



The Fire Brigades Union

GENERAL SECRETARY: MATT WRACK

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Brandon Lewis MP
Parliamentary Under Secretary of State
Communities and Local Government
Eland House
Bressenden Place
London
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Dear Brandon,

Thank you for your letter of 29 July 2013 and for the open letter of 31 July 2013 regarding Firefighter pensions.

I note your disappointment that the FBU has been moved to ballot for strike action. We were keen to avoid taking such action. However, it was your ultimatum to accept your 19 June proposals as a final offer - under threat of their withdrawal - and your arbitrary deadline of 12 July, which triggered the FBU's ballot.

The main problem with your letters is that you continue to avoid the central question in this dispute, which concerns when and under what conditions Firefighters will be able to retire in future. It is no use arguing that fitness is a local matter. Fitness is now clearly a national matter because of the changes your Government has introduced in the Public Service Pensions Act, principally increasing the Normal Pension Age (NPA) for Firefighters to 60. This point is also recognised in the Williams' report.

Even if the Service managed fitness issues locally before these changes, it will no longer be able to do so because of the changes you have introduced. Your Government made the changes and they are your responsibility as the Fire Minister. The FBU is balloting about addressing the effects of these changes, but you have the power to address the issues raised in the trade dispute even before the ballot result is announced.

In any case, fitness is, and should be, a matter of national concern. Firefighters provide national resilience under the Fire and Rescue Services Act and the Civil Contingencies Act, which includes responding to terrorist attacks, floods and other major emergencies. Local Fire and Rescue Services operate regular cross-border arrangements with each other in relation to a whole range of incidents, including fires. There are National Firefighter Selection Tests precisely because it would be incongruous to have different levels of fitness for Firefighters in different Brigades, who may end up working alongside one another at incidents.

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Your point that there are already 500 Firefighters aged 55 or over working at present is not relevant. We do not at this stage know whether these Firefighters have actually been tested for their fitness or therefore whether they meet the fitness standards. In any case, some 500 Firefighters represent around 1% of the total number of Firefighters available for duty across the country - a tiny number from which you cannot generalise.

You claim to provide clarity about matters raised by the FBU, but actually you are still evading the central issues on fitness. You have offered to establish a Joint Working Party to examine the physical nature of firefighting. I am pleased that, for the first time, you have formally confirmed that there would be trade union involvement in such a group. However, we would want to be clear about the Terms of Reference of any such group and an indication of what such a group might aim to achieve. Significantly, more than six months after its publication, you have not yet responded formally to the Williams review, set up by the previous Fire Minister, Bob Neill precisely to address issues of fitness and the requirements of firefighting. If fitness is not in any way a matter for national discussion, it is hard to see why a Central Government department commissioned a report that addresses precisely this issue.

Your letters claim that most, if not all Firefighters, will be fit enough to work to 60. However this is simply not what Dr Williams' report states. The report estimates that, even in the "best case," significant numbers will be unable to meet the cardiorespiratory fitness standards required by their role. This "best case" scenario, suggests 15% are currently unable to meet the fitness standard at 55 years of age, and this would rise to 23% by the age of 60 i.e. precisely as a result of increasing NPA. This is almost a quarter of all Firefighters.

The additional problem is that the best case is not based on reality. It is not based on the real fitness standards for entry into the Service. It is clear from the report (see Figure 4.8 p.51) that this scenario assumes Firefighters are recruited at a fitness level 47 mL.kg.min⁻¹ - well above the actual current figure of 42 mL.kg.min⁻¹ (or equivalent in the National Firefighter Selection Tests) adopted in most Fire and Rescue Services. In addition, the rate of decline assumed by Dr Williams for this scenario has several unrealistic assumptions - for example that the individual will have a BMI of 20, a standard not attained by many athletes. It also assumes a level of physical activity that has not been tested for Firefighters.

Dr Williams' report, commissioned by your predecessor and backed by DCLG resources, also had a worst case scenario, which you ignore. This holds that 85% of Firefighters would be below the standard for duty by 55 years of age, rising to 92% by 60 (4.4.4 p.49). Other data quoted in the report (4.4.5 p.50) suggests two-thirds (66%) of Firefighters between 55 and 60 years would not be fit enough. This is not the "few" Firefighters you suggest in your letter.

You claim that 100% of Firefighters will be fit enough to work to 60 if the standard is 35mL.kg.min⁻¹, from your survey of 20 Fire and Rescue Services. The FBU is well aware that most Fire and Rescue Services already take Firefighters off the run at 35mL.kg.min⁻¹ and we made that point in our evidence to Dr Williams. However if the standard is dropped to this level, then some Firefighters will simply not be fit enough to meet the physical demands of the job. This means they will put themselves at risk of over-exertion and may not be able to perform the duties the public requires.

You make the point that Firefighters have the greatest proportion of members protected from these changes, compared to other large public sector workforces. This is no consolation to those who are not protected, who have worked as a Firefighter for a decade or more and are now being told to work longer by this Government. We would expect the protection to be better - not out of special pleading for privileges - but because of the nature of the work Firefighters do. Most cannot work longer safely, whether they wish to or not.

You raise other issues too such as contributions, commutation and cost ceilings. These are all matters around which you should be negotiating, once you have addressed the findings of the Williams report. The Government's pension changes have created particular problems for Firefighters, which cannot be left to local employers to resolve.

I urge you to return to the negotiating table with an appropriate response to Dr Williams' review. That is the way forward towards a solution.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. Wrack'.

MATT WRACK
GENERAL SECRETARY

cc: Roseanna Cunningham MSP	Minister for Community Safety and Legal Affairs
Lesley Griffiths AM	Minister for Local Government and Government Business
Edwin Poots - MLA	Minister for the Department of Health, Social Services and Public Safety
Chris Williamson MP	Shadow Minister for Communities and Local Government