



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
SW1E 5DU

Dear Brandon

LATEST DISCUSSIONS ON PENSIONS

Discussions with Fire Service Employers

Following the various meetings and discussion last week, we received correspondence on 17 October from Councillor Heaster on behalf of the Fire Service Employers. This included various principles which appeared on the face of it to reflect those already discussed in Scotland. This also followed your own comments during our discussions to the effect that the approach adopted in Scotland could also offer a way forward elsewhere and avoid the risk of firefighters facing the risk of No Job No Pension.

On the basis of the discussions with yourself and your representatives and with the Fire Service Employers, followed up by Cllr. Heaster's letter, the FBU Executive Council decided to postpone the strike action planned for Saturday 19 October.

On 21 October, we met representatives of the National Fire Service Employers in order to address the issues raised in the letter and during our discussions.

Even a first reading of Cllr. Heaster's letter reveals numerous differences with the proposals set out in Scotland. Nevertheless, we were clear that this did appear to mark a significant shift, not least by acknowledging that the threat of No Job No Pension is a real one, arising from the pension changes being introduced by central government.

At our meeting with the Employers on Monday, we sought to confirm whether or not they were in a position to give a firm guarantee, that firefighters who through no fault of their own, are unable to maintain their operational fitness levels due to ageing, would not be faced with the risk of dismissal without access to an unreduced pension. We have been entirely clear with the Employers and with you throughout these discussions that we require such a clear and robust guarantee.

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No Job No Pension is a clear risk

This discussion confirmed the Employers' view that *no such guarantee* could be given on behalf of Fire and Rescue Authorities. There were two aspects to this. Firstly, each individual Employer would be likely to adopt their own approach to this issue and, secondly, the Employers' were concerned as to whether the pension scheme regulations would even allow such an agreement to be made. The Employers informed us that they have taken initial legal advice on this matter.

In these discussions, both on Monday and last week with officials of CLG present, the Employers have confirmed that *there is a risk* that firefighters who might not achieve the necessary fitness standards might be left facing dismissal on capability grounds (No Job No Pension). These discussions have been extremely useful for this important point of clarification since this is a matter on which our concerns have been very publicly dismissed as scaremongering at both a national and local level.

We welcome this important clarification provided by the Employers but feel that this ultimately means that our concerns around this issue remain unresolved.

You stated last week that you would look at various options, including making use of the National Framework or issuing CLG guidance. The National Framework is not used for issuing advice or guidance on pensions or Conditions of Service matters and in any case can be changed very easily by Government at any subsequent stage. That clearly would not provide the sort of protection which we have been clear is required. Likewise, CLG guidance would not provide the necessary protection to individual firefighters - as has been demonstrated on previous occasions.

Pension scheme regulations

In light of this the logical step to take is to ensure that the matter is addressed through the regulations for the 2015 scheme. Although not necessarily agreeing with our position, the Employers did agree that this step would provide the necessary clarification and protection we require.

All parties have stated publicly that they do not wish to see firefighters facing the threat of No Job No Pension. We have suggested that, if that is the case, there should be no obstruction to reaching an agreement on that element of our dispute. To assist with this process we have produced a draft rule covering fitness related capability. I attach this as an appendix and hope it can assist in clarifying what we seek as your officials requested in a discussion on Monday.

In summary, these discussions have clarified:

1. That the Employers acknowledge that there is a risk to firefighters that they could be placed in the position of facing capability dismissal if unable to maintain operational fitness beyond the age of 55.
2. That the principles set out in Councillor Heaster's letter do not avoid this risk.
3. That the Employers are unable at a national level to provide any guarantee which avoids firefighters being placed in the position of facing such a threat (No Job No Pension).
4. That these risks arise from the pension changes you are making (and to some degree from those made in 2006).
5. That the most straightforward way to solve this is by addressing it in the pension scheme regulations.

I hope that you will therefore urgently enter discussions to address the matter of the scheme rules in this regard and provide immediate assurance that the rules will be amended as is clearly necessary.

Other issues in our dispute

Obviously this (No Job No Pension) is a key issue for the FBU but there are obviously other elements to the trade dispute that remain unresolved. Our most recent discussions on the issues set out above, have taken up a lot of time which means other important matters have been neglected to some degree. You will recall that the proposals in Scotland also include improved protection arrangements for members of the FPS. This has not currently been addressed by the Government at Westminster. We have a large number of members who, in good faith, signed up to a pension scheme when they joined the Fire Service but who are now being told that the assurances they were given at the time of joining (and again in 2006) are, effectively, meaningless. This is utterly unjust and continues to cause considerable anger.

It has also not gone unnoticed that even as we are working to resolve this key issue Government has signalled its intent with a paper to the FPC suggesting that a proposal for a further increase in employee contributions is imminent. We understand that the proposals are for the full increase, making the schemes more unaffordable and once again ignoring the evidence we have presented. For members who have joined since 2006 (members of the NFPS) the position is even worse. They face the prospect of at least five years of increasing contributions and even at this late stage you are unable to state clearly what they will be expected to pay in the new 2015 scheme.

We are anxious to resolve these various issues but it remains the case that our members feel the evidence we have presented over the past two and a half years has not adequately been taken into account. We urge you to address our concerns speedily.

Yours sincerely

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

**MATT WRACK
GENERAL SECRETARY**

Att.

cc: Councillor Maurice Heaster