



**Department for  
Communities and  
Local Government**

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23/10/2013

Dear Matt,

Thank you for your letter of today's date regarding your discussions with the employers and the consequent request to put a new provision in the pension scheme regulations for 2015.

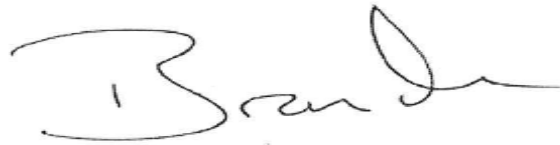
I am very grateful for the hard work you have put into discussions regarding fitness and capability. I believe that the adoption of the Scottish proposals by the employers in England, alongside the additional guarantee of oversight through the National Joint Council, should meet all the concerns of your members with regard to fitness and capability.

I have written today to fire and rescue authorities. I said that in the event of the very rare circumstance that a firefighter is unable to regain fitness, where there is no permanent ill-health condition after following a prescribed regime, including remediation support, a good employer would either seek to redeploy them, or if they are over 55, offer an authority initiated early retirement. This offers your members the necessary assurances. If, in the event that there did seem to be issues in the application of the guidance, then I am happy to refer to any agreed guidance in a further revision of the National Framework which fire and rescue authorities are required to have regard in exercising their functions.

I do not believe that regulations are the right mechanism for dealing with highly personal processes regarding fitness and capability, which are the responsibility of the employers. These issues should be covered either through a statement of general authority policy, or within individual terms and conditions. The fact that there are not universally accepted definitions or standards of fitness in the fire and rescue service makes this area of activity even more difficult to regulate. It would also be unduly restrictive and to the detriment of your members as not all the stages you propose may need to be followed. It might also undermine the scope to use the discretionary provision which already exists for employers to provide for early retirement. Even with this regulation there would not be an absolute guarantee of an authority initiated early retirement either here or in Scotland. That is why a clear employer-endorsed principle around the intent to avoid any firefighter being in a position where he or she has no access to a job or pension between 55 and 60 years of age is so important.

As I have said on more than one occasion, we have nine years to get these processes in place, and the necessary cultural changes in train in fire and rescue authorities to provide the reassurances you are seeking.

As I have already indicated to you, if the employers are unable to agree on these issues, I am prepared to take the highly unusual step of consulting on the draft principles, with a view to obtaining nationally agreed guidance in this area, which can then be referred to in a further iteration of the National Framework.

A handwritten signature in black ink, appearing to read 'Brandon Lewis', written in a cursive style.

**BRANDON LEWIS MP**