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Dear Andy

STRIKE ACTION: CPD AND PENSION ISSUES

In relation to possible industrial action, we understand that certain employers have raised issues with regard to CPD and pensions.

On CPD, it is understood that some Fire and Rescue Authorities have already said or may in the future say that they are going to put an immediate stop on members' CPD payments if they take part in industrial action.

We are confident that any such stoppage of CPD payments would be unlawful as members' entitlement to CPD payments has already been met. There is a contractual obligation on the employers to make those payments.

A similar threat to stop CPD payments has been made by the employers in at least one previous dispute but was never carried through in practice, suggesting that the employers themselves recognise that any such deduction would be found to be unlawful in the County Court.

In relation to pensions, we understand that some FRAs have advised members that, if they take part in industrial action, their membership of the Firefighters' Pension Scheme (FPS) will terminate, and that when they return to normal duties they will be permitted to join the New Firefighters' Pension Scheme (NFPS) but not to re-join the FPS.

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That is not the case. The FPS was closed to new employees with effect from 6 April 2006, but firefighters who are absent from work as a result of industrial action do not cease to be employees. They continue to be members of the FPS and are treated under the rules of the FPS as a member who is absent without pay.

Their position is dealt with in rule F2(3) of the rules of the FPS. They have the option of paying the contributions that they missed as a result of the period of absence. The contributions required are the contributions that the firefighter would have paid if he or she had not been absent, and also the contributions that the Authority would have paid in respect of his or her membership. If these contributions are not paid, the period of absence will not count as part of the firefighter's reckonable service but his or her membership is not terminated. If the contributions are paid, the period of absence is ignored altogether.

An election to pay these contributions must be made within six months of returning to duty.

I trust this confirmation of the position on these matters will be of assistance

Yours sincerely



Doug Christie
for THOMPSONS