FBU Pensions Bulletin

www.fbu.org.uk April 2013 • Number 11

HANDS OFF OUR PENSIONS

NFPS SPECIAL

FBU CAMPAIGNS FOR IMPROVEMENTS FOR NFPS MEMBERS

Firefighters in the New Firefighters' Pension Scheme (NFPS) face a **big hit** from government proposals for pensions.

As well as the increase in contributions from April 2012 and April 2013 - with more expected in April 2014 and 2015 (to 13.2%) - firefighters in the NFPS will also be affected by the Normal Pension Age (NPA) proposal of 60.

Some NFPS members think this is not an issue for them, but they need to think again.

When the NPA of 60 was imposed for the NFPS in 2006, it was done despite warnings from the FBU.

The government recognised at the time that maintaining operational fitness until age 60 was very problematic. They responded with assurances that sufficient non-operational roles would be available for firefighters who were no longer fit for firefighting and other emergency work.

Non-operational jobs

In their original proposals for a new scheme, government stated: "there will be sufficient non-operational jobs to provide posts for a significant proportion of those who are no longer fit for firefighting duties" *(Government Proposals for a New Firefighters' Pension Scheme 2004 p.7)*.

They said that the fire service was undergoing massive changes, moving towards a more prevention-based service rather than an intervention-based one. They claimed that this new preventative role would mean greater opportunities for redeployment as firefighters got older and fitness declined. The FBU did not accept this argument at the time – we have now been proved absolutely correct.

Since 2006, most fire and rescue authorities trimmed their budgets and replaced any non-operational uniformed (grey book) roles with staff on green book roles. These staff do not have an operational commitment and are on lower salaries in most cases. This has meant than any redeployment opportunity that there were have been simply removed.

This means that firefighters are now expected to be able to maintain operational fitness until age 60, even though the previous government recognised the new pension scheme would only work if sufficient non-operational roles were created for those who could not.

Firefighters are now being told these redeployments don't exist and working to 60 means riding the pumps until 60.

Redeployment myth busted

In 2012 the FBU requested information on redeployment opportunities from fire and rescue authorities in England and presented this evidence to the government's NPA review.

Our submission found that in England, only 5 out of the 46 fire and rescue authorities had any redeployment opportunities. The FBU revealed that there were only 16 redeployment opportunities to cover the over 41,000 firefighters.

The FBU has consistently argued that the NPA in the NFPS is unworkable and should be reduced.

Key facts

The proposals suggest that NFPS members face an increase from 8.5% in 2010 to 13.2% in 2015. This is a huge increase of 4.7%.

This huge increase would be bigger than any of the increases imposed so far on other pension scheme members within the fire service. It would be greater than the increase imposed on FPS members over three years – and it is likely to be imposed in one year.

The government's own pension review does **NOT** recommend a normal pension age (NPA) of 60 for current firefighters. It broadly supports our position that NPA 60 is inappropriate.

Its own review shows that **two-thirds (66%)** of current firefighters aged 55-60 do not meet this fitness standard.

Its own review says that wholetime and retained firefighters who do not meet the fitness standard could face **capability dismissal** = the SACK.

We demand:

- A workable normal pension age (FBU policy is for NPA of 55 for all future scheme members)
- We also seek full protection of all existing pension rights
- An affordable pension scheme – the proposed 13.2% average contribution will make the pension after 2015 unaffordable for large numbers
- No mass sackings – we want a pension scheme which does not lead to large numbers of firefighters facing the threat of dismissal under capability

How are they proposing to tackle firefighters not being able to reach NPA 60?

The NPA review makes three suggestions:

1. Early access with actuarial reduction
2. More protection for the Firefighters' Pension Scheme (FPS)
3. Leave or face the sack

Early access with reduced pension from 55. This has been suggested but there are no details other than the one in the Heads of Agreement that firefighters can retire at 55 and get their pension actuarially reduced until state pension age. This could mean having your pension reduced by 65% (5% a year for up to 13 years).

More protection for FPS. The FBU have always said that members of the NFPS need the same protection as those in the FPS, because the redeployment option is not real.

Leave or face the sack. In various places throughout the Westminster government's NPA review there are mentions of what happens if a firefighter cannot maintain fitness.

The clearest indication of future intentions appear on page 123 paragraph 9.1.2, where the author Dr Williams describes an option for dealing with firefighters who cannot maintain fitness but do not qualify for an ill health pension: *"Not all firefighters meet the criteria, so significant numbers will be in a position where they can no longer cope, often through loss of fitness, but the only option is to leave or have their contract terminated on capability grounds without early payment of pension. This is often a difficult process for all involved."*

Previously, the government recognised that significant numbers would not be able to maintain fitness to 60 and assured firefighters that non-operational jobs would be created to allow redeployments to take place. Now that these redeployments aren't there, it's a different approach and significant numbers will be faced with a different option: leave or you're sacked.

There is no agreed fitness standard below which firefighters are required to leave or face capability dismissal.

Importantly, this issue has not even been negotiated with fire service employers or with the FBU. Nor has it been discussed by government with the union.

Legal case

In 2008 they tried to introduce a situation where FBU members faced the prospect of having 'no job or no pension' before but the FBU defeated this in a legal challenge. It's back in another form and again we must stop it.

It is also important to recognise the numbers of people this could involve. The Williams' report states that **51% of 50-54 year olds are below the 42 VO_2max** recommended fitness level at that this increases to 66% for those at age 55-60 (page 50 paragraph 4.4.5).

This is a key point and one that we cannot simply ignore. It means a serious threat to large number of firefighters.

An NPA of 60 wasn't appropriate in 2006 and it isn't appropriate now.

Q&A

Q. I'm in protection. Am I threatened by this?

A. Yes you are. Individuals with protection may think that they are exempt from the NPA changes, but this capability threat is a game changer. It doesn't matter if you are in protection, outside protection, in the FPS, NFPS or not in a scheme – if you fail to maintain the required level of fitness you will be forced to leave or sacked under capability.

Q. I'm an RDS firefighter. What about me?

A. The report recommends regular fitness assessments and *regular fitness training for 60 to be attainable. It recommends incorporating this into the daily routine of wholetime firefighters, but stops short of giving this support to RDS firefighters.*

The fitness requirements are the same and the threat of capability dismissals are the same but the support offered is different. If capability is a threat for wholetime firefighters who get on duty training, it is an increased threat for RDS because the same support will not be provided. It doesn't matter what duty system you work, what age or gender you are, which scheme you are in or even if you are not in any scheme, the capability threat is there.

Q. Is this capability threat real?

A. Most definitely. The FBU is aware that there is ongoing *research looking at finding a 'legally defensible' fitness standard. This is being undertaken by CFOA and Bath University without the involvement of the FBU or the fire service employers.*

The FBU remains suspicious about the real intention behind this work, especially when capability is being highlighted as it is. This is one of the reasons why the FBU has been saying it is fundamental that the NPA reflects the physical nature of the role and why the NPA needs to be right.

Any feeling of security is seriously undermined by this real threat of capability dismissal. The threat of capability dismissal is a real threat to all and cannot be ignored.

Q. I'm fit enough. Why should I care about fitness standards and the threat of capability?

A. Only if you can guarantee you will remain injury free and operationally fit until 60. This is something no-one can ignore. Everyone knows and recognises that fitness declines with age and even this latest report suggest that 66% of current firefighters are already below the fitness levels required.

DECENT PENSIONS FOR FIREFIGHTERS
FBU
NO TO MASS DISMISSALS