

Safer Communities Directorate
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Matt Wrack
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— *by e-mail*

17th September 2013

Dear Matt

FIREFIGHTERS' PENSIONS

1. I am grateful for the FBU's agreement to extending the post-ballot negotiating period, and to your colleagues Sean Starbuck and Roddy Robertson for making time to discuss our current proposals on Friday last week. At that meeting, they asked for clarification of five of the points raised in the Minister for Community Safety's letter of 29th August, and I am writing now to confirm the initial response I gave at the meeting.

2. The first of these – on fitness and capability – is a matter for the Fire Service. As you know, we are all clear that there is no intention of leaving Scottish firefighters in a situation where they face “no job, no pension”, and we have agreed to work together in the development of SFRS's new relevant policies to see how we can best deliver that. I am grateful to the SFRS Board for providing the following update:

“The SFRS had commenced meaningful discussions with the FBU on FF fitness prior to the submission of the current Trade Dispute and is committed to on-going partnership working in this regard. Specifically:

Both the SFRS and the FBU are in agreement that a FF fitness standard is required to ensure the safety of our operational personnel and will continue to work together, and with the wider UK Fire and Rescue Services, to determine an appropriate “safe” standard.

Mutual emphasis is placed on the principles of the “safe person concept”; fitness testing and monitoring will, therefore, be designed with the sole purpose of ensuring FF safety. In addition, the SFRS will ensure that people have the information, advice and support required to enable them to maintain their fitness levels.

In instances where operational personnel are unable to meet the fitness standard, the SFRS is committed to providing a programme of advice and developmental guidance appropriate to the individual circumstances in order to support a safe return to operational duties.

If, for any reason, operational personnel are unable to maintain the fitness standard following their fitness development programme, the SFRS is committed to exploring a range of potential options appropriate to the individual’s situation. The SFRS recognises that underlying medical and/or other mitigating factors should be taken into consideration in such circumstances and options may include, for example, extended support to return to full fitness, reasonable adjustments to the work environment, redeployment opportunities and/or retirement.

A diagrammatic representation of the fitness process is attached in **Appendix A.**”

3. Secondly, on the modified scheme for Retained Firefighters, you may know we have now issued draft regulations for consultation – which are available on the Scottish Public Pensions Agency website at the following address:

http://sppa.gov.uk/index.php?option=com_content&view=article&id=716&Itemid=260

With your agreement, we have adopted a reduced consultation period which will end on 18th October, and we would hope to have the regulations in force before the end of the current financial year.

4. Thirdly, you asked whether there was scope to offer any enhanced protection to those firefighters in the 1992 scheme who will still be significantly affected by the proposed changes. As you know, the Scottish Government has repeatedly made clear that it would not be reforming public sector pension schemes at this time and in this way, had we not been compelled to do so. But, as we have previously discussed, Scottish Ministers must also seek a way forward that is fair to all public sector workers. We have been able to offer enhanced protection to firefighters beyond the terms of the initial UK proposal only because Ministers believe there is a fundamental injustice in the transitional protection offered to firefighters relative to police. Going beyond that would only be equitable if Scottish Ministers could find ways of offering enhanced protection to all the affected groups, and the costs of this within a fixed budget set by Westminster are prohibitive.

5. Fourthly, Ms Cunningham’s letter confirms that on early retirement options, Scottish Firefighters will not be at a disadvantage compared to their peers in the rest of the UK. You sought clarity in particular about the CLG proposal to extend enhanced actuarial reduction arrangements to allow firefighters to retire at 55 with a pension actuarially reduced from 60 rather than from state pension age, and whether

this would be retained in the Scottish scheme. As set out in Brandon Lewis' letter to you of 19th June, this change to the "reference scheme" is fully paid for by a matching change in the accrual rate to 1/59.7. In Scotland, we could, therefore, continue these enhanced early retirement options, alongside that accrual rate, within the cost envelope that constrains us, and regardless of the final settlement in England – if that is what scheme members would prefer to do.

6. Finally, as we have said, we believe we have addressed those points in the trades dispute that the current devolved settlement allows the Scottish Government to address – but we know that significant aspects of the dispute are outside our devolved powers, in particular, around contribution rates. Should further progress on those aspects be made in your negotiations at a UK level, we will of course ensure that Scottish Firefighters also receive the benefit of any national-level changes to the proposed pension scheme.

I would of course be happy to discuss any of these points with you further if that would help.

Yours

RICHARD DENNIS
Head, Fire and Rescue
Scottish Government