



The Fire Brigades Union

GENERAL SECRETARY: MATT WRACK

BRADLEY HOUSE, 68 COOMBE ROAD, KINGSTON UPON THAMES, SURREY, KT2 7AE

Telephone: 0208 541 1765
Facsimile: 0208 546 5187
E-mail: office@fbu.org.uk

FBU research on redeployment opportunities in English FRAs

When the government introduced the New Firefighters' Pension Scheme (NFPS) on 6 April 2006, which included an increase to the Normal Pension Age (NPA) to 60, it promised that there would be sufficient redeployment opportunities for firefighters that could not maintain operational fitness. Previously firefighters who were members of the Firefighters' Pension Scheme (FPS) had an NPA of 55.

The FBU were concerned that by amending the NPA to 60 in the NFPS, it would not reflect the occupational nature of the job. The union warned government that it was creating an aged workforce and one where firefighters would not be able to maintain operational fitness in the numbers required to maintain an effective and efficient fire service. The FBU also warned that the level of ill health retirements would rise due to the vast majority of firefighters being unable to maintain operational fitness until the proposed NPA of 60. For these reasons the union viewed the proposed NPA as unworkable and unrealistic.

Government responded with assurances that sufficient non operational roles would be available for firefighters who were no longer fit for firefighting and other emergency work to justify their proposed increases. In their original proposals for a new scheme government stated "there will be sufficient non-operational jobs to provide posts for a significant proportion of those who are no longer fit for firefighting duties" (Government Proposals for a New Firefighters' Pension Scheme 2004 p.7)

Government also claimed that these new roles would be created as the fire service took on a more fire safety emphasis and that they had introduced changes which enabled Fire and Rescue Authorities (FRAs) to better manage and retain in service staff that are no longer fit for operational duties. Indeed, this argument - that redeployment opportunities would increase as a result of the changing role of the service - was the primary argument used to justify the change to the NPA. Whether or not this argument holds up is therefore a key issue to be addressed by the current NPA review.

The FBU remained opposed to the introduction of the NPA of 60 and were unconvinced by governments' claims that any firefighters who are unable to maintain operational fitness beyond age 55 could be redeployed within role until they reached the NPA. The lack of any evidence to support governments' claim reinforces the concerns of the FBU.

The limited number of redeployment opportunities was further evidenced by a legal judgment in April 2009. The FBU took a successful legal case supporting three retired firefighters, which meant that ill or injured firefighters could not face the prospect of having no pension or job and the guidance to the Independent Qualified Medical Practitioner was amended to reflect this. This guidance also clarified that the redeployments considered must be confined to suitable alternative jobs within the role.

8. As noted in the judgment of the Court of Appeal in the case of *Marrion & others*, the role of a firefighter contains much that is outside firefighting itself and might exist in the absence of operational firefighting. Where a firefighter is no longer fit for operational firefighting, as was made clear in *Communities and Local Government's* circulars 8/2008 issued on 24th October 2008 and 8/2009 issued on 9 September 2009, the onus is on a fire and rescue authority to make every effort, through reasonable adjustments, including reasonable re-designing of jobs within an authority, to enable and encourage firefighters to stay in work if they can within their role, rather than be retired early. In the case of retained duty system firefighters, any redesign and readjustment should be consistent with the duty system.'

1.2 A member of the FPS is entitled to an ill health pension if he/she has 2 years' pensionable service and of the NFPS if he/she has 3 months' eligible service; and is permanently disabled for the performance of duty. To satisfy the criteria for receipt of a pension, the member must be incapable of doing the job they are performing within their role (or would be performing but for the incapacity) or a suitable available alternative job within the role taking account of reasonable adjustments which the FRA confirms it can and will make. This should be based on the job which the member is performing when the case arises for consideration, but should also take full account of reasonable adjustments which the FRA confirms it can and will make to the job within the role, and suitable alternative jobs within the role identified by the FRA as actually available for the member to take up.

The 'Hutton report' (March 2011) recommended that government should "consider" setting an NPA of 60 for uniformed workers but provided no evidence for this assertion. The FBU's submission to the Hutton report reiterated that there is no evidence which demonstrates that firefighters are able to maintain operational fitness beyond age 55 in the numbers required to maintain a fully effective and efficient fire service. The FBU stated that governments' previous argument that firefighters who could not maintain operational fitness could be redeployed within role to non operational jobs or undergo reasonable adjustments to ensure that they could remain in employment was not sustainable.

The current situation on redeployments

To date government have not produced any evidence to support their earlier claim that sufficient non operational roles would be available for firefighters who were no longer fit for firefighting and other emergency work to justify their proposed increases.

However information collected from HR departments in FRA's by FBU officials shows in the appendix below that only 5 of the 46 FRA's in England can confirm they have any redeployment opportunities available for non operational firefighters.

Using this information we can evidence that;

- Only 5 of the 46 FRAs have confirmed that they currently have any redeployment opportunities and that the total number for England is 16.

The CIPFA head count stats (31 March 2011) for English FRAs shows there are 43,401 Grey Book employees.

- The redeployment opportunities available represents 0.04% of the total number of Grey Book Staff in England
- The figure for Lincolnshire represents 0.5% of their Grey Book employees.
- The figure for Oxfordshire represents 0.7% of their Grey Book employees
- The figure for Berkshire represents 0.2% of their Grey Book employees
- The figure for Cornwall represents 0.8% of their Grey Book employees
- The figure for Dorset represents 0.3% of their Grey Book employees

38 of the 46 FRAs have confirmed that they have no redeployment opportunities for non operational firefighters.

2 of the 46 have confirmed that they may have redeployment opportunities for non operational firefighters.

In conclusion:

1. The FBU have seen no evidence to support governments' claims that any firefighters who are unable to maintain operational fitness beyond age 55 could be redeployed within role until they reached the NPA.
2. The FBU have seen no evidence to support governments' claims that new roles would be created as the fire service took on a more fire safety emphasis and that they had introduced changes which enabled FRAs to better manage and retain in service staff that are no longer fit for operational duties.
3. The FBU have produced evidence based on information provided by FRAs that there are insufficient non operational roles available for firefighters who were no longer fit for firefighting and other emergency work to justify the NPA of 60.
4. The FBU have produced evidence based on information provided by FRAs which invalidate the governments' claims that new roles would be created as the fire service took on a more fire safety emphasis. The evidence also invalidates claims that they had introduced changes which enabled FRAs to better manage and retain in service staff that are no longer fit for operational duties.
5. The main argument used to justify a new NPA in 2006 was based on flawed logic. In reality, the redeployment opportunities available in fire and rescue services today do not reflect the scenario suggested by government policy.

SEAN STARBUCK
National Officer

Appendix 1: Current redeployment opportunities in English FRAs

Redeployments: Yes (5) 16 posts in total	Redeployments: No (38)	Redeployments: Possible (2)	Nil response (1)
	Cleveland Northumberland Durham Tyne & Wear		
	Humberside South Yorkshire West Yorkshire North Yorkshire		
	Cheshire GMC Lancashire Merseyside Cumbria		Isle of Man
Lincolnshire (4)	Derbyshire Northamptonshire Nottinghamshire Leicestershire		
	Staffordshire Warwickshire West Midlands Shropshire Hereford and Worcester		
	Norfolk Hertfordshire Suffolk Cambridgeshire Bedfordshire	Essex	
	London		
	West Sussex East Sussex Surrey	Kent	
Oxfordshire (4) Berkshire (1)	Isle of Wight Buckinghamshire Hampshire		
Cornwall (5) Dorset (2)	Devon & Somerset Wiltshire Avon Gloucestershire		