

Our ref: ART/FBU/J20R0034

12 September 2022

Dear Colleague

Fire Brigades Union: Legal advice and representation concerning pension claims for members who transferred from RDS to whole-time employment

The Fire Brigades Union has asked us to provide legal advice and representation to members who have transferred from RDS to whole-time employment, and who may be affected by a particular issue which has arisen in negotiations with the Home Office.

Pension benefits: 20 years combined RDS and whole-time service before age 55

In briefest summary, the issue is the calculation of pension benefits for those expected to reach 20 years' combined RDS and whole-time service before the age of 55. It is described in more detail in an FBU Circular issued today with the heading 'Members who have transferred from RDS to whole-time employment' (the 'Circular'). **It only applies to RDS members who joined the Fire and Rescue Service before 6 April 2006.**

If you think you may be affected, you are encouraged to take the steps set out in that Circular, and complete the online questionnaire.

What happens next if you accept the terms of this letter

The remainder of this letter sets out what will happen next if you submit your response to the online questionnaire, which will be taken as confirmation of your agreement to us advising and representing you in accordance with the terms of this letter.

Your questionnaire response will be passed to us, and we will assess and advise you whether we consider that you have reasonable prospects of success for an Employment Tribunal claim under the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000, or any other law, arising solely out of the pensions issue explained in the Circular.

If we consider that your claim is likely to have reasonable prospects of success, we may contact ACAS to begin the Early Conciliation process which is a requirement for subsequently lodging an Employment Tribunal claim (unless we are able to rely on an Early Conciliation claim lodged against your employer in relation to the same matter, in which case there is no need). After the expiry of the Early Conciliation process, we may then lodge an application to an Employment Tribunal on your behalf.

Other matters

If you have any access requirements, or there are any adjustments you would like us to make when corresponding with you or meeting with you, please let me know by telephoning me, sending me an email or writing to me at the above address.

I may contact your employer, your employer's solicitors, ACAS or the Employment Tribunal if your union, on your behalf, has asked me to take those steps or emergency action is, in my view, essential to protect your rights. If that happens I will write and tell you.

Accompanying this letter is information about the terms on which legal assistance is granted by your union. Technically, like all solicitors' clients you are liable for your legal costs. However your union will indemnify you i.e. pay all legal costs for you - provided you continue to satisfy the conditions of your union's legal assistance scheme. Your union will also indemnify you in relation to any costs awarded against you, provided that you retain your membership and follow the legal advice given by us. If you require any further clarification in respect of costs, please do contact us. It is a condition of the legal assistance that I provide information to your union about the progress of your case.

Accompanying this letter is a booklet of essential information about Thompsons Solicitors. Please would you read this carefully. If you have any questions please contact me.

Your claim will be dealt with by me. I am a Partner. The manager with responsibility for the supervision of my work is Rakesh Patel. Thompsons operate a team system which means that whilst I have responsibility for your case, other team members may work on some aspects of it. If you are unable to contact me at any time another team member will be able to assist.

Please put this reference ART/FBU/JOR0034 on any letter or email which you send me. The easiest way to contact me is by email at richardarthur@thompsons.law.co.uk.

Please note that there are very strict time limits for pursuing claims in Employment Tribunals. Most claims must be lodged within three months of the last act complained about. If there is a longer time limit I will tell you. I give you this information so you are aware of time limits and the importance of avoiding delay.

If you complete and submit the online questionnaire accompanying this letter, that will be taken as your agreement to our providing advice and representation as set out in this letter.

Yours sincerely,

Richard Arthur

Richard Arthur
For Thompsons Solicitors LLP

Terms on which your union has instructed us to act

Technically, like all solicitor's clients you are liable for your legal costs, however your union will indemnify you i.e. pay all legal costs for you - provided you continue to satisfy the conditions of your union's legal assistance scheme.

I am required to explain the circumstances in which you may be liable for your own costs and the other party's costs. I set out that explanation below but please remember that as long as your case is supported by your union, you will have the protection of the union indemnity referred to.

We are entitled to stop acting for you under your union's legal assistance scheme if your membership of the union ceases. Further if you choose to instruct other lawyers you will become responsible for your own costs and the other side's costs from that time onwards.

Thompsons have acted for your union for many years and receive employment and personal injury referrals from them. In consideration of this long standing relationship and our commitment to the trade union movement Thompsons provides training, legal surgeries, legal advice and sponsorship of some union events and activities to help your union to grow, recruit members and develop legal services. In addition to financially supporting your case the union can often assist by identifying witnesses and obtaining supporting documentary evidence to assist your case. We have a duty to advise you that you may be able to pursue your case on a private basis using alternative methods of funding, e.g. legal expense insurance or, agreeing terms with a private solicitor to take your case on a no win no fee basis. There may be other costs associated with this.

If you would like any further explanation, advice or other information about legal costs, the funding arrangements for your case or any other matter, please do not hesitate to ask.

Your union has a limited budget for legal assistance. It only pursues employment cases where there are reasonable prospects of success. We are obliged to keep your union informed about progress in your case and whether there are reasonable prospects of success.

If it is our view that your case does not have reasonable prospects of success, we will advise you and your union of this, and it is unlikely that your union will instruct us to proceed. We are under a duty to assess the prospects of success of your claim on the basis of the information before us at any one time. The fact that we take the view at one stage that your claim is worth proceeding with, does not mean that we will always take that view. Our view may change on the basis of documentation or statements produced to us. If information only becomes available at the last minute, it may be that union support is withdrawn at the last minute.

If you fail to provide us with reasonable instructions in relation to the claim (including proposals to settle it), or refuse a reasonable offer of settlement, even if that offer is made at the last minute by the other side, union support may also be withdrawn, which would mean that we would no longer be able to represent you. We will obviously do all we can to ensure that support is not withdrawn at the last minute, but there are occasions when that can happen.

Your union will often wish to publicise successful cases and you may be contacted about this at the end of your case.