarantee about the outcome facing any individual firefighter.

Employers are already informing us that they would need to consider a range of factors, including that of cost. It appears that within weeks of a clear Parliamentary 'guarantee' from the Minister and the Secretary of State they are already departing considerably from any sort of 'guarantee' at all.

DCLG has repeatedly claimed that this issue is not important until 2022 but it is simply irresponsible to try and put off a key decision. Furthermore, firefighters are facing vital decisions today about their future.

Members will also be alarmed by the fact that DCLG have not so far agreed to meet us to discuss these very serious matters. In view of the confusion which exists, including among Fire Service employers, we have suggested once again that an urgent meeting should be arranged. We have also suggested that this meeting should include the Fire Service employers with any necessary legal representation so that all parties can be clear on what the others are saying.

We will be following this up with the opposition front-bench who sponsored and moved the prayer against the legislation. As you would expect we are also exploring this issue with lawyers to see if there is any pressure we can apply legally. Members will be updated on any developments arising from this.

Vital questions to answer

The initial responses we have received seem to suggest that the local employers and the National Fire Service Employers do not see the 'guarantee' in the same way that the Fire Minister and the Secretary of State presented it in Parliament.

It is important that members keep pressing their MPs and FRA Chairs on this issue. I recognise that you will all monitor this very closely and we hope to be able to provide the clarity on this issue one way or another.

We have a very clear and reasonable demand: the Government must say without any hesitation or room for misinterpretation that they will honour the guarantee given in Parliament - and how they will honour it.

Failure to do so would be a very serious matter which all FBU members would need to consider along with the steps we would need to take in those circumstances.

Best wishes.

Yours fraternally

A handwritten signature in black ink, appearing to read 'M. Wrack', with a stylized, cursive script.

MATT WRACK
GENERAL SECRETARY

MW/sll