



FIRE BRIGADES UNION

SERVICE ★ STRUGGLE ★ SOLIDARITY

Matt Wrack General Secretary

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Circular: 2015HOC0655MW

To: ALL MEMBERS

1 December 2015

Dear Brother/Sister,

UPDATE ON THE FBU'S LEGAL CHALLENGE IN RELATION TO THE TRANSITIONAL PROTECTION

You will be aware that the FBU has launched a legal challenge against the current transitional protection arrangements proposed as part of the imposition of the 2015 firefighters' pension scheme. It includes challenges on the grounds of age discrimination, sex discrimination and race discrimination and it relates to members in all parts of the UK fire and rescue service.

Many of you will have already completed the on-line questionnaire which was used to register claims on your behalf. To date, we have registered over 6000 claims but we are aware however that some members did not fill in this questionnaire and have requested a further opportunity to do so. The on-line questionnaire will be made available again after Christmas. It is important that you take the opportunity to complete it.

Potential timescale and initial briefing

On 24 November, Executive Council members were given details of the potential timescale for the legal challenge along with a brief update on the position as it stands and the details were subsequently reported to our re-called conference in Blackpool.

You may be aware that a number of judges are pursuing a similar claim to the one we have submitted and that their case is slightly ahead of ours. The judges have already held a case management hearing in October 2015 and now have hearings scheduled for March and November 2016.

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We have a case management hearing scheduled for 20 January 2016. The FBU legal team are suggesting that it is likely that the judge and firefighter cases are heard separately and that our hearing will not take place until after November 2016. They have also indicated that the earliest we could expect any decision would be early 2017.

The government's initial response concedes that the transitional arrangements discriminate on age grounds and they also accept that BME and women firefighters are disproportionately affected. However, they deny that the proposals are unlawful and claim that they can be justified by fact that they achieve a legitimate aim. Although you will recognise that there are no guaranteed successes in legal challenges it is worth noting that the union is pursuing the case on the basis of clear legal advice.

Next steps

We are working very closely with our legal team and preparing further information in readiness for the case management hearing on 20 January 2016. The Executive Council is committed to ensuring that we present the best legal challenge possible and will be closely monitoring the case as it develops. The Executive Council also agreed that no further strikes will be called in relation to the existing trade dispute on pensions while this legal challenge is pursued. As above, we believe there will be no significant developments until Spring 2017 at the earliest.

Members will be updated on this challenge as it develops via circulars, the website and at branch meetings. Please ensure that you keep yourself up to speed with this important issue and ensure that if you haven't already filled in the on-line questionnaire that you do when it is re-opened.

Yours fraternally

A handwritten signature in black ink, appearing to read 'M. Wrack', with a stylized flourish at the end.

MATT WRACK
General Secretary