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Circular: 2016HOC0351MW

To: All Members

Date: 6 July 2016

Dear Brother/Sister

PENSIONS: FBU LEGAL CHALLENGES – UPDATES JULY 2016

Circulars issued on 21 June provided the previous update in relation to the legal challenges regarding **transitional protection** and the **18-20 issue**. This circular provides a further update on both matters.

2015 Firefighters' Pension Scheme: Transitional Protection

As previously reported, the FBU is currently challenging government in relation to the transitional protection it introduced as part of imposing the 2015 Firefighters' Pension Scheme. This challenge uses test cases of FBU members from different fire and rescue services. It includes arguments relating to age discrimination but also incorporates further claims around race, gender and equal pay.

In relation to our case, a technical hearing was held over three days starting on 31 May 2016. The case centred on two main issues:

1. A claim that the FBU case was out of time – our argument was that we contest that the affected members are *continuing to be discriminated against* because of the protection arrangements.
2. That the legislation compelled government/employers to discriminate.

The employment tribunal ruled that the cases were presented in time and that the claimants can bring their claims which will proceed to a hearing.

The next step is a preliminary listed case management hearing on 31 August 2016. The FBU legal team are preparing documentation for this hearing in line with the timescales for this process. The full judgement from the employment tribunal can be found on the FBU website:

<https://www.fbu.org.uk/publication/fbu-legal-case-pension-transitional-protection-employment-tribunal>

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18-20 issue

The FBU has successfully challenged the government in relation to age discrimination relating to members who joined the 1992 Firefighters' Pension Scheme before age 20. This is more commonly known as the '18-20 claim'.

The previous circular reported that we had corresponded with the Home Office in relation to the unacceptable delays and had received an assurance that draft legislation was being prepared and would be shared with the FBU as soon as possible.

We can now confirm that this draft amendment to legislation has been received. We are currently checking that this provides the necessary amendments to the 1992 Firefighters' Pension Scheme to allow the agreed remedy to be enacted. This work is being prioritised to ensure a swift resolution to this issue.

Members will continue to receive regular updates on these issues. It is notable that once again the FBU is the only union that raised these issues on behalf of fire service employees.

Best wishes.

Yours fraternally

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

Matt Wrack
General Secretary

MW/sll