



**Department for
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To Firefighters in England

Dear Firefighter,

THE FIREFIGHTER PENSION SCHEME 2015

Many of you have written to me regarding the reforms to the firefighters' pension scheme. These letters are tremendously helpful in identifying remaining areas of concern and one recurrent theme is working longer. In this letter I hope to be able to provide some clarity on these points.

Since the introduction of the 2006 scheme, a normal pension age of 60 has been in place – and it remains so with the introduction of the 2015 scheme, which continues to hold a lower normal pension age for firefighters compared with non-uniformed public sector workers. A larger proportion of firefighters are protected from pension reform changes than in any other large public sector workforce and, for those who will see a change, existing earned benefits are fully protected and no firefighter will have to work beyond their current expected pension age until 2022. So we have over seven years in which to put in place protection, good practice and workforce management practices that will provide the assurances you need should you wish to have a full career in the service and work until your normal pension age.

1) Stronger ill health retirement

If a person has a permanent medical condition preventing them undertaking their role, they would be eligible for ill health retirement. The scheme that is currently before Parliament provides greater ill-health and death benefits than the Fire Brigades Union's preferred approach. The further protections and good practice being examined are therefore centred on those firefighters who lose fitness through no fault of their own but who do not have a permanent medical condition which prevents them being a firefighter.

2) Fitness principles on a statutory footing

Key to this is the consultation I launched at the time the pension regulations were laid in Parliament, to get fitness principles embedded in the National Framework, using a statutory instrument (SI). The consultation itself closes on 9th December. Fitness issues are a matter for fire and rescue authorities as employers and are not being changed by the 2015 pension reforms. Nevertheless, in response to the concerns you have raised, we are consulting on two proposals which would place wording into the statutory national framework to which fire

and rescue authorities must have regard. Both proposals require that each fire and rescue authority must:

- have a process of fitness assessment and development to ensure that operational personnel are enabled to maintain the standards of personal fitness required in order to perform their role safely;
- ensure that no individual will automatically face dismissal if they fall below the standards required and cannot be deployed operationally;
- ensure that all operational personnel will be provided with support to maintain their levels of fitness for the duration of their career;
- consider where operational personnel have fallen below the fitness standards required whether an individual is able to continue on full operational duties or should be stood down, taking into account the advice provided by the authority's occupational health provider. In making this decision, the safety and well-being of the individual will be the key issue;
- commit to providing a minimum of 6 months of development and support to enable individuals who have fallen below the required fitness standards to regain the necessary levels of fitness;
- refer an individual to occupational health where underlying medical reasons are identified that restrict/prevent someone from achieving the necessary fitness and that individual must receive the necessary support to facilitate a return to operational duties; and
- fully explore opportunities to enable the individual to remain in employment including through reasonable adjustment and redeployment in role where it appears the medical condition does not allow a return to operational duties.

The second proposal is the same as the first, but requires that if no underlying medical issues are identified and, following a programme of development and support, it becomes apparent that an individual will be unable to regain the necessary levels of fitness, then a fire authority will fully explore opportunities for reasonable adjustments and/or suitable alternative employment. In those circumstances where there are no opportunities for reasonable adjustments or suitable alternative employment, the fire authority will in the case of an employee aged at least 55 consider commencement of the authority initiated early retirement process for it to determine whether the individual should be retired with an authority initiated early retirement pension.

This differs slightly from the Scottish Government's proposal which has a pension regulation underpinning it. However, the Scottish approach still does not provide a guarantee because the authority needs to determine whether there are 'mitigating circumstances'. This means that there remains discretion in the process. While a pension regulation is possible where there is one authority and one service, and one agreed fitness approach, it is not possible in the case of England where there are 46 authorities, and a range of different tests and approaches agreed locally. We have to be fair to all firefighters who pay into the pension scheme, and ensure that all are being treated on an equal basis.

I believe that the approach we are using will achieve the same intended effect as the Scottish proposed regulation, but will be fairer on all, and will support those wishing to work longer – something absolutely essential if the firefighters’ pension scheme is to remain sustainable.

I am prepared to consider any alternative suggestions for doing this that would further strengthen these principles.

You can view the consultation here:

<https://www.gov.uk/government/consultations/firefighter-fitness-standards-and-assessment>

3) An audit of FRS implementation of fitness principles.

As part of the package I have put forward, I have also included an independent review after three years to see how fire and rescue authorities are implementing the principles. This will provide a reassurance regarding how well the principles are being bedded in, and whether any further action is necessary. Given that no-one will be working beyond their current expected normal pension age until 2022, we are allowing a considerable period of time to ensure that fire and rescue authorities are getting the principles right in practice.

4) A working group on fitness

The Chief Fire and Rescue Adviser, Peter Holland, met last week with the employers and the Fire Brigades Union to discuss the work he will facilitate on fitness. The work this group undertakes will be vitally important in establishing best practice which can support firefighters working to their normal pension age. I want it to look comprehensively at fitness issues, including how fitness is assessed, maintained and supported to enable firefighters to remain operational throughout their careers. This will be a substantial piece of work, and will be of significant benefit to the fire and rescue service.

5) Workforce management

Older workers are of tremendous value to the FRS, and it is the Government’s policy to support people working later. A recurring theme when proposing that a person is offered a job or unreduced pension if unable to retain fitness is the lack of alternative roles to be redeployed into. Concerns are raised not just on the availability of such roles, but their nature as well, since clearly not everyone will aspire to a more office based role. I have asked that the fitness working group look at these workforce management issues as part of its remit, with a view to assessing how existing roles might be adapted, or what new roles may well arise, and how we can prepare for them.

6) Mental health

A number of fire fighters have raised with me the issue of mental health and in particular Post Traumatic Stress Disorder (PTSD), and were concerned that a person could be dismissed from work on this basis and not have access to a pension as a consequence. PTSD is a diagnosable medical condition and therefore, depending upon severity, that person would be eligible for ill health retirement (and therefore payment of an unreduced pension).

This area is rightly being given considerable focus and you will note from previous correspondence the £4 million of the LIBOR fines fund made available to MIND, the mental health charity, and the £1 million given to the FireFighters’ Charity, which continues to

provide care and support in such cases. More details on how the money is being distributed can be found here:

<https://www.gov.uk/government/news/10m-libor-boost-to-support-emergency-services>

7) The particular challenges facing women on maintaining fitness.

The fitness working group will look at women's fitness issues. In addition, I have met with women's organisations in the service and will continue to do so. I have asked them to provide a checklist of policies and concerns they have with impact on these issues. I will be attending the Women in the Fire Service's National Executive Committee meeting in January to progress this.

In summary the proposals we have put forward in the consultation would mean that if a person lost fitness through no fault of their own, but did not qualify for ill health retirement then we would expect them to be offered an alternative role or an unreduced pension.

8) What happens next?

Some firefighters have asked what is happening with the regulations. The regulations are before Parliament and MPs can choose to "pray" against them for 40 days and there may be a debate in the House of Commons. If after that time – early December in this case - the Commons has not rejected them they become law and the new scheme will come into force in April 2015.

I am sure there will continue to be much debate on these matters and that there will be many responses to the consultation on fitness. In my view what I have set out are the best ways of making progress on these issues. Industrial action has been detrimental to everyone's objectives, it is impacting on your take-home pay, and it will not achieve anything that cannot be secured through these democratic processes. I hope the FBU leadership will agree with me on that.

I will keep you informed on these issues and others, and if there are further issues you would like clarity on please do not hesitate to ask.

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

PENNY MORDAUNT MP