

All Members - Pension Briefing Note, October 2007

In 2004 it was necessary to make changes to the Fireman's Pension Scheme (FPS) to take account of the Disability Discrimination Act (DDA) 2004 and reverse the loss of experienced operational personnel who previously had to leave the service due to their injury and provide the opportunity for redeployment whilst still remaining eligible to be a member of the FPS.

Subsequently the following definition of a 'regular firefighter' was produced and included in the Fireman's Pension Scheme Order 2004;

'Eligibility for full membership of the FPS is limited to regular firefighters only. The definition of "regular firefighter" includes a requirement to engage in firefighting. This remains a term of eligibility for joining the FPS. However, the definition has been amended to allow a firefighter who subsequently becomes permanently disabled for firefighting while remaining fit for other related duties to continue as a member of the FPS. This is on condition that there has been no break in service. Consequently, if a FRA is of the view that the retention of a firefighter would be of value to the service, redeployment to other duties, as appropriate to the role of a firefighter, should be considered and would be allowable under FPS rules. If the FRA cannot offer other employment, fitness to perform other duties would not be relevant and the person may be retired with an ill-health award.'

This and other changes were consulted upon by CLG with all relevant stakeholders.

However, later in September 2006 within a Firefighters' Pension Scheme Circular (11/2006) CLG provided additional guidance on the definition of a 'regular firefighter', which read;

*'Eligibility for full membership of the FPS is limited to regular firefighters only. The definition of "regular firefighter" includes a requirement to engage in firefighting and to perform other duties as appropriate to his role as a firefighter (other than, or in addition to, engaging in firefighting). The test in assessing whether a regular firefighter ought to retire on the grounds that he is permanently disabled under Rule A15 is whether he is permanently disabled for firefighting **and** for performing other duties appropriate to the role.'*

Within the same circular CLG stated that the need for this additional guidance:

'Since the guidance was issued, the Fire and Rescue Service have responded positively to the requirement for fitness for other related duties in addition to engaging in firefighting to be considered when assessing whether a person is permanently unfit under Rule A10 and accordingly, over the last 12 months, we have revised the guidance which we have been giving to fire and rescue authorities when asked about the consequences of the amendment.'

'In the circumstances, we are amending the guidance set out in the circular and the following paragraph, which more accurately reflects the provisions of the FPS, should be substituted.'

This change, which on first sight seems very innocuous, has a lethal sting in its tail! Simply by including the word 'and' in terms of a requirement on the individual to demonstrate that he/she is unable to perform any part of the role-map before being deemed permanently disabled, the CLG has provided 'guidance' to all Fire Authorities which has now rendered it nigh impossible for any operational member of staff who has experienced an on-duty injury (*with a genuine claim*) to be awarded an injury pension.

Not only does this mean that RDS personnel who were redeployed for approx. 2-3 hours a week for such tasks as CFS would suffer a significant reduction in their fire service earnings but in addition they could lose their primary employment without any compensation being provided by the Fire Service, causing financial ruin.

We have a number of case histories where members who have sustained a permanent on-duty injury have lost their full-time employment as a result. Under the previous arrangements we are pleased to have been able to support these members to the point where a pension has been awarded.

This issue has led to discussions with both the Local Government and Firefighters' Pensions Division and CLG at two meetings in July '07, further meetings and correspondence have taken place since, including a meeting on the 11th October.

This was the last meeting which sought to address this matter prior to discussing this issue with the Minister responsible for Fire, Parmjit Dhanda MP, on 17th October, whereby a delegation consisting of Adrian Hughes (*President*), John Barton (*General Secretary*), and Tristan Ashby (*Assistant General Secretary*) met with the Minister. The fact that a number of other senior CLG officials were also present at this meeting, in our view demonstrates quite clearly the attention that is being given to this important issue, which as things stand, seriously threatens Recruitment and Retention and the future of the RDS.

We are therefore making a strong case to the minister and await developments.

To ensure that you are kept abreast of developments relating to this important matter, we would suggest that you subscribe to the RFU website for the latest information.

Believe the truth, not the rumour.



John Barton
General Secretary