



Members Update

RDS – Wholetime – Officers – Control

As you'll be aware there has been a long wait but finally a breakthrough in the settlement for the case regarding the entitlement of RDS firefighters to access the firefighters pension scheme (ie, the old pension scheme). The good news is that members will shortly be able to opt into the "modified" new firefighters pension scheme (which is very similar to the old FPS), although this option is only available for members who have served for certain time periods (details below), this will also include a compensatory payment as well. The other good news is that being treated fairly now means that "all" firefighters have access to sick pay according to their role, a significant achievement. The only change to current rules would be due to the fact that all firefighters have access to a service pension scheme. Because of this the compensatory pension arrangements that previously existed will be removed, e.g. if a firefighter was injured on duty and unable to continue in their role they would have left the service with an equivalent wholetime pension, without having paid any previous contributions (because they didn't have the access to the pension scheme).

The full details of the settlement are included in the circular below:

PART TIME WORKERS' SETTLEMENT

As members will be aware, since achieving our hard-won victory in the House of Lords and the Employment Tribunal in Croydon, the FBU has been in negotiations with the employers' side of the NJC and the relevant government departments (Treasury Solicitor and CLG) to reach a detailed agreement by way of settlement.

These negotiations on changes to the Grey Book and financial settlement have now concluded. We are currently finalising the finer points of wording.

Negotiations on pensions have moved on apace, following a long period of inactivity on the government side. Whilst we believe we have got the basis of an agreement on most of the areas now, this matter will take a little while longer because of the processes necessary to implement an agreement as a result of the pension scheme being a statutory instrument.

As you know, and as we have emphasised previously, it is essential to appreciate that this legal challenge and the test cases have been brought by the FBU alone. Confusion may arise because of

another case lodged by the RFU on separate grounds. The RFU has never shown any intent to progress that case towards a determination. Throughout, the RFU members have had to rely on the outcome in the test cases brought, and fought, by the FBU. Despite this, the RFU have from time to time portrayed the outcomes as in some way being a result of their actions. **It is the FBU alone which is negotiating with the employers and the government to bring a favourable conclusion to these issues.**

The RFU will be meeting with the employers to see if they agree to the terms negotiated with the FBU. In truth they have little choice but to agree. They have a legal case which has been stayed, which had little or no chance of success because it is founded on an ill-conceived challenge using sex discrimination legislation, rather than the part time workers regulations.

The principles contained within the FBU's successful negotiations through the NJC include:

- The key aim of a Grey Book made free from discrimination against part time workers including sick pay.
- Sick pay will be paid for periods of sickness backdated to 30 June 2009
- Full protection of bounty payments already paid to retained firefighters;
- No reduction in the settlement sum to offset bounty payments already made
- In addition, a financial settlement which all retained firefighters will receive.

Whilst negotiations with the government haven't quite concluded, agreement has been reached that bounty payments already received will not to be paid back by retained firefighters taking up the opportunity to receive a pension/pensionable service, nor will any adjustments be made to the employee's contribution to account for bounty payments having been received.

The details of the compensation payment were:

- the compensation is made in respect of the reference period i.e. 1 July 2000 to 30 June 2009 (known as the reference period)
- the compensation payment is based upon length of service, rank/role and level of cover provided. Cover pro-rata adjustment to be not less than 75% (which reflects the pay structure)
- the maximum levels of payment will be firefighter £675; leading firefighter/crew manager £700; watch manager/sub and station officers £725. There will be minimum payment of £150.
- The exceptions to the above are those members who can evidence that they had been absent on continuous sick leave for absence of 9 or more months, with a non-injury related sickness during the reference period. Such cases will merit a higher payment based upon the person's average fire service earnings in a 12 week period.
- The agreement will mean the full settlement of any claims members have or may wish to register arising from the Grey Book up to 30 June 2009.

However, due to the time it has taken to agree this settlement the reference period has been extended to 30 June 2010 and there will be a commensurate increase in the maximum amounts payable. We will be notified of the increased rates shortly.

Letters will be sent to members shortly, advising you of how much this settlement means to you and what actions you should take. This letter will be sent to you by the FBU or by Thompsons solicitors. Please do not act on any advice, guidance or instruction from any other organisation, including your employer. Should the employer or any organisation try to contact you, please notify the FBU as soon as possible.

If any member or branch wants more information please ring a Brigade FBU official, Mike Tremellen, Dominic Keen or Chris Starkey.

Mixed Crewing? Yes or No?

As members will be aware there has been a move to upgrade 5.1 Newquay to shift status for certain periods of the year, ie when the risk is higher due to the increase in population.

The FBU are broadly supportive of this move but there have been a number of underlying concerns. The main concern is whether Cornwall has the capacity to fulfill the crewing requirements, as there will effectively be 2 extra watches on duty. CFRS have always maintained that there are no extra resources available for this project.

The other main concern has been the discussion around mixed crewing. The FBU definition of mixed crewing is when a primary appliance (1st away or 1st appliance that is mobilized) is crewed by a mixture of WT and RDS FFs.

Nationally the FBU have huge concerns over the potential use of mixed crewing in this way and have passed resolutions at annual conference regarding this. The reason for the unions opposition to this is not “anti RDS or anti WT”, the union has always been there to support ALL it’s members best interests, not just part of it’s membership (despite what other organizations might try to say!). The reason behind the union’s opposition is that if RDS members are used to fill gaps in watches



Newquay Fire Station

then a CFO could easily stop any future recruitment in order to save money. The problem with this is that it effectively shuts the door on any RDS member having a chance to transfer across to the WT duty system. Instead they would potentially be kept hanging on a casual basis, used only when required and then dropped when no longer needed.

The FBU would rather fight to maintain the opportunity for members to transfer to the WT duty system if they wish and therefore have the protected employments that it would bring, together with protecting jobs for the long term.

This upgrading is on a trial basis and will be reviewed at the end of the Easter period.

Members will also be aware that Cornwall has been operating a pilot salary scheme at 3 stations for the past couple of years, Saltash, St Mawes and Camborne.

There is still concern over the level of salary now being offered, together with the numbers of cover hours required. The FBU are still awaiting a review document that should cover all aspects of the trial scheme. This needs to be thorough enough to allow members to gain any information they need in order to decide whether it's the scheme for them or not!

The FBU will continue to push for these points to be agreed. If any member wants to know more or would like a visit, they can contact Dom, Mike or Chris to arrange a suitable time.

Brigade Officials

Contact Details

Dominic Keen – Cornwall Brigade Secretary

Email: dominic.keen@fbu.org.uk

Mobile: 07973 524483



Mike Tremellen – Cornwall Brigade Chair

Email: mike.tremellen@fbu.org.uk

Mobile: 07970 655937



Chris Starkey - RDS Rep

Email: chris.starkey@fbu.org.uk

Mobile: 07764 272908