

FIRE BRIGADES UNION

PENSIONS VICTORY FOR DISABLED FIREFIGHTERS

The Court of Appeal has ruled that changes to guidance to the FireFighter Pension Scheme that enables Fire Brigades to sack disabled and badly injured firefighters without a pension or redundancy payment is unfair.

The Court has backed three London firefighters who, supported by the Fire Brigades Union (FBU), sought a judicial review after their ill-health and injury pensions were removed when the Government suddenly changed the guidance applying to the Firefighters Pensions Scheme.

The new guidance, issued in September 2006, meant that if a firefighter was still capable of doing any small part of their work they would not get a pension even if the Fire Brigade could not offer them a suitable job.

The Appeal court described the Secretary of State's case as "deeply unattractive" because it leads to a "no job, no pension" consequence where there is operational unfitness but no redeployment available.

FBU General Secretary Matt Wrack said: "This is a tremendous victory for the Fire Brigades Union after a long and hard fight. The Court's ruling is a victory for fairness and common sense. The Government's view that disabled or badly injured firefighters should be sacked without a pension has been scandalous and repugnant. Our members routinely put their lives in danger and to deny them a pension if they are unable to work as a result of being injured is totally unacceptable.

"We now call on the Government to urgently redraft the guidance to restore ill-health pensions to firefighters unable to work due to injury or disability. It must make that re-drafted guidance retrospective to restore pensions to any of our members who have already lost them."

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. I am hugely relieved that the Court of Appeal has backed our case, but angry that we had to fight so far to get our pensions back."

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. The new guidance said that even if a firefighter was only capable of answering the phone they would not get a pension, even if they could not be redeployed to those restricted duties.

This effectively made it impossible for any firefighter to get an ill health pension even if they were seriously disabled. And if there was no job to which they could be redeployed the rules forced fire authorities to sack them with no pension or other payment.

The Government did a 'U' turn with fresh guidance in 2008 which reverted back to the 2004 position but then did a further 'U' turn in the Court of Appeal, arguing for the disputed 2006 Guidance.

The Court of Appeal said: "The Secretary of State's case remains deeply unattractive in that it leads to its "no job, no pension" consequence where there is operational unfitness but no other redeployment available. This is both unfair and surprising in terms of an amendment which was designed to introduce flexibility and to save both firemen and their employers from the necessity of ill-health retirement where there was still a job of work to be done."

The three London firefighters who took the legal action against the Secretary of State for Communities and Local Government, the London Fire Brigade and the Board of Medical Referees are Martin Marrion, Neil Burke and Andrew Scott.

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