

RETAINED DUTY SYSTEM (PART TIME WORKERS SETTLEMENT) FREQUENTLY ASKED QUESTIONS

This FAQ sheet has been sent to branches. Whilst general information the RDS settlement including this FAQ site can be found on the FBU website, information regarding your claim and general the information can be found all in one place at the following website: www.retainedfirefighterclaims.org.uk

FAQ- QUESTIONS AND ANSWERS

1. *Where do I find the address for Thompsons so I can send them my documentation?*

The only documentation that should be used is the forms provided via Popularis. If you have a non standard claim you will need to provide evidence to substantiate the claim. Forms and support papers must be sent back to Popularis. Not Thompsons.

Individuals who are subsequently found to have valid claim will be contacted by Thompsons and informed of any revised arrangements. Until told to do otherwise, by Thompsons, please send material to Popularis.

2. *I have contacted Popularis with some queries and they have said they can't assist me - is that correct?*

Yes it is. Popularis are essentially acting as a "post office". They are processing data making sure the right letters go out to members and then making sure that the responses are sorted and sent on to Thompsons.

3. *I have already contacted Popularis and told them that I accept. That's ok isn't it?*

Some members have written to say they will accept before they have seen the compensation calculation. Those members must go through the process. Popularis and Thompsons will only deal with correspondence in the prescribed manner. You must use the online system or, if you prefer, the hard-copy form sent to you by post.

4. *I wasn't a claimant in 2001 as I didn't join the service until 2004. I left the service in 2008 and have been told by my mates that I might be due some money. Why have I not heard anything?*

Unfortunately you won't get any compensation under the Terms and Conditions settlement as you left the service before 30 June 2010 and were not a claimant. Early discussions with the employers indicated that we could have succeeded, but as the discussions continued we were not able to secure this element.

5. *The biggest question for me is- do I have to pay my bounty payments back?*

Categorically- No!

One of the first successes the FBU achieved in the negotiations was agreement that the employer would not try to recover the bounty payments. This agreement has been reached with the national employers.

In addition, agreement was reached that bounty payments will **not** be recovered by the FRS as part of the pension arrangements either.

6. *Is signing to say I agree the settlement as a remedy for the case I lodged the same as saying that I agree to the calculation carried out by the FRS?*

Whilst you might agree to the settlement terms, you may have a problem with the specific calculation that you have been provided with for your individual settlement. Whilst you are still

challenging the accuracy of the compensation calculated by your FRS you should not sign or indicate agreement.

7. *The Part Time Workers legal challenge was also about pensions. There are no details of the pension arrangements in the paperwork. What's happening with the pensions?*

The pension arrangements are being dealt with through separate discussions with CLG. It is a very different process. Once the negotiations finished they need to be written up and passed through the parliamentary process. This was delayed by a number of months due to the calling of the election (when new Bills or Statutory Instruments are suspended). There was a further delay as a result of the talks between the parliamentary parties to form a government and a further delay for the new Minister to be briefed on all the live issues on fire service matters. This process is back on track and has been for a short while.

8. *I am content to sign to the Terms and Conditions settlement but I haven't seen the details regarding the pensions. If I sign my agreement to the procedure and changes related to the Grey Book and compensation method, am I being asked to sign up blindly to the pension settlement?*

Signing acceptance of the terms and conditions settlement does **not** mean that you will have signed agreement to the pension settlement.

This is fully understood by CLG, the Tribunal and is made clear in the agreement between the FBU and the national employers which will be submitted to Tribunal for ratification:

“This Agreement is not in settlement of the Pensions Claims which will be subject to a separate agreement between the FBU and the Secretary of State for Communities and Local Government.”

9. *I have received a letter saying that I am a claimant and asking if I agree to withdraw my claim. It was so long ago I can't remember if submitted a claim or not. What should I do?*

Don't worry. If you sign the form to say you agree, it will not adversely affect you at all.

10. *Where can I access a copy of the revised Grey Book?*

The Grey Book changes periodically. To locate the contents of the Grey Book and details of the amendments agreed with the employers' side of the NJC, please go to the following webpage on the FBU website:

http://www.fbu.org.uk/?page_id=233

We will be promulgating a consolidated version of the contents of the Grey Book in the near future.

11. *I have approached my local union officials and they have said that they can't assist on this matter. Is that correct?*

It is. The matter is a legal one and that is why the matter needs to be handled by Thompsons. In view of the quite tight time limits our officials have been asked not to intervene as this will only serve to create delays which may result in members losing money which they are entitled to. Moreover, the mechanism for handling the matter, ie the letters, the forms, the time limits and the processes are a part of the legal settlement reached with the employers which will be taken to the Tribunal.

12. *I currently work for two FRSs on a retained contract in each what can I expect to receive?*

You will get two letters one from each FRS. You should deal with both separately.

13. I have received information that implies that the RFU won the case and also implies that the RFU and their lawyers will provide the representation. Is that correct?

No. It isn't correct on either count. The FBU cases are the only ones that have been heard through the Tribunal. The FBU has made this settlement with the employers. FBU members will get representation from the Thompsons paid for by the FBU up until any point when Thompsons advise that the individual claim is not viable.

14. I do not agree with the terms of settlement reached by the FBU. What should I do?

You should make this clear on your form. If you were a claimant in 2001, you will be able to pursue your individual claim to the employment tribunal but without FBU assistance on the matter. This is because the FBU has reached a settlement which it believes is the most beneficial and it would be inappropriate for the FBU to assist a different settlement for some but not all. The FBU is confident that it has got the best deal available.

15. My colleague has received a different letter from me. Why?

The specific letter that a firefighter receives will depend upon a variety of permutations:

FBU members will receive a different letter to that received by RFU members or firefighters who do belong to either organisation.

It will depend on whether the individual was a claimant in 2001

It will depend on whether the individual has previous retained service with another FRS

It will depend if the firefighter is currently employed on a retained contract with more than one FRS.

16. Why do I have to supply evidence for my claim? Is my word not good enough?

Your word is good enough for Thompsons and the FBU, but the FRS won't pay out money unless it has to. An employment tribunal will require evidence to substantiate the claim.

17. Does "rank/ role held" mean substantive or acting / temporary.

It means the substantive rank.

18. Why is it the rank held on 30 June 2010 (or rank held on leaving service)?

It was necessary to choose a reference date. Of all the options, 30 June 2010 was the most logical to choose.

19. I think my compensation has been wrongly calculated. What should I do?

Contact your FRS immediately. Do not wait until you are next on duty - do it straight away. State clearly why you believe the calculation (or the data used to calculate it) is wrong. Follow it up with an email straight away to the person you spoke to and cc it to your line manager.

20. I believe that a period of over 9 months continuous sick leave in the reference period but have no documentation to evidence it. What should I do?

The sick leave needs to have been reported to the FRS. Raise the matter immediately with your FRS. Also try to seek records from your GP though do not delay waiting to raise it with the FRS until the doctor has supplied the records as the clock is ticking there are only 14 days for you to write to Thompsons with the evidence.

21. I have contacted my FRS as I do not believe the calculation is correct. They have told me that I have no valid claim and I should simply agree the amount. Is that correct?

Whether your individual query is correct or not will depend on why you think the calculation is wrong. If the FRS doesn't agree there has been an error, then it is Thompsons who will decide whether your query is correct and whether there is sufficient evidence to validate. Ultimately if the FRS don't accept that a calculation is incorrect and do not agree with Thompsons view, then the individual case may well end up back at the employment tribunal for it to consider. **In any event it is not for the FRS to tell you not to proceed with a claim.**

22. The FRS has not recorded my rank/role incorrectly On the 30 June 2010 I held a higher substantive rank than which they have based my calculations on. What should I do?

Contact your FRS and inform them that they have incorrectly recorded your rank/ role. Inform them of the date when you were promoted. Do not delay. If you do not get any satisfaction from your FRS make sure you submit a "non standard claim" form to Thompsons via Popularis within the 14 days.

23. The FRS has recorded my length of service in the reference period incorrectly. What should I do?

Contact your FRS and inform them that they have incorrectly recorded your length of service. Inform them of the correct dates and period of service. If you do not get any satisfaction from your FRS make sure you submit a "non standard claim" form to Thompsons via Popularis within the 14 days.

24. The FRS has not taken account of my previous service with another FRS. What should I do?

Contact your FRS and inform them that they have not taken into account your service within another FRS. Inform them of the correct dates and period of service. If you do not get any satisfaction from your FRS make sure you submit a "non standard claim" form to Thompsons via Popularis within the 14 days.

25. The FRS has not taken account of the retained duty system service I am currently serving with another FRS. What should I do?

You should receive a letter with an offer from each of the FRSs concerned. Check the letter carefully. If you do not receive a letter from both FRSs contact the one which has omitted you and inform them of the error. Inform them of the correct dates and period of service. If you do not get any satisfaction from your FRS make sure you submit a "non standard claim" form to Thompsons via Popularis within the 14 days.

26. I have contacted my FRS and it is now 3 days to the deadline. What should I do?

Complete the non-standard circumstances form and send it with your documentary evidence to Popularis. You should also include a copy of the email you sent to your FRS management.

27. A friend of mine has said that I do not have to worry about the evidence as the lawyers will ask me to provide more evidence. Is that correct?

No it isn't. You must send your evidence with your non-standard claim form. Neither Thompsons nor Popularis will prompt you or chase you to provide evidence.

28. How do I provide the evidence online?

You can't. You **must** use the hard-copy paperwork which has been sent to you if you wish to register a non-standard claim and submit it in writing with a signature.

29. How can I be sure that my evidence won't get lost in the post?

Items don't get lost in the post very often. You might want to use the one of the "signed for" delivery services available from the post office.

30. I have filled in all the forms, I agree with the settlement arrangements and my calculated sum is agreed with the FRS. When do I get my money?

Money will be paid within 3 months of the start of the process to those who are challenging the calculation. There is logic to this. It would be unfair to claimants if they had to wait until the matter was completely signed off at the Employment Tribunal for their money, if non-claimants received their money as soon as they returned their acceptance form. In any event an individual member will not receive money until his/her claim is settled or, in the case of non-claimants, he/she has agreed this to be a settlement for any previous as-yet-unclaimed discrimination.