



The Fire Brigades Union

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TO: ALL MEMBERS

Dear Brother/Sister

PENSIONS: CONSERVATIVE MP RAISES CONCERNS AROUND THE STATUS OF THE PARLIAMENTARY GUARANTEE

The FBU has written to all MPs in relation to the assurances given by DCLG Fire Minister, Penny Mordaunt and Secretary of State, Eric Pickles regarding firefighter pensions. This was that firefighters aged 55 who fail fitness tests as a result of simply getting older will receive an unreduced pension or be redeployed within role. We have proved that before this guarantee was given to the House of Commons on 15 December 2014 the Government was already aware that it was worthless. In fact the very legislation that Government were pushing through Parliament contained a rule that directly contradicted the assurances given in Parliament.

This rule 62 (1) and (2) stipulates what would have to happen before an unreduced pension could be awarded.

62.-(1) Where an active member who has attained the age of 55 or over but has not attained normal pension age is dismissed by an employer from a scheme employment by reason of business efficiency or whose employment is terminated by mutual consent on the grounds of business efficiency and the employer makes the determination in paragraph (2), that member's pension is calculated in accordance with regulation 59 (annual rate of retirement pension (active members)) without the early payment reduction.

(2) An employer may only pay a retirement pension of the amount mentioned in paragraph (1) in the circumstances mentioned in that paragraph where the employer determines that a retirement pension awarded on that basis would assist the economical, effective and efficient management of its functions having taken account of the costs likely to be incurred in the particular case.

The DCLG Fire Minister assured Parliament that in this situation a firefighter **will** receive an unreduced pension or be redeployed. She made this point several times in response to questions by MPs in the debate. However what is clear is that the regulations, which the Government was so keen to get through Parliament, actually ensured that an employer can only make an unreduced payment when they have taken account of the costs likely to be incurred in each case.

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This is the clear intention of the regulations and is how it has always been understood by the FBU. The DCLG Fire Minister however misled Parliament into thinking that an employer would **be required** to award an unreduced pension in this situation while it was obvious from their legislation that this is not the case. The legislation actually says it would have to take account of other factors including costs on every occasion and that prevents an employer from giving the guarantee the Government claims exists. Employers later clarified this in writing to the FBU and confirmed our view.

We have been attempting to force the Fire Minister to accept this but she is simply attempting to ignore the issue. We have attempted to raise the fact that a Government Minister has been allowed to get away with misleading Parliament with the Prime Minister, but he has also currently chosen to ignore the issue.

A number of MPs have raised this concern on our behalf. This number now includes a Conservative MP, Rory Stewart, who met with firefighters at Penrith station and subsequently raised concerns with the DCLG Fire Minister. He is also seeking further assurances regarding job security and pension payments for firefighters in this predicament.

In relation to firefighter pensions he said:

"In December last year, government made a clear commitment that those firefighters over 55 would be offered redeployment opportunities or an unreduced pension should they fail a fitness test. At the time, this had seemed a fantastic result for firefighters who have led a great campaign on this issue. But it now appears that some fire and rescue service employers - like Cumbria County Council locally - do not feel the legal position has changed, and have refused to guarantee the assurances laid out by government. This is disappointing, and firefighters have a right to feel frustrated by this latest setback. I have therefore written again to Penny Mordaunt, to ask that her office review the current stance of local authorities, and ensure that one way or another, firefighters are not unfairly penalised as a result."

We have always argued that Parliament was misled and that the vote was influenced by this 'sham' guarantee. We continue to raise this and challenge it whenever and wherever we can. Even MPs from the coalition parties have recognised this is a concern that needs addressing. The approaching general election is an opportunity for FBU members to put all politicians on the spot about this disgraceful episode and to demand answers as to what they will do about it. Local FBU members have already taken steps in many parts of the country to address this with politicians.

Best wishes.

Yours fraternally



MATT WRACK
GENERAL SECRETARY

MW/sll