



**DEFEND CONTROL JOBS**  
AN INJURY TO ONE IS AN INJURY TO ALL

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**FIRE BRIGADES UNION**  
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To: ALL MEMBERS  
OUT OF TRADE MEMBERS (Home Addresses)

Dear Brother / Sister

**FBU FAIRER COMMUTATIONS CAMPAIGN - MOVEMENT ON RETROSPECTIVE APPLICATION DATE**

Many Out of Trade (OOT) FBU Members will have been following this campaign with interest since May 2008, when the Department for Communities and Local Government (CLG) announced new improved gender neutral commutation factors for the 1992 Firefighters' Pension Scheme (FPS) and informed FRAs, in Firefighters' Pension Scheme Circular 5/2008, that these factors would be retrospectively applied to 1<sup>st</sup> October 2007.

The FBU recognised several concerns with this retrospective 1<sup>st</sup> October 2007 date and informed members of these through several head office circulars. In August 2008, the FBU launched the Fairer Commutation Campaign and requested that OOT members utilised a downloadable model grievance form from the FBU website to raise the issue with CLG and the Government Actuaries Department (GAD) and ultimately to the Pension Ombudsman. While the FBU were progressing this issue through a grievance route, the Police Federation were progressing a similar issue through a Judicial Review.

The FBU also raised this issue at various Firefighters Pension Committee meetings, and were informed by CLG representatives that we were progressing this issue through the wrong route and that they couldn't deal with the issue until the Police Federation legal challenge was ongoing.

The Police Federation were claiming that the retrospective application date should be 1<sup>st</sup> December 2006, while the FBU were claiming a much earlier date and secured information that GAD had written to CLG in August 2006 highlighting these new factors, almost 22 months before the May 2008 date and 15 months before the 1<sup>st</sup> October 2007 retrospective application date they were suggesting.

In March 2009, the Police Federation was successful with their claim through the Judicial Review and a retrospective application date of 1<sup>st</sup> December 2006 was introduced for the Police Pension Scheme. This strengthened the FBU claim, but the Fairer Commutation Campaign was based on slightly different arguments and as such, the Police Pension Scheme settlement did not satisfy our outstanding claims.

P.T.O.

We have now been informed by CLG that they recognise the FBU grievances and their legal advice suggests that a retrospective application date of 22nd August 2006 should be applied to the 1992 FPS actuarial factors. CLG have today issued Firefighters' Pension Scheme Circular 7/2009 which provides guidance to FRA's on the backdating of the commutation lump sum payment.

This represents a significant success for many of OOT members who downloaded the form from the FBU website (to date, over 5,300 have used this facility). The strength of this collective grievance proves two things;

- That **only** the Fire Brigades Union **could** organise a campaign of this size amongst fire service workers.
- That **only** the Fire Brigades Union **did** organise a campaign to get a fairer implementation date for FPS members.

It also shows that the legal advice from Thompsons Solicitors and the route the FBU took was in fact the correct route, and that it has improved upon the position achieved through the Judicial Review route taken by the Police Federation.

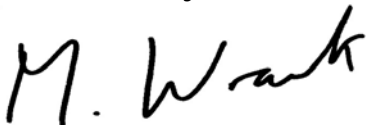
The FBU has previously informed CLG that all these retrospective payments must be subject to interest payments and should be exempt from tax implications which surround second lump sum payments. Details of this are contained in FPSC 7/2009 which is available to read and download on the FBU website at [www.fbu.org.uk](http://www.fbu.org.uk)

The FBU will now be looking at the CLG decision and will be taking legal advice on the outstanding grievances which deal with claims to progress a challenge to extend the retrospective application date until 2001, and a decision will be taken on receipt of this advice.

Despite a campaign that has been lengthy, and at some times frustrating for members, the Fire Brigades Union has undoubtedly secured a substantial achievement for a large number of Out of Trade members.

I would like to thank everyone involved in this successful action which has resulted in many FBU members receiving the financial package they were entitled to.

Yours in Unity

A handwritten signature in black ink, appearing to read 'M. Wrack', written in a cursive style.

MATT WRACK  
General Secretary

SS/jh