

FAQ On “Why is this just a Scottish Offer?”

I thought that we had a UK pension?

The duty to consult with the members in the Scottish firefighters pension's scheme still sits with the Fire Services Act 1947 and the duty therein within the CFBAC /SCFBAC, both were abolished when the new Acts, north and south, became law, Fire (Scotland) Act 2005.

The relevant part of the 1947 Act is: ***(6) Any order under this section shall be made with the approval of the [F79Minister for the Civil Service], and after consultation with the Central Fire Brigades Advisory Council.***

And : ***(18)There shall be appointed a separate Central Fire Brigades Advisory Council for Scotland to be called the Scottish Central Fire Brigades Advisory Council, and the provisions of this Act with regard to the Central Fire Brigades Advisory Council shall apply to the said Scottish Council***

Pensions in Scotland have always been a matter for Scotland, the loss of both Councils has ended up with the invite to the Scottish Public Pensions Agency and the Government being downgraded to that of observer status and not invited to any side meetings of the Fire Pension Committee (FPC)

The Department of Communities & Local Government made it clear that they take their guidance from the Westminster Govt and that Scotland must take the advice of their Minister.

Back in February 2008 the FBU Scottish Secretary wrote to the Fire Minister to thank him for acting against the Department for Communities and Local Government, DCLG, he stated: *As you know, we have been greatly concerned for some time over the guidance issued by DCLG, which in effect removed our ill health pension entitlements. Your announcement at the weekend, to issue new guidance in order to protect firefighters' ill health pension rights, was a huge relief for thousands of firefighters and very much welcomed.*

Did we issue different trade disputes?

The Union issued 4 trade dispute letters on pensions as England, Northern Ireland, Scotland and Wales as all have their own scheme, regulated and administered in each of these, including scheme costing and revaluations. The Public Sector Pensions Act passed by Westminster this year forces the Scottish Government to set a Normal Pension age of 60 for the 2015 scheme and the funding arrangements mean that any deviation outwith the Westminster Treasury guidelines will be met with a fine.

At each stage the Union has issued responses to the increases to our contribution rates to each of the 4 administrations/Governments.

Where do the Union get consulted on my pension in Scotland?

The Scottish Government must consult with us and others on our pension scheme, to do this a new forum was created, which has been previously reported, the agreed terms of reference are below for information.

SCOTTISH FIREFIGHTERS' PENSIONS FORUM

TERMS OF REFERENCE

The Scottish Firefighters' Pensions Forum (SFPF) is a consultative body, representative of key business partners in the Fire and Rescue Service/s in Scotland, on matters relating to the firefighters' pension schemes (and compensation scheme).

The Scottish Firefighters' Pensions Forum will:

Propose and consider matters of policy relating to the firefighters' pension schemes (and compensation scheme) for Scotland.

Bring forward items for discussion and consideration in relation to the firefighters' pension schemes (and compensation scheme) for Scotland.

Be the appropriate forum for consultation on changes to the firefighter pension schemes Orders and be the Appropriate Forum for consultation under the Fire Services Act 2005.

Comment and offer advice to Fire and Rescue Services Division (FRSD) on all proposals relating to firefighters' pension schemes (and compensation scheme) in Scotland which in turn will be brought to the attention of Scottish Ministers.

Monitor the work and papers of the DCLG Firefighters' Pensions Committee.

It is expected that the SFPF will meet quarterly at an agreed date, time and location. Should the SFPF need to meet more frequently to consider an urgent matter the Secretary should aim to give members 2 weeks notice. The SFPF may make use of telephone conferencing and the email circulation of papers for more urgent business.

Proposed SFPF members are:

Association of Principal Fire Officers
Chief Fire Officers Association (Scotland)
COSLA
Fire Brigades Union
Fire Convenors Forum
Fire Officers Association
Retained Fire Fighters Union
Scottish Public Pensions Agency
Scottish Government (normally by FRSD)
Advisers/Observers as agreed by the SFPF
Chair (provided by FRSD)
Secretary (provided by FRSD)

Secretariat (provided by FRSD)

SFPF membership will be kept under regular review to ensure that the appropriate interests are engaged.

Should the SFPF Chair or Secretary be unable to attend a meeting due to unforeseen circumstances the SFPF will agree a temporary appointment at a meeting so that normal business can continue.

The SFPF may set up a Working Group (WG) consisting of 3 or more members to consider a firefighters' pensions matter and report back to the full SFPF. Any SFPF WG may meet as frequently as required by its members and may maximise the use of telephone conferencing and the circulation of business by email. Any SFPF WG is open to all members.

SFPF attendance should normally be at official rather than senior/head level with the flexibility to include senior/head representatives if required. As meeting space is limited member organisations should attend with a maximum of 2 representatives. Meeting attendance by member organisations should be confirmed 1 week in advance of meeting dates to the Secretariat.

These Terms of Reference for the Scottish Firefighters' Pensions Forum should be subject to annual review by members.

Do we have different Regulations?

We do, but due to the constraint placed upon the Scottish Government by the financial settlement, there are restrictions that only allow minor changes within the Treasury driven 'cost ceiling'. Below is an example and link to one of the Scottish statutory instruments concerning our pensions:

SCOTTISH STATUTORY INSTRUMENTS

2007 No. 199 FIRE SERVICES PENSIONS

The Firefighters' Pension Scheme (Scotland) Order 2007

*Made - - - 7th March 2007
Laid before Parliament 8th March 2007
Coming into force - 1st April 2007*

The Scottish Ministers, in exercise of the powers conferred by section 34(1) to (5) and (8) and 60(2) of the Fire and Rescue Services Act 2004(a), after consulting such persons as they considered appropriate in accordance with section 34(5) of that Act, hereby make the following Order:

Citation, commencement, effect and extent

1.—(1) This Order may be cited as the Firefighters' Pension Scheme (Scotland) Order 2007 and shall come into force on 1st April 2007, but shall have effect from 6th April 2006.

(2) This Order extends to Scotland only.

New pension scheme for firefighters in Scotland

2. The New Firefighters' Pension Scheme (Scotland), set out in Schedule 1 to this Order, which makes provision for the payment of pensions and lump sums to and in respect of persons who are or have been employed by Scottish fire authorities as firefighters (including persons who die while so employed), shall have effect.

1992 Scheme ceasing to have effect in Scotland, with transitional and savings provision

3.—(1) Subject to paragraphs (2) and (3), the Firefighters' Pension Scheme set out in Schedule to the Firemen's Pension Scheme Order 1992(b) ("the 1992 Scheme") shall not have effect in relation to a person who takes up employment with a Scottish fire authority on or after 6th April 2006.

(a) 2004 c.21, as amended by s.89(1) of, and paragraph 24 of schedule 3 to, the Fire (Scotland) Act 2005 (asp 5). The functions of the Secretary of State as regards Scotland were transferred to the Scottish Ministers by virtue of the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2005 (S.I. 2005/849).

(b) S.I. 1992/129, amended by S.I. 1997/2309 and 2851, 1998/1010, 2001/3649, 2005/3228 and S.S.I. 2001/310, 2004/385, 2005/566 and 2006/342. The Scheme was made under section 26 of the Fire Services Act 1947 (c.41). That Act was repealed by section 52 of, and Schedule 2 to, the Fire and Rescue Services Act 2004 (c.21). Subsections (1) to (5) of section 26 were continued in force, for the purposes of the scheme established under that section as the Firemen's Pension Scheme by S.I. 2004/2306. The name of the scheme was changed to the Firefighters' Pension Scheme by article 4(1) of that Order.

http://www.legislation.gov.uk/ssi/2007/199/pdfs/ssi_20070199_en.pdf

But why can't they move on the last of our 4 points?

In the letter of offer it states:

The Scottish Government does not address the following points in the trade dispute because of Westminster constraints in the current devolved arrangements.

- a. *No further contribution increases;*
- b. *Commutation arrangements which are a substantial improvement of the Proposed Final Agreement; and, the cost ceiling is set so that there are no reduction in pension benefits consequential upon the above provision; and*
- c. *the cost ceiling is set so that there are no reductions in pension benefits consequential upon the above provisions; and*
- d. *an improved Contribution ratio between employee and employer.*

Should further progress on these aspects be made in negotiations at a UK level, the Scottish Government has committed to ensuring that Scottish Firefighters also receive the benefit of any national-level changes to the proposed pension scheme.