

FIRE BRIGADES UNION

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INJURED FIREFIGHTERS LEFT WITH NO JOB AND NO PENSION AFTER GOVERNMENT CHANGES: COURT OF APPEAL JUDGMENT DUE

Firefighters will find out at the Court of Appeal on Monday whether they will face the sack or get a pension if they are disabled or badly injured. Hundreds of disabled and badly injured firefighters across England face being sacked without a pension if the Court says Government changes to pension guidance were lawful.

A judicial review is being sought by three London firefighters who had their ill-health and injury pensions removed after the Government suddenly changed the guidance applying to the Firefighters Pensions Scheme. The case is backed by the Fire Brigades Union.

The original application for judicial review was turned down by Mr Michael Supperstone QC on 15 May 2008. The Court of Appeal heard the appeal on 14 and 15 January 2009. The Fire Brigades Union described the Government view that disabled or badly injured firefighters should be sacked without a pension as “both scandalous and repugnant”. The Scottish Executive, the Welsh Assembly and the Northern Ireland Assembly have all resisted adopting the same rules.

These are the first three cases highlighting Government guidance that attempts to end ill-health or injury retirements in the fire service. The rules hit all firefighters who suffer serious injury or ill-health and they will be sacked if fire brigades can find no other jobs for them.

FBU General Secretary Matt Wrack said: “The incidents we work at are treated as life-threatening hazards by other workers. We cannot tolerate a position where firefighters cannot rely on a pension if they are unable to work after being seriously injured or suffer ill-health.

“Firefighters test the limits of health and safety to save the lives of others. It is totally unacceptable to expect firefighters to take risks others wouldn’t then sack them if they are injured or become disabled as a result.

“The Government has ripped up the understanding that if we were injured or suffered ill-health we had a pension. The stance they have adopted is both scandalous and repugnant.

“Government appears incapable of making any move to recover even part of Sir Fred Goodwin’s £17 million pension package. But they have had no such problems taking pensions worth a couple of thousand pounds from injured and disabled firefighters.”

Martin Marrion, one of the three London firefighters taking the case said: “I wanted to keep on working but my employers forced me to retire and take an ill health pension. I was astonished that, nearly two years later, they took my ill health pension off me.”

Under Government pensions guidelines issued in 2004 a disabled or badly injured firefighter would be given an ill health pension unless they could be redeployed to a job within his or her role. New guidance issued in September 2006 meant if they are capable of doing any single part of their work, even answering the phone, they would not get a pension regardless of whether they are, in fact, redeployed to those restricted duties.

This effectively made it impossible for any firefighter to get an ill health pension even if

they are seriously disabled. And if there is no job to which they can be re-deployed the rules force fire authorities to sack them with no pension or other payment. Government then did a 'U' turn with fresh Guidance in 2008 which reverted back to the original position but then did a further 'U' turn in the Court of Appeal, distancing themselves from that and arguing for the disputed 2006 Guidance.

If the Government win, it would leave firefighters, as the Court of Appeal judges identified at the hearing, with no pension and no job. They would be sacked and would not even be entitled to a redundancy payment.

The three London firefighters taking the legal action are Martin Marrion, Neil Burke and Andrew Scott. They had their pensions re-instated for the time being before the original judicial review hearing.

The legal action is against the Secretary of State for Communities and Local Government, the London Fire Brigade and the Board of Medical Referees.

The general secretary and other firefighters will appear at the High Court in London on Monday 6 April. Judgment is expected around 09.45 in court 68.

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