

Public Service Pensions Bill: FBU submission of evidence to the Public Bill Committee

6 November 2012

Summary

The Fire Brigades Union does not accept the government's proposal for a new firefighters' pension scheme – particularly the proposed normal pension age of 60. The union believes that an occupational pension scheme for firefighters must reflect the realities of firefighting, if it is to remain sustainable in the long run. There is no medical evidence to suggest firefighters can work safely beyond 55. There are few opportunities for redeployment. The current proposals will have adverse consequences for the service and the public. The FBU urges the government to design the new scheme around a workable NPA.

Introduction

The Fire Brigades Union (FBU) represents the vast majority of professional firefighters in the UK fire and rescue service. The FBU does not accept the government's current proposals for a new firefighters' pension scheme and is particularly concerned about the proposal to increase the normal pension age (NPA) to 60, in Clause 9(2) of the Public Service Pensions Bill.¹

The *Written Ministerial Statement: Fire and Rescue Service*, made by Robert Neill on 24 May 2012 included a commitment to review the NPA proposal specifically for firefighters.² The review is still ongoing, with the active involvement of the FBU. However it has not reported its findings.

The government has not put forward any evidence to justify an NPA of 60. The figure was proposed by John Hutton as something for government to "consider", but no evidence was provided to justify it.³

At present, two-thirds of firefighters in a pension scheme in the UK are members of the Firefighters' Pension Scheme (FPS). The NPA for these firefighters is 55 years of age. Some are covered by the proposed transitional protection arrangements. However around 9,400 firefighters in the FPS would be expected to continue working until they are 60. The New Firefighters' Pension Scheme (NFPS) was introduced by the last government in 2006 and has an NPA of 60. Some 4,600 wholetime firefighters and 5,000 retained firefighters in the NFPS are currently expected to work to 60.⁴

The nature of firefighting

The starting point for any new firefighters' pension scheme must be the specific occupational characteristics required of UK firefighters. The current fire service pension "was established to reflect the special nature of firefighters' work."⁵

During the 1990s, the Home Office commissioned Michael Haisman to assess the age limits in the UK fire service. He recognised that: "The firefighter's job environment is unique in many respects and it

¹ HM Treasury, Public Service Pensions Bill 2012-13

² Robert Neill, Written ministerial statement: Fire and Rescue Service, 24 May 2012, Hansard 77WS

³ Independent Public Service Pensions Commission, Final Report, 10 March 2011 p.14

⁴ CLG, Firefighters' Pension Scheme 2015: Equality Statement, September 2012

⁵ Home Office, Fire Service Pensions Review: Consultation Paper, 1998 p.ii

has been described as among the most extreme of the non-military vocational experiences.”⁶ More recently, the FireFit Steering Group report stated that it is “widely accepted that firefighting is one of the most physically demanding and hazardous occupations with the potential for exposure to severe physiological and environmental thermal loads”.⁷

Other research for CLG by Optimal Performance found that the tasks performed by UK firefighters range from “activities of moderately low intensity but extended duration”, such as road traffic accidents, extended search and rescue operations, chemical spillages, rail disasters, to “high intensity operations of short duration either in the heat or the cold”, such as “hot rescues in full turn-out gear and self contained breathing apparatus (SCBA)”.⁸ These kinds of activities have been investigated by other government-sponsored research, such as the *Medical and Occupational Evidence for Recruitment and Retention in the Fire and Rescue Service*.⁹

The FBU believes that it is not reasonable to expect firefighters to work beyond 55 because of the nature of the job. It is not simply that firefighters do not want to work beyond the current NPA – it is that the majority cannot do so given the exceptional physical intensity of the job without putting themselves and others at greater risk.

The FBU’s judgement on this is backed by the overwhelming majority of firefighters. A YouGov survey in May-June 2011 asked FBU members for their opinions on government plans for firefighters to work until they are 60. Around 18% of FBU members participated in the survey. Some 90% said they strongly opposed the plans, while a further 7% tended to oppose them.¹⁰ Recent CLG research into firefighters’ attitudes to their pension scheme supports this view.¹¹ Firefighters made it clear they did not want to be “running around putting fires out at 60”.

Firefighters’ health and fitness

Government publications recognise that the fitness demands of firefighting can be very severe. Haisman argued that “there is agreement that in order to meet these demands high levels of anaerobic power and strength are required together with corresponding high levels of aerobic fitness”.¹²

Optimal Performance reports on the physiological assessment of search and rescue have underlined how tough the job is, even for young and very fit personnel.¹³ Firefighters face the additional demands because of the Personal Protective Equipment (PPE) and breathing apparatus worn. In relation to the PPE, compared to shorts and T-shirt, “wearing standard fire kit (excluding SCBA) increased oxygen consumption by approximately 15-20%”. There was “a further increase of a similar magnitude with the addition of SCBA”.¹⁴

⁶ Michael Haisman, Age limits for serving firefighters, Fire Research and Development Group, 1996 p.34

⁷ Richard Stevenson, Paul Wilsher and Kevin Sykes, Fitness for Fire and Rescue. Standards, Protocols and Policy, FireFit Steering Group, 2009 p.7

⁸ Optimal Performance, Operational physiological capabilities of firefighters: Literature review and research recommendations. Fire Research Technical Report 1/2005 p.19, p.24

⁹ Ian Gemmell, Diana Kloss, Tony Williams and Mark Rayson, Medical and Occupational Evidence for Recruitment and Retention in the Fire and Rescue Service, 2004, Chapter 2

¹⁰ FBU, Firefighter magazine, August-September 2011

¹¹ ResearchWorks, Research into firefighters’ attitudes to their pension scheme, including the impact of increased employee contribution rates, August 2012 p.23, p.47, p.62, p.69

¹² Haisman, 1996 p.4, p.12, p.34

¹³ Optimal Performance, Physiological assessment of firefighting, search and rescue in the built environment, 2005b p.25; V. Richmond, M. Rayson, D. Wilkinson, J. Carter and S. Blacker, Physical demands of firefighter search and rescue in ambient environment conditions, Ergonomics, 51, 7, 2008 p.1023-1031

¹⁴ Optimal Performance, Operational physiological capabilities of firefighters: Literature review and research recommendations, 2005a p.26

Given the demands of the job, a key consideration is whether firefighters can maintain the levels of fitness necessary for their own health and safety, commensurate with the safety of other firefighters and the members of the public.

Human fitness declines with age for well-understood physiological reasons. First, fat mass and the extra cellular space increase with age and make up a passive mass which does not contribute. Secondly, and in combination with the former, muscle mass may be lost during ageing. Thirdly there is decline in skeletal muscle. Finally, changes in tendon properties might play a crucial role.¹⁵

Age-related decline in fitness has been recognised in research about firefighters. Haisman argued that aerobic fitness, anaerobic power and strength decline with age.¹⁶

In 1998, the Home Office *Fire Service Pensions Review* stated: "The fire services standards of fitness and health become progressively more difficult to maintain as firefighters approach age 55. This is a key difference from most other public services". The review stated:

5.4 Advice has been sought both from the organisations representing firefighters and from the local authority associations, with the assistance of their medical experts, on the age up to which serving firefighters might be expected to meet the physical requirements needed to perform the operational duties of a firefighter... *This is also the advice of the Association of Local Authority Medical Advisers (ALAMA), who told us that such research as had been done did not support any raising of this age.* The review considered that the compulsory retirement age of 55 for firefighters of the ranks of Station Officer and below should remain (our emphasis).¹⁷

More recent research has also acknowledged evidence of age-related decline in fitness. An Optimal Performance report for CLG stated that UK fire service entry standards for recruit aerobic fitness were "set at that level for recruits in part to allow for expected age-related declines in aerobic fitness".¹⁸ Similarly, a FireFit paper argued that the physical demands of firefighting appear to be insufficient to enhance or maintain role-specific fitness levels "in addition to the recognised age related declines in physical potential".¹⁹

There is an assumption in some quarters that with the right fitness regime in place, firefighters can be made fit enough to work an additional five years. These claims have not been tested by thorough research. They also assume that virtually no fitness regimes exist within the service.

However fitness policy has evolved more rapidly at brigade level in recent years. In 2012, the FBU gathered evidence on the fitness regimes in 50 out of 57 the fire and rescue services in the UK (88% response rate), including 42 responses out of 46 fire and rescue services in England (91% response rate). Two-thirds (66%) fire and rescue services in the UK have a fitness policy in place or under discussion. The vast majority (90%) test wholetime firefighters for fitness and similar numbers (88%) test retained firefighters for fitness.

Some two-thirds (68%) of fire and rescue services in the UK use the Chester step test. One in four (24%) in England test firefighters every six months for fitness. A third (33%) in England test firefighters annually for fitness, while 43% in England test firefighters biennially or less for fitness. Four out of five (80%) of fire and rescue services in the UK use a VO2max fitness standard of around 42/35 ml.kg-1.min-1. The vast majority (86%) offer fitness advice through occupational health

¹⁵ Martin Runge et al, Is muscle power output a key factor in the age-related decline in physical performance? A comparison of muscle cross section, chair-rising test and jumping power, *Clinical Physiology & Functional Imaging*, 24, 6, 2004 p.339; Jerome Fleg et al, Accelerated Longitudinal Decline of Aerobic Capacity in Healthy Older Adults, *Circulation*, 112, 2005 p.676, p.679

¹⁶ Haisman, 1996 p.16

¹⁷ Home Office, *Fire Service Pensions Review: Consultation Paper*, 1998 p.14

¹⁸ Optimal Performance, 2005a p.49, p.73

¹⁹ Richard Stevenson, *Testing Physical Capability in the UK Fire & Rescue Service. Review and Recommendations*, 2006 p.3

and/or a fitness advisor. A significant minority (44%) of fire and rescue services in the UK have taken firefighters off the run over fitness concerns.

Another argument is that simple answers about retirement age are not possible because of the variability of fitness within each gender at any age. Graveling and Crawford reviewed the literature review for the FBU. They concluded:

In summary, some firefighters will be capable of continuing to meet the operational demands of being a firefighter beyond the current retirement age. However, an increasing number will suffer from health problems which will impair this ability, including (amongst many) musculoskeletal disorders (especially of the back); osteoarthritis and diabetes. In addition, age-related deterioration in physical fitness, muscle strength and heat tolerance will mean an increasing number will find it difficult to meet the acute challenges of firefighting, resulting either in a degradation in operational performance (older firefighters performing allotted tasks more slowly) or an increase in risk of acute injury such as severe fatigue or heat-related illness (where self-pacing is either not possible or not practiced). It could be argued that imposing a blanket age limit will unnecessarily restrict some firefighters who could safely remain in service. However, until some reliable and fair means is identified of determining who those individuals are, raising the current limit will place more firefighters at risk than is currently the case.²⁰

Forcing all firefighters to work beyond 55 puts them, other firefighters and members of the public at greater risk. Most firefighters cannot continue to perform the role prescribed for them by the fire and rescue service beyond 55 with 'reasonable' safety and there is no evidence to suggest that they can.

Unintended consequences of increasing the NPA above 55

There will be significant foreseeable consequences for the fire and rescue service and for individual firefighters if the NPA is extended beyond 55.

The FBU does not believe that even a draconian fitness regime provides the basis for increasing the NPA. The FBU asked Richard Graveling to examine the implications of imposing the 42/35 ml kg⁻¹ min⁻¹ VO₂max standard.²¹ He calculated that "by the age of 40 years, approximately 65% of firefighters would be estimated as having a predicted maximum oxygen uptake (aerobic capacity) of 42ml kg⁻¹ min⁻¹, with approximately 20% already failing to attain the lower criterion of 35ml kg⁻¹ min⁻¹". By the age of 50 years, "those values have risen to 86% failing to attain the higher criterion, with almost half (47%) not reaching the lower value". Although he warned that the figures should not be relied on to provide categorical values, the exercise illustrated the pitfalls of designing a pension scheme around a normative fitness standard the majority of firefighters are unlikely to reach.

The fire service has made progress in recent years to make firefighters more representative of the communities it serves. Since the early 1980s, more women and minority ethnic people have been recruited. This has undoubtedly improved the quality of the service. The proportion of female firefighters in England has increased from 1.7% in 2002 to 4.3% in 2012.²² Nevertheless, there is very little gender-sensitive research on the fitness requirements for women firefighters.²³

Any proposal to force firefighters to work beyond 55 would drastically reduce the number of women firefighters able to complete their career and receive a full pension. Even some women with elite fitness levels would not be able to reach the minimum standard required and work beyond 55. The imposition of inappropriate and unrealistic fitness standards designed to make all firefighters work

²⁰ Graveling and Crawford, 2011 p.8-9, p.14, p.15

²¹ Richard Graveling, Fitness for Work: Estimate of the deterioration of the aerobic fitness of firefighters with age, 2011 p.4

²² CLG, Fire and Rescue Service: Operational Statistics Bulletin for England 2011-12 p.8-9

²³ Graveling and Crawford, 2011 p.8

longer, are also likely to drive large numbers of highly effective professionals, especially women operational firefighters, out of their jobs.

Increasing the NPA will also increase ill health retirements. The Government Actuary's Department (GAD) have previously been asked about the projections for an increase in the NPA from 55 to 60. GAD confirmed its assumption that "any increase in retirement ages will result in a corresponding increase in ill-health retirements". It also stated that "it would not be until after the first recruits of the NFPS have completed their careers that a determination could be made on whether GAD's assumptions are correct or incorrect".²⁴

It is extremely risky to wait until ill-health retirements begin to increase in 35 years or so. The evidence clearly suggests the likelihood of increasing numbers of ill-health retirements, if the NPA is increased.

The FBU asked First Actuarial consultants to provide an assessment of the potential impact of any rise in ill-health retirements on the schemes.²⁵ The assumption for ill-health retirements following the 2007 valuation is 5%. Using the costs outlined in the 2007 valuation and projecting these to reflect the proposed reference scheme, an increase in ill-health retirement by between 10% and 15% will nullify any savings that might be delivered by increasing the NPA from 55 to 60. **An increase by 20% will actually make the proposal to increase the NPA from 55 to 60 more expensive than the current scheme arrangements.**

If the NPA is extended beyond 55, then this is likely to increase the pressure of fire and rescue service managers to use capability procedures to sack firefighters. Firefighters who fear that they will not finish their career and receive a full pension because of the risk of capability procedures against them would be tempted to opt out at an early stage or not to join the pension scheme in the first place. The FBU believes that there is a real danger of a significant number of firefighters opting out of a new pension scheme and thereby making such a scheme unsustainable for the rest.

Redeployment opportunities

The NFPS introduced in 2006 included the NPA of 60. At the time, the government promised that there would be sufficient redeployment opportunities for firefighters who could not maintain operational fitness. It stated that "greater emphasis on fire safety will create a wider range of job opportunities where some experience of firefighting and other emergency work will be beneficial".²⁶ This was the main argument used to justify the new NPA.

The FBU warned that firefighters would not be able to maintain operational fitness in the numbers required to maintain an effective and efficient fire service. The union viewed the NPA of 60 as unworkable and unrealistic.

Since 2006, fire authorities have restructured and removed any potential redeployment opportunities (apart from exceptional cases). The FBU recently surveyed fire and rescue services to enquire what opportunities they had for redeploying firefighters deemed unfit for operational duty on ill-health grounds. Annually this currently involves less than one hundred firefighters in England, (with an NPA of 55).²⁷ **Only 5 of the 46 fire and rescue services** confirmed that they currently have

²⁴ Notes of meeting with GAD, CLG and interested stakeholders that took place on 19 December 2005

²⁵ First Actuarial, Report to FBU: Impact of Government's proposals for members of the FPS and NFPS, 31 August 2011

²⁶ ODPM, Government Proposals for a New Firefighters' Pension Scheme: Government response to the consultation, 21 September 2005

²⁷ CLG, Fire and Rescue Service: Operational Statistics Bulletin for England 2011-12, 25 September 2012

any redeployment opportunities. The total number of redeployment presently available for England is **16 posts**.²⁸

Clearly this is far too few even for existing requirements, never mind the increasing numbers of firefighters if the NPA became 60 for all. The FBU believes that a sustainable occupational pension scheme should reflect the nature of the profession. In the case of firefighters, it should include an NPA that the vast majority of firefighters are capable of reaching. The terrible alternative would involve instituting capability procedures to **sack firefighters in the years before they can retire, after a lifetime of public service.**

Conclusion

Firefighters believe that designing a new pension scheme around an NPA of 60 will end up damaging an essential public service and cost the public purse more. There is no definitive medical evidence that the majority of firefighters in the UK can continue to perform beyond 55. In fact all the major studies by the UK government in the last two decades have concluded that the NPA of 55 is appropriate.

No evidence has emerged to challenge that conclusion. As Graveling and Crawford put it in their recent literature review: "In 1996, Haisman concluded that raising the current age limit for firefighters of 55 years 'would result in diminishing numbers being able to meet the requirements' of being a firefighter. There is no evidence that the requirements in the current service are any less taxing than they were at that time, or that current firefighters are any better able to meet those requirements. There is therefore no apparent justification for deviating from that view."²⁹

The FBU has shown that redeployment opportunities are insufficient even for current purposes – they cannot sustain the significant increase in cases over several decades as currently-employed firefighters get older.

The job of a firefighter is quite specific and quite different from any other profession. A pension scheme for the fire and rescue service has to reflect the nature of the occupation if it is to be sustainable. There is no case for increasing the current NPA for members of the FPS; indeed there is a strong case for reducing the NPA of NFPS members.

If the government is committed to designing a workable occupational pension scheme for firefighters, it will listen to the voice of professionals within the fire and rescue service.

²⁸ FBU, Research on redeployment opportunities in English FRAs, October 2012

²⁹ Graveling and Crawford, 2011 p.15