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Circular: 2024HOC0471MR

Date: 20 December 2024

To: All Members

Dear Brother/Sister,

Injury to Feelings Claims: Update

We are writing to provide you with an update on the employment tribunal litigation that concerns claims of age discrimination arising from the transitional pension arrangements that were implemented with effect from 1 April 2015.

The information in this circular only concerns members who have a valid claim in those proceedings and you will know whether this applies to you or not from correspondence you will have received from Walkers Solicitors or Thompsons Solicitors who now have conduct of the claims going forward following the retirement of Ivan Walker at Walkers Solicitors.

Please note that FBU Head Office is limited in what it can say by way of providing updates as discussions regarding the settlement of these claims are without prejudice. It is on this basis that most contact will come direct from our solicitors and all those with claims will know how they can raise any queries directly with our solicitors who are best placed to respond.

Notwithstanding that important point of principle, which if not upheld could derail settlement negotiations as a whole, I am pleased to inform members that a binding agreement has finally been reached in relation to a large cohort of members who are in the first wave of proceedings lodged in 2015. We understand that there are 3250 members whose cases will settle as a consequence of this agreement.

The members concerned will be sent an email from Thompsons Solicitors to confirm the position, the email will detail next steps regarding payments to be made under that agreement and when they will be paid out.

Please do not contact our solicitors about this agreement as you will receive an email if you are a named claimant in that first tranche of settlements. Given the Christmas period you may not receive that email until the new year.

If you are not in the first tranche of settlements but had a claim lodged in 2015 in the first wave this will mean that your claim still needs to be verified by the Government Legal Department (GLD) before

your claim can be settled. Verification is undertaken when your details are sent to GLD once you have accepted the COT3 terms. If your claim is deemed as being valid it will then form part of a subsequent settlement agreement under this wave. We do not have a precise timescale as to when the next agreement will follow but you will be updated as soon as there is something substantive to report. It is anticipated the next agreement will follow in the early part of next year.

It is likely three or four agreements will be needed to address the position of all the Claimants in the first wave. The agreement you fall under will depend on the circumstances of your case and in particular when you came forward to provide instructions.

We are grateful for your patience in waiting to hear from our solicitors for further news on this and would appreciate it if you did not contact them asking for updates unless you have something very specific to raise. Both they and the union are aware members want this litigation resolved as quickly as possible and Thompsons are working as hard as they can to achieve that. However, the verification checks are not something over which we exert direct control.

In respect of all those of you whose claims were lodged in subsequent waves after 2015, discussions are still ongoing with the Government Legal Department about a resolution. As these negotiations are taking place on a without prejudice basis, we are not going to comment on them over a public forum.

At the present time there are no substantive developments to detail other than to say our solicitors are engaged in a process which has required the submission of evidence from sample Claimants in order to explore the parameters of a settlement agreement. All the parties engaged in this process believe agreement can be reached and our solicitors will update you when there is a material development.

Members will be aware there has been a change in government and this has inevitably led to some delay but we hope there will be material developments on these cohorts of claims in the new year. Given the progress that has been made, the union has asked for the cases to remain stayed to see if agreement can be reached in light of what has already been achieved. The advice we have received is that this is in the best interests of all the members concerned. However, this position will be subject to on-going review and will be reversed if we cannot get to a point where we think we ought to be in the negotiations.

It is a significant achievement to have finally reached a point where the first tranche of claims lodged in 2015 have settled and the Union remains steadfast in its commitment to bring all these cases to conclusion as quickly as it can.

Yours in unity,

A handwritten signature in black ink, appearing to read 'Mark Rowe', with a stylized, cursive script.

Mark Rowe
National Officer