

FBU Pensions Bulletin



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NORMAL PENSION AGE REVIEW

FBU says government review does not make the case for firefighters working to 60

The review of Normal Pension Age (NPA) for firefighters has been published by the Westminster government. It can be downloaded from the FBU's website.¹ The FBU believes that the review **does not make the case for firefighters working to 60**; on the contrary it includes evidence that most firefighters are not able to work beyond 55. This is explained in this bulletin.

Sean Starbuck, FBU national officer said: "The FBU officials attended the review as the sole representatives of employees. The union submitted evidence to the review and discussed the research with the review chair, Dr Tony Williams. But members should recognise that this report does not represent our opinions and the FBU has not endorsed the recommendations. We believe that the review does acknowledge the arguments the union has made. The FBU will be discussing it with ministers and civil servants in the coming weeks."

The Fire Brigades Union, which represents the vast majority of professional firefighters in the fire and rescue service, has not accepted the government's current proposals for a new firefighters' pension scheme. The union believes that an occupational pension scheme for firefighters must reflect the realities of firefighting if it is to remain sustainable in the long run.

Key findings

The most significant things for FBU members to note from the Williams report are:

- The report **does not provide evidence to support the government proposals** for an NPA of 60 for the firefighters' pension scheme from 2015.
- The report argues that the only way such a change in NPA could be achieved is by significant changes in policy in relation to entry standards; improved monitoring of fitness levels and health; improved arrangements for fitness training and monitoring; and a range of other measures.
- An NPA of 60 for the majority of the current workforce, whatever scheme they are in, means large numbers of members would be unable to achieve pension age.

Despite this being a government-commissioned review, it does not provide support for current government proposals in relation to firefighters' normal pension age.

Who is affected?

At present, nearly 24,000 or two-thirds of firefighters in a pension scheme in the UK are members of the Firefighters' Pension Scheme (FPS). The NPA for these firefighters is 55 years of age, with most able to retire in their early 50s. Of those, over 9,000 are over the age of 45 and are therefore covered by the proposed transitional protection arrangements. Approximately 5,000 are aged between 41 and 45, and would receive some "tapered" protection. This leaves around 9,400 firefighters in the FPS without protection, and who would be expected to continue working until they are 60 if they are to receive an unreduced pension.

¹ *Tony Williams and others, A review for the Firefighters' Pension Committee, 12 January 2013*
<http://www.fbu.org.uk/?p=6297>
<http://www.fbu.org.uk/wp-content/uploads/2013/01/NPA-Review-12-Jan-2013.pdf>

Around 13,000 firefighters are members of the New Firefighters' Pension Scheme (NFPS), of whom 7,000 are retained firefighters and with the remainder wholetime. The NFPS, introduced by the last government in 2006, has an NPA of 60. Some are covered by protection arrangements. That leaves 4,600 wholetime firefighters in the NFPS and 5,000 retained firefighters still expected to work to 60.

Current employees

The review found evidence that many firefighters, if not most, would not be fit enough to work to 60. It refers to VO₂max tests, which most fire and rescue services currently use for fitness testing.²

4.4.4 For a worst case scenario, where firefighters physical activity status, body mass index and smoking status follow the typical age related changes in the population, assuming a yearly decline of 0.42 mL·kg⁻¹·min⁻¹ per year... at 55 years of age, approximately 85% of firefighters would be below the minimum standard required for operational duty. By 60 years, this percentage would increase to 92% (p.49).

4.4.3 In the best case scenario, where firefighters maintain their physical activity status, body mass index and smoking status as they age, the distribution of VO₂max and estimated cumulative percentage of firefighters who would be fit for operational duty (above 42 mL·kg⁻¹·min⁻¹) can be estimated... at 55 years of age, approximately 15% of firefighters would be below the minimum standard required for operational duty. By 60 years, this percentage would have increased to 23% (p.49).

Even if these changes in training regime and lifestyle were possible, **between 15-23% of firefighters** would still not reach the NPA of 60 (on rosy projections). The "best case" assumes firefighters are recruited with very high levels of fitness and continue with the right training and lifestyle throughout their career. This cannot be assumed in the fire service at present, where there is no legally defensible fitness standard, no recruitment thresholds on VO₂max, and an uneven fitness regime.

Crucially, a new pension scheme cannot be sustainable if at least **1 in 7 firefighters will not have a reasonable expectation of making the required NPA.** The review found other evidence that those already in the FPS will not be fit enough to work to 60:

² 2.3.12 Although work is currently underway to address this issue (Stevenson et al., 2009), the only validated and legally defensible fitness standards that can be recommended for UK Fire and Rescue personnel at present are those used during the development of the NFST [National Firefighter Selection Tests] p.18

12.2.5 Recent data collected from four FRSs found at 50-54 years of age, 51%... of firefighters were below 42 mL·kg⁻¹·min⁻¹. At 55-60 years, 66%... of firefighters were below this minimum standard (p.143).

The report recognises that the FBU's evidence, including work done by Richard Graveling and Michael Haisman, shows that there is no case for raising the NPA above 55.

4.4.8 In the absence of definitive data on the VO₂max required to effectively perform firefighting roles, and the lack of data describing the current cardiorespiratory fitness levels of the Fire and Rescue Service in England, the best available evidence reviewed in this report suggests that increasing the normal pension age would increase the percentage of firefighters unable to meet the proposed recommend standard of 42 mL·kg⁻¹·min⁻¹ (Stevenson et al., 2009) from between 15–85% at 55 years to 23–92% at 60 years. The lower estimates of a 15 to 23% change from 55 to 60 years assume physical activity levels, body mass index and smoking status are maintained with ageing. The higher estimated of 85-92% from 55 to 60 years assume a normal population change in these lifestyle factors with ageing. These latter values are very similar to those reported by Graveling et al., (2011), reporting a 92-95% change from 55 to 60 years, based on data assuming a normal population change in these lifestyle factors with ageing (p.51).

The report claims that **most women firefighters are not fit enough to work to 60.**

11.5.5 The gender issue is important; only around 25% of women meet the fitness criteria to become firefighters, and a larger proportion will only just exceed the minimum level on entry. It is likely that a substantially larger proportion of women will find it hard to maintain fitness at the required level, leading to a disproportionate number becoming unfit for firefighting before age 60. It is important to avoid discrimination under the Equality Act 2010. Allowing women to become firefighters ensures fairness. It is then important to ensure there are no provisions, criteria or practices that discriminate during service (p.138).

It has long been an objective of the fire service to ensure it reflects the communities it serves. Imposing an NPA of 60 will mean that a career in firefighting is no longer an option for all but a handful of women.

Additional protection

The FBU believes that existing firefighters in both the FPS and NFPS should be able to retire at 55 with a full pension. The review acknowledges that more protection is necessary to ensure this is possible.

11.5.4 Some firefighters will have joined under the expectation that they will retire at age 55 or earlier but have now been told their normal pension age will be 60. This could be seen to be unfair, even though the Government has decided that an increase pension ages across the public sector is reasonable and fair. Not all firefighters will be able to maintain physical fitness. People do not age at a standard rate, some will find it harder than others to keep physically fit. A possible option to consider here is to give more protection to those who are members of the 1992 Firefighter Pension Scheme (p.138).

11.5.6 Firefighters in the 2006 scheme are currently able to retire early on an actuarially adjusted pension with significant penalties. One solution to the issue of reasonableness and the potential for more women to become unfit than men as they age would be to adjust this process. More flexibility could be shown in relation to early leavers, with the opportunity to take a pension five years earlier than the NPA without penalty (p.139).

A major conclusion in the report also brings the concerns about firefighters' ability to work longer together with the need for further protection – for both FPS and NFPS members:

12.8.4 There will be a significant number of firefighters who expected to retire at age 55 and will have difficulty maintaining fitness beyond this age. Among those who have joined on the 2006 pension scheme there will also be some who will have difficulty maintaining fitness, and there will be a significant number who are medically unfit above age 55 but who do not meet the criteria for IHR. There is likely to be a substantially larger proportion of women firefighters who are physically and/or medically unfit over age 55. Allowing firefighters to leave after age 55 on a pension that is actuarially reduced from age 60 without any additional penalty could be considered a reasonable way to manage expectations, and to manage any potential discriminatory issues (p.145).

There are also some very clear but unstated conclusions in this report. These are:

- The NPA cannot be raised to 60 given the occupational nature of firefighting; the physical demands of operational firefighting; and the fitness profile of existing firefighters.

- An NPA of 60 could only be imposed if fire service employers were prepared **to dismiss significant numbers of firefighters** (see especially 9.1.1-9.1.3 p.123).

Future schemes

As a Westminster government-appointed and funded review, this report has sought to accommodate to what the government wants to do – i.e. get firefighters to work longer. It claims to develop a new model where firefighters could work to 60.

The review's recommendations set out a list of conditions that would have to be met to ensure firefighters could work to 60.

12.9 Recommendations (p.146)

Fitness standard(s). It is essential to determine fitness standard(s) across Fire Services.

Fitness selection at recruitment. We recommend Fire Services should consider setting a recruit fitness standard above the minimum standard to ensure recruits can reasonably be expected to serve effectively and maintain fitness to NPA.

Fitness assessments. All Fire Services must have regular fitness assessments for all firefighters.

Fitness training. We recommend that all Fire Services implement regular fitness training. We recommend at least 2.5 hours a week of fitness training should be incorporated into the daily routine of wholetime firefighters. We recommend appropriate support and opportunities for fitness training should be provided for retained firefighters.

These are hypothetical, untested claims about a future scheme to force-march firefighters to work to 60. They require a number of changes starting with recruitment and including fitness standards, fitness training and testing that are not yet in place. It would be quite unwise to impose a new NPA of 60 before these measures were in place.

These proposals are **untried** and have not been looked at in terms of cost or sustainability.

The report also makes some very optimistic projections about fitness, based on very small and unrepresentative samples, which the FBU believes cannot be sustained. However its recommendations are matters for the future – they do not resolve matters for current firefighters worried about current pension arrangements.

Q&A

Why was this review set up?

The government's "Heads of Agreement" published on 24 May 2012 included a commitment to review the NPA for firefighters.³ This was in response to FBU evidence that firefighters generally could not work safely or maintain their operational fitness beyond 55.

Who decided on the review?

The review was initially proposed by the English employers. Bob Neill, who was fire minister at the time, agreed to the review and appointed the chair Tony Williams. The review was overseen by the Firefighters' Pension Committee, which includes an FBU representative, and by a small board, where the FBU was the sole employees' representative.

What were the terms of reference of the review?

The review's terms of reference were to:

- consider the evidence to support the appropriate NPA for firefighters
- consider the structural implications for the proposed scheme of such recommendations (single age or range, likely numbers across range of ages).
- be mindful of the **reasonable expectation** that scheme members will be able to work to, and retire at, the NPA.
- take account of the economical, efficient and effective management of the fire service, the changing profile of the workforce and the **occupational demands** of, and fitness standards for, firefighting roles.

Is the FBU responsible for the review?

No. The FBU submitted substantial evidence to the review, to support our concerns with the proposed NPA. Our evidence demonstrated that 60 was unworkable, unrealistic and didn't take into account the occupational nature of firefighting. Although the FBU (and the employers) attended meetings with Dr. Williams and his team, the findings and conclusions of this review are his alone.

Does the review support our position or theirs?

In general terms the government's own review **backs the FBU's concerns**. They were told by Hutton to "consider" the NPA of 60. Having asked experts to consider it, they have found that it is not workable for the current workforce, given the current recruitment process, the absence of a legally-defensible fitness standard and a whole host of other national standards that would be needed before any of this would be practicable.

But isn't the NPA already 60?

Two thirds of firefighters are in the FPS, where the NPA is 55. The other third are in the NFPS, imposed in 2006 and which does have an NPA of 60. The FBU opposed this at the time. The government said that older firefighters could be **redeployed** when no longer fit to work. Recent research by the FBU found that there were only 16 posts currently available in England for redeployment. **So the NFPS cannot be used as an argument for 60.** All firefighters should be able to retire at 55 without penalty.

What do firefighters think about the proposal to work to 60?

YouGov recently carried out another survey of FBU members and asked questions around NPA. An overwhelming **97% of respondents were opposed to the NPA of 60** and 88% felt that they would not be able to maintain their operational fitness until the age of 60.

What are the next steps?

The Westminster fire minister is now considering options in relation to the report. The FBU is seeking discussions to ensure the issues are thoroughly investigated and that firefighters are protected. The union will provide further briefings for members, politicians and the public.

Matt Wrack, FBU general secretary: "Although the FBU intends to challenge aspects of the review and its findings, it does give a pretty clear strong indication that the NPA 60 is unworkable, unrealistic and does not take account of the job. The contents of this review need to be discussed in the light of some of the issues it has highlighted. The FBU will continue to raise our points in an attempt to get a sensible and workable solution."

³ Bob Neill, Written ministerial statement: Fire and Rescue Service, 24 May 2012, Hansard 77WS



For more information see our website:
www.fbu.org.uk