



# 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](mailto:office@fbu.org.uk)

Our Ref: MW/sll

22 July 2014

Penny Mordaunt MP  
Parliamentary Under Secretary of State  
Department for Communities and Local Government  
Eland House  
Bressenden Place  
London  
SW1E 5DU

Dear Penny

Thank you for your letter of today and thank you for meeting us on Thursday last week so soon after your appointment as Minister. Once again, please accept our congratulations on your new role. We also hope we can work together constructively, despite any disagreements, for the benefit of firefighters and the communities we serve.

Thank you also for the opportunity to set out in some detail our position as a union within the Service and in particular on the issue of pensions.

In relation to the pensions issue and the continuing dispute, we set out a number of the key concerns which we have raised consistently and which our members feel very strongly about.

## **Protection**

Thousands of firefighters have paid into their pension scheme for many years but are now being told they will not receive the pension they were promised. These promises were set out clearly in pension advice and material provided to them on joining the Service. As we explained, many still have the documentation setting out the pension deal they were advised to sign up to. It is completely unjust that such commitments should be broken when firefighters have paid into the scheme for many years.

## **Cost and affordability**

The anger around inadequate protection is worsened as a result of the high employee costs of the scheme. Before the Government commenced its latest changes, most firefighters were already paying 11% of their salary into their pension. This was one of the highest employee contributions in the public or private sector. For the majority, the contributions are now 14.2% with many paying even more. On the back of pay freezes and below-inflation pay increases there are growing concerns over affordability. This raises serious concerns about the sustainability of the schemes, as there is a growing lack of confidence in the future of the scheme. We are aware that very many firefighters have considered or are considering opting-out. That would clearly damage the future prospects for the firefighters' pension scheme.

We have advised our members not to choose to opt-out and to take detailed advice before any such consideration. However, increasing cost in an already expensive scheme will inevitably increase this risk.

Contd/2...

We have also highlighted a particular concern in this respect. The members of the New Firefighters' Pension Scheme (i.e. the 2006 scheme) have already faced three years of increases yet face the prospect of further increases, possibly for another three years. This has been badly thought-out and the Department has completely failed to take account of this issue.

### **Fitness and capability (No Job No Pension)**

We explained the concerns of firefighters around fitness and capability. These arise out of the physical demands of firefighting. These demands mean that physical fitness is a key requirement of the job. While there are no nationally set fitness standards, there are standards which are adopted broadly within the Service and there is growing scientific evidence to support them.

If firefighters are to be sent to perform physically demanding tasks in extremely hazardous conditions, physical fitness is a key safety issue. It is not simply a matter of protecting the individual firefighter but is also about ensuring firefighters can operate effectively, safely and professionally for themselves and for those they may be trying to rescue.

It is common knowledge that fitness will tend to decline as people age. The standards which generally operate within the Fire Service mean that, as they age, increasing numbers of firefighters will struggle to reach those standards, or will simply not meet them. This is clearly identified as a problem in the report (Williams report) commissioned by your predecessor Bob Neill. We also note that despite that report being published some eighteen months ago, no DCLG Minister has so far responded to it.

The issue of age-related declining fitness means that there is a significant concern about what will happen to firefighters in this position. Brandon Lewis has previously assured firefighters that nobody will be sacked for failing a fitness test and DCLG officials have repeatedly attempted to argue that there is no such risk. However, as we explained to you, at a three way meeting involving ourselves, DCLG and the Fire Service Employers, the Employers clearly confirmed that a firefighter in such a situation would face a risk of dismissal on grounds of capability.

Your predecessor, Brandon Lewis, and DCLG officials have argued that this concern can be addressed by means of a requirement set out in the Fire Service National Framework. In early discussions, your officials claimed that this would provide the guarantee we sought that nobody would face a dismissal as a result of an age-related decline in fitness. However in a meeting involving lawyers from both sides this was shown to be inaccurate.

We have been very clear with both Bob Neill and Brandon Lewis that firefighters, who follow the regime and advice of their employer in relation to fitness, should not face dismissal simply because their fitness declines in their 50's. Mr. Lewis has frequently said that he agrees with us on that point. However, so far, nothing at all has been done to address this concern. We have made two researched suggestions on a way forward but your Department has refused to take up either.

### **Actuarial reductions**

You will be aware that, earlier this year, DCLG officials sought costings from GAD about the calculation of actuarial reductions within the proposed 2015 scheme. It was our view that the calculations were being carried out incorrectly. Alternative costings were carried out and were confirmed by GAD to be within your cost-ceiling (with which we disagree in any case). However, nothing further has happened in relation to this matter.

### **Potential legal action**

Following legal advice, our legal representatives issued a pre-action letter to the Secretary of State. It was after this letter that Brandon Lewis announced the reinstatement of his proposals of June 19 2013. This appears to be an attempt to address one aspect of our legal case. However, it does not address the other, which concerns the calculation of actuarial reduction as outlined above. We would be happy to discuss this matter further if that would be beneficial and if it would assist in avoiding legal action.

### **DCLG work on fitness and capability**

You explained that you wished to progress work on fitness and capability and that this would be chaired by Peter Holland. We explained that we have normally cooperated and assisted in any such work (as we did with the Williams' review). Peter explained that no Terms of Reference had been drawn up and clearly we would want to see these.

We set out our view that if such work is to proceed and if firefighters were to be confident in it, there should be an immediate moratorium on any dismissals related to fitness. Your predecessor, Brandon Lewis, has clearly set out his view that Fire Service Employers have not put in place adequate provision for fitness and for the support of firefighters. In that context, it is difficult to see why there should be any dismissals at this time while a review is underway; a review which would consider fitness standards; the support for firefighters; remedial measures and related matters. I therefore hope you would issue a clear call for such a moratorium. Your officials have been at pains to express the power of the National Framework in relation to these matters. Perhaps something could be issued using the powers under the Framework.

### **'Freedom and choice' in pensions**

As you set out, the Chancellor has now published his response to the consultation on Freedom and Choice in pensions. This confirms that Firefighter Pension Schemes will not be affected by the new tax regime. This is obviously a welcome decision as far as firefighters are concerned.

It was this issue which caused such confusion at a meeting between us and DCLG officials on 19 March. We had been expecting that revised proposals might be made on that day but clearly they were not made as a result of the consultation launched by HMT.

Clearly, as we have set out above, the scale of actuarial reductions is a big issue for our members. It remains so despite the decision by Brandon Lewis to return to the position of June last year. We therefore hope that the announcement made by the Chancellor enables you to return to this issue in light of the new circumstances.

### **Further steps**

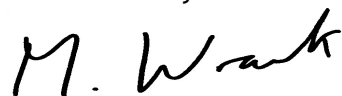
We shall be discussing with our Executive Council and with our National Women's Officials, the suggestion of a meeting and hope we can make arrangements soon.

We shall, of course, report-back in full to our Executive Council on the discussion we had. However, I do need to be clear that the anger felt across the country by firefighters has not in any way declined. Firefighters feel that we have presented a huge amount of evidence to your Department and to previous Ministers. We have engaged in detailed discussions for the past three years. Despite this, Government seems determined to press ahead with unjust and unwarranted attacks on our members pensions without due regard to evidence. It is that approach which has created the current dispute.

I am sure you will appreciate that firefighters are a determined group of people. They are determined to do whatever they can to defend their pensions. You are correct that they do not wish to be on strike. However, I know you are also aware of the strength of feeling that there is on this issue. However, I am sure that genuine negotiations and a willingness to take account of argument and evidence would allow us to move forward. I hope you are able to do so.

We are, as always, available to meet and discuss at any time.

Yours sincerely



**MATT WRACK  
GENERAL SECRETARY**