



Office of the
Deputy Prime Minister

Creating sustainable communities

Chief Fire Officers

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Dear Chief Officer

Firefighters' Pension Scheme: RDS Firefighters

Our attention has been drawn to flyers and letters (example attached) which are circulating claiming that the House of Lords judgment in the claim by retained firefighters for membership of the Firefighters' Pension Scheme applies to FBU members only. It may be helpful if I clarify the position from the perspective of the ODPM and repeat what I said at the meeting of the Firefighters' Pension Committee on 10th March.

The House of Lords in a majority judgment on 1 March found that the Employment Tribunal, which had considered the application, had applied the wrong test in considering whether retained firefighters did the same or broadly similar work to regular firefighters and remitted the case back to the Employment Tribunal to reconsider the matter. No date has yet been set for the rehearing and the claim remains unresolved.

We are currently considering the implications of the judgment and will be discussing with the LG Employers who are also respondents in the case. However, RDS firefighters can be assured that if the claim is eventually successful and RDS firefighters have to be given access to the Firefighters' Pension Scheme, there will be no restrictions on who may have membership. It will not be necessary for a RDS firefighter to establish that he/she had submitted a claim to the Tribunal or was a member of any particular union or association.

The judgment has no implication for the Government's proposal to introduce new pension arrangements for firefighters from 6th April and for the Firefighters' Pension Scheme to be closed to new entrants to the Fire and Rescue Service. The New Firefighters' Pension Scheme will be open to regular and RDS firefighters. Existing firefighters, whether regular or RDS, will have the option to join the NFPS and we are planning to run an options exercise later in the year. Further information will be provided in due course.

I should be grateful if you could bring the contents of this letter to the attention of RDS personnel as quickly as possible so that any uncertainties that they may have are removed.

Yours sincerely

Martin Hill