

Thompson's Solicitors are the foremost Trade Union Solicitors in the UK

**Free Will Service
Don't Leave It Too Late To
Get Proper Legal Advice**

by **Patrick McGuire**
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You may remember many years ago there used to be an advertisement on television that had the tag line "It's never too early to call your Solicitor".

Like most advertising for Solicitors I personally found it a bit tacky. I do however think that, especially when it comes to certain essential matters, that put the other way around, the slogan does contain a fundamental truth:

Don't leave it too late to get proper advice.

There are some areas where this is obvious, yet for some reason many people continue to avoid going to see their solicitor.

Wills

For example, how many of you have thought "I really must do something about getting a Will..." but have still done nothing about it?

Your NEW Legal Services

The Union's New Legal Services are now available to Members.

The Legal Services Information Leaflet, detailing these new Services, has been posted to All Members' Home Addresses,

The New Website which is

The sad truth of the modern world is that the only way you can be absolutely sure that your loved ones are catered for in exactly the way that you consider appropriate after you have passed is by getting a proper Will made.

Yet, year after year the number of people who die in tragic accidents, or even through old age, having said to themselves on numerous occasions during their lives that they should do something about a Will, but never got round to it, is astronomical.

Cost

For some, the reason to delay may be financial. Why pay a lawyer several hundred pounds to do a Will for you when you are still young?

This may not seem like a bad point, but who knows what could happen to you tomorrow? More importantly, anyone who is a member of the FBU has no excuse at all because as part of the FBU's comprehensive Legal Services, **FBU4U**, you have a right to have your Will made up by an expert FBU approved Solicitor, **FOR FREE**.

dedicated to these Services is now also available to members.

Members are urged to register on the site for regular updates and information.

www.fbu4u.org.uk

This benefit also extends to your partner / spouse and in recognition of the fact that the older generations require to be particularly vigilant, we will now also extend the benefits to your parents and your partner's parents.

Don't Delay

So now there's no excuse for putting it off any longer. Put your mind at rest and your family's minds at rest. Call the Legal Hotline number and take advantage of your Legal Services

**Legal Helpline
08000-328-529**

SERVICES INCLUDE

- Accidents & Diseases at Work
- Accidents Outside Work
- Accidents to Family Members
- Criminal Law
- Employment Protection
- Family Matters
- Free Wills for All
- Health & Safety
- House Selling & Purchase
- Pensions Investment & Financial Advice
- Executor Support, Advice & Assistance
- Road Traffic Claims

Legal Services Information Leaflet

Posted to your Home and also available in your Branch & Online



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....ILL HEALTH PENSIONS SPECIAL.....ILL HEALTH PENSIONS SPECIAL.....

SCOTTISH FIREFIGHTERS' ILL HEALTH PENSION RIGHTS PROTECTED



SCOTTISH GUIDANCE SECURES ILL HEALTH PENSION RIGHTS FOR FIREFIGHTERS IN SCOTLAND

Scottish Ministers have acted to SAFEGUARD Scottish Firefighters' Pensions Rights.

"We owe it to them, to ensure they are treated fairly".

Guidance

In an announcement made on 10th February 2008, Fergus Ewing MSP, Minister for Community Safety, stated that he would introduce new guidance for Scotland's 8 Fire & Rescue Authorities in order to remove any uncertainty.

He commented that *"We view the changes made in the 2006 guidance as unfair as they could potentially result in a firefighter seriously injured in the line of duty being both denied access to an ill-health retirement pension and possibly losing his or her job"*.

"The people of Scotland are well aware of the debt we owe to our fire & rescue professionals and the risks they take to protect our communities".

English Proposals

With regard to the proposals in England he said that *"I did not consider that the arrangements proposed in England to resolve the situation offered a fair, workable or timely way of resolving this issue"*.

"I have therefore instructed officials to revise current guidance in Scotland to resolve the situation for our fire and rescue staff here".

Fairness

The actions of Mr Ewing are very much welcomed and at long last we see common sense and fairness applied to the process.

This decision comes on the back of the Scottish Government's decision in November not to centrally reduce the number of

Emergency Fire Control Rooms in Scotland.

These vital decisions were a result of intensive lobbying on the part of FBU Scottish Regional Officials who have worked with the Minister and his officials in order to reach these milestones in the Scottish Fire Service.



Fergus Ewing MSP

It shows in real terms what can be achieved when engaging with politicians who are willing to genuinely listen and consider the views of Professional Firefighters.

It's Time for the Rest of the UK to Follow Suit

Now that politicians in Scotland have rectified the problem in relation to Ill Health Pensions Guidance, it is now time for Westminster Ministers to do likewise.

relent and scrap the 2006 Guidance issued by the Department of Communities & Local Government (DCLG) that has been at the heart of this issue.

A working Group has been established in England

to pursue a way forward.

In light of the decision made by Scottish Ministers, this Group must now end the uncertainty of Firefighters throughout the rest of the UK and act quickly and decisively.

GOVERNMENT STATEMENT

...ILL HEALTH PENSIONS SPECIAL...ILL HEALTH PENSIONS SPECIAL...ILL HEALTH PENSIONS SPECIAL...

Statement by Scottish Government News Release

Sunday 10th February 2008

MINISTERS ACT TO PROTECT FIRE SERVICE PENSIONS

The Scottish Government today announced plans to safeguard the pension rights of Scotland's firefighters.

The move follows concerns that changes in 2006 to UK-wide guidance for the Fire Pension Scheme could leave some firefighters who are assessed as disabled from operational firefighting and where no suitable alternative post is identified, being dismissed from the service with no pension or compensation.

Following representations by the Fire Brigades Union and other staff organisations, Ministers have agreed to introduce revised guidance for Scotland's eight Fire and Rescue Authorities (FRAs) to remove the uncertainty.

Fergus Ewing, the Minister for Community Safety, said:

"We view the changes made in the 2006 guidance as unfair as they could potentially result in a firefighter seriously injured in the line of duty being both denied access to an ill-health retirement pension and possibly losing his or her job."

"The people of Scotland are well aware of the debt we owe to our fire & rescue professionals and the risks they take to protect our communities."

"We owe it to them, to ensure they are treated fairly."

The issue is also being considered in England and Wales and proposals to address the situation were discussed at Westminster on 23 January.

Commenting on these proposals, Mr Ewing added:

"I did not consider that the arrangements proposed in England to resolve the situation offered a fair, workable or timely way of resolving this issue."

"I have therefore instructed officials to revised current guidance in Scotland to resolve the situation for our fire and rescue staff here."

NOTES FOR NEWS EDITORS

1. A regular firefighter is entitled to an ill-health retirement award/pension (IHR) under the Fire Pension Scheme if permanently disabled from the performance of duty.
2. Under the Scheme, "disablement" is defined as "incapacity, occasioned by infirmity of mind or body, for the performance of duty". The definition of regular firefighter includes the requirement to "fight fires and undertake other duties appropriate to the person's role".
3. The question of entitlement to pension awards is a matter for each FRA. However, before considering this, they must obtain the opinion of an independent qualified medical practitioner on questions relating to disablement and that opinion is binding on the authority.
4. Under the current guidance issued to the independent assessor, disablement can only be granted if the fire-fighter is assessed as unable to perform ALL of his/her duties.
5. Thus, it is possible that a person could be assessed by the independent assessor as being capable of undertaking some non-operational roles and therefore ineligible for IHR, but that the FRA does not have a suitable post. In such situations, the issue would be an employment (not a pension) matter.
6. Under the Firefighter's Compensation Scheme, retained fire-fighters have an entitlement to ill health and injury awards when retired for reasons of permanent disablement, if the infirmity was duty related. However, in order to access this benefit they too have to be assessed as permanently disabled from the performance of duty.
7. The Scottish Government's view is that the current guidance is unsatisfactory as it can result in firefighters who have been assessed as being unable to carry out operational firefighting duties, but for whom no suitable alternative post is available within their Fire and Rescue Authority, being dismissed from service with no pension or alternative form of compensation. Ministers do not believe that the policy intention behind the new arrangements was to deny reasonable protection to firefighters and their families in the face of the daily risks firefighters face providing this essential public service.
8. As this is a devolved matter, Ministers have instructed officials to discuss with stakeholders proposals to revise the pension guidance in Scotland to remove any uncertainty in the guidance on this issue.



...ILL HEALTH PENSIONS SPECIAL...ILL HEALTH PENSIONS SPECIAL...

FRAMEWORK REVIEW

Fire & Rescue Framework for Scotland to be Reviewed by Ministerial Approved Review Group

The Fire & Rescue Framework for Scotland Review process began in January.

The Review Group, commissioned with the agreement of the Minister for Community Safety, had its inaugural meeting on 21st January 2008 to set out the process, that will take approximately one year to complete.

The Group will be made up of representatives of such organisations including the Scottish Government, FRS Advisory Unit (formerly HMI), CoSLA, Fire Brigades Union Scotland and CFOA Scotland.

What is the Framework?

The Framework Document is designed to be the key guidance document for Fire & Rescue Services, bringing together the legislation, protocols and guidance for Fire & Rescue Services to follow and abide by.

The first (and current) Framework was promulgated in 2005. In our view, it failed to be the defining document that it should have been. This review will be a golden opportunity to re-write the document and address the many issues that are close to the hearts of Professional Firefighters & Emergency Fire Control Operators.

The Framework Document consists of various Chapters, each

of which deal with different aspects of the Service.

Chapters

The Chapters in the new Framework will be:

1. Introduction
2. Community Safety & Risk Management
3. Intervention
4. The Workforce
5. Finance
6. Resilience & New Dimensions
7. Performance

The Review Group will consist of 5 Sub-Groups, or 'Chapter Groups' each of which will look in detail at their respective Framework Chapter (except Chapter 1 'Introduction' & Chapter 5 'Finance').

Inclusiveness

The involvement of the Fire Brigades Union is a magnificent opportunity and is in stark contrast to the process adopted in 2005.

Indeed the inclusiveness that the Review Group represents, is typical of the continuing positive engagement that the FBU has recently enjoyed with the Scottish Government. This is what will ultimately benefit the Service, our Members and the Communities we serve.

Documents Available on FBU Scotland Website

The Current Fire & Rescue Service Framework for Scotland can be found online at www.fbuscotland.co.uk.

Indeed, there is a multitude of information to be found on the site, including all the latest information on Ill Health Pensions & the current Framework Review.

For regular updates, REGISTER NOW

Log onto www.fbuscotland.co.uk and Register NOW for Regular Updates and Information

What Are The Main Issues for the Framework?

Amongst the many issues that the Fire Brigades Union will be raising for consideration of the Review Group will be:

Response Standards for Scotland:

- Maximum Times of Response & Minimum Weights of Response

FRS Establishments:

- Intervention Levels to Properly meet Life Risks
- Overtime NOT to be used to cover shortfalls in Establishment Levels
- Approval Process for Alterations to Front Line Establishments Levels

Re-Assessment of IRMP Process:

- Transparent Use of FSEC Model
- Meeting the Risk with Proper Intervention Levels

Re-assessment of Scottish FRSs Performance Indicators:

- Fire Deaths (ZERO)
- Casualty Rates
- Responses to Incidents

Training Strategy for Scotland, including:

- Review of IPDS
- Retained Competence

Procurement Strategy for Scotland

More robust & intricate Equality & Diversity Strategy for Scotland

Review of Non-Statutory (non-funded) Functions:

- Firefighting at Sea
- Water Rescue
- Line Rescue
- Co-Responder Schemes

Role of new FRS Advisory Unit:

- Inspection
- Assessment
- Challenge