

**Ministear airson Slàinte Coimhearsnachd agus Cùisean Lagha
Minister for Community Safety and Legal Affairs**

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Matt Wrack
General Secretary
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29th August 2013

Dear Mr Wrack

You will know that one of our key reasons for the creation of the single Scottish Fire and Rescue Service and Police Scotland was to protect frontline services in the face of continued budget cuts from Westminster. We have been able to guarantee that there will be no compulsory redundancies, and to make a commitment that there will be no mutualisation or privatisation of the Fire Service in Scotland – and it is good to see the new SFRS have been able to continue recruiting new firefighters with a new class of recruits currently being trained at Gullane. Our general approach therefore is fundamentally different from that of the UK Government.

As you know, the Scottish Government has repeatedly made clear its opposition to the current changes to public sector pensions being imposed by the Westminster Government, and in particular to their timing and the way in which they have been taken forward. I can understand the concerns firefighters have about the future of both their Service, their terms and conditions, and about their pensions. However, although we would not have chosen to reform firefighters' pensions at this time and in this way, legislative changes made at Westminster will close the current pension schemes at the end of the 2014-15 financial year. We must therefore act to make sure firefighters continue to have access to a pension scheme at all. The Westminster legislation, and the current devolved settlement, also places firm limits on our freedom to develop a pension scheme that reflects Scottish firefighters' circumstances.

There are eight points in the current trade dispute. Some of these I am unable to progress because of the constraints Westminster imposes. This includes contribution rates, where we fully expect the UK Government to press ahead with the third year of increases – and where they have made clear that Scotland will be financially penalised if we do not follow suit. Though you will be aware of the recent concession from CLG Ministers which mean that the initial contribution rates for the 2015 scheme will be a little lower than initially thought, and we will of course match this in full. But there are a number of the eight points where I believe we can work together to deliver a better approach in Scotland.

We will move quickly to ensure that RDS firefighters in Scotland get a fair pension with backdated pension rights before 2006; the over-due response from the UK Government has Taigh Naomh Anndrais, Rathad Regent, Dùn Èideann EH1 3DC
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taken too long and as you know I have pursued this for some time. In Scotland we will pay for this from our departmental budget, unlike the additional costs in England that will be funded by the Treasury, but I can offer a guarantee that this funding will not be found from either the SFRS or firefighters' pensions budgets.

On fitness standards, the creation of a single Scottish Fire and Rescue Service means there will be a single national standard, set to ensure firefighters are not exposed to unacceptable levels of risk in undertaking their hazardous duties. An interim policy is already close to agreement, having been developed in full consultation with the FBU and other representative bodies, and drawing on current best available medical evidence. That will be kept under review, and amended to reflect the best evidence that is available. The Service are also working together with the FBU and other representative bodies to commission specific independent work on this issue, in which we are happy to play our full part. It is worth bearing in mind that all those firefighters currently over 50 are given full protection through the pension reform proposals, so that there is time to make sure we can get this right.

The SFRS are also working with FBU representative bodies to agree the approach that will be taken should an individual fail to achieve the required minimum fitness standard. No firefighter will face dismissal in response to such a failure, and a minimum 6 month period of support will be offered to enable the individual to regain the necessary fitness. If there are underlying medical reasons that would prevent a firefighter regaining the fitness standard, and there are no opportunities for redeployment, then they would be considered for retirement on grounds of ill-health. In the same way as under the 2006 scheme, the 2015 pension scheme will also provide that when a firefighter is retired on efficiency grounds, their pension will be enhanced so that it is paid immediately and without a reduction.

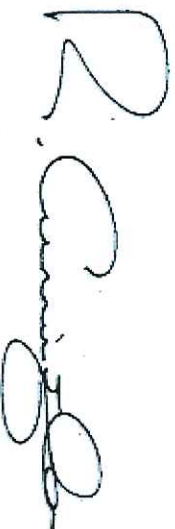
In terms of the position on early retirement, I can guarantee Scottish firefighters will not be at a disadvantage compared to their peers in the rest of the UK - assuming it remains in the final heads of agreement down south, we will match the DCLG proposal of 19 June 2013 to extend enhanced actuarial reduction arrangements so that firefighters may have early retirement options.

Finally, I have been considering your arguments that there is a fundamental injustice in the transitional protection arrangements offered to firefighters relative to the police, as set out in the respective documents issued by the UK Government (for firefighters, the "proposed final agreement" published on the 24th May; for police, the "reform design framework" published on 3 September 2012). On condition that this is seen as a full resolution of the current trades dispute in Scotland so that no industrial action is taken here, I am willing to extend the current transitional protection arrangements proposed for firefighters to match those proposed for the police. This means that in addition to firefighters who, as at 1 April 2012, were within 10 years of their scheme's Normal Pension Age of 55, we will include firefighters who were within 10 years of reaching both age 50 and 30 years' service. This will remove the current anomaly between the proposals for fire and police, and ensure that all firefighters who were within ten years of being able to take an unreduced pension will be fully protected from the current changes. We will fund that additional protection from Government spending, not by asking the remaining firefighters to fund it through higher contributions as has been suggested in England.



I am committed to working with the FBU, other representative bodies, and the SFRRS Board to provide the best deal available for Scottish firefighters and communities within the legislative and financial constraints that have been imposed on us all by Westminster. I look forward to a sustained period of constructive partnership working with FBU and urge you to continue our pension negotiations in Scotland; I do not intend to set any arbitrary deadlines for the conclusion of those negotiations, and I would strongly encourage the FBU in Scotland to postpone industrial action here on the basis of the above proposal.

Your sincerely



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