

QUESTIONS

1. Do you think that these principles, supplemented by an independent review in three years, provide an acceptable framework for you to take forward issues of fitness and capability?

No

Please comment on your response below

Views on the Proposals

For the most part the principles are in line with what any good employer would do and what Merseyside Fire and Rescue Authority (MFRA) already have in place to support staff. The significant concerns for MFRA are:-

Status of Guidance – What is the legal status of this document and what are the expectations of government as to how local authorities should follow the guidance / exercise local discretion? This needs to be absolutely clear for all parties.

Principle 6 – This should be removed in its entirety or amended to state clearly that a Firefighter aged 55 or over can retire on an actuarially reduced pension.

Principle 7 – Remove the reference to 'be stood down'. A Firefighter in these circumstances would be redeployed and/or subject to the Authority capability procedure.

Principle 10 – All parties must realise that because of a number of issues including the unprecedented financial pressures faced by authorities resulting in the downsizing of the workforce and equal pay considerations that the options for redeployment within role are extremely limited if not non-existent.

Principle 11 – It is not clear if an authority commences an authority initiated early retirement process whether or not there is an expectation that the authority initiated early retirement would be awarded. All parties must have a clear and unambiguous understanding on what this means in practice and whether any discretion remains with the authority. It must also be made clear that there is no cost to the authority incurred and that any costs will be met by Government.

Potential Costs of the Proposal

In general terms if someone retires early under the new scheme proposals then they would receive an actuarially reduced pension. At present the authority has the discretion to award a non- actuarially reduced pension if they initiate the local authority initiated early retirement process. However this comes at a cost.

Where a pension is paid under rule 6 of Part 3 (authority-initiated early retirement), an amount equal to the difference between the amount of the pension paid and the amount that would have been paid had a pension been payable from the same date under rule 5 of that Part (member initiated early retirement), shall be transferred to the FPF from any other fund maintained by the authority. The FPF is the Firefighter Pension Fund maintained by the Authority. All pension payments to retired firefighters are charged to this fund, the employer and employee contributions are paid over into the fund and any net deficit is funded by a top up grant from government

It is not clear if there would be an expectation of staff/government that in every such case a non-actuarially reduced pension would be paid. If that were to be the case in the absence of any statement/guidance to the contrary it would seem the costs would fall to the employer as a new burden. These costs are potentially very high.

There needs to be absolute clarity provided that there is no cost to the employer arising from these principles and in relation to how government is funding any such costs.

There are concerns that having such an arrangement in place might undo the good work authorities have undertaken in recent years in managing ill-health within the service since there might be an 'incentive' for staff to seek to retire once beyond the age of 55 if there was likely to be no penalty in relation to pension costs.

2. Do you have fitness policies and standards already in place in your authority, including policies to support those who become unfit?

Yes

Please give details and attach policies if available.

The current fitness standard is derived from the Firefit Steering Group guidance – 42V02MAX.

*With Firefighters remaining 'on the run' if they fall between 35V02MAX and 41V02MAX
Anyone performing below 35V02MAX is taken off the run immediately – in both scenario's
the firefighter is provided with a fitness plan, objectives and support to return to full fitness.*

3. If yes to the previous question, do these draft proposals differ from the policies, processes and principles already in operation in your Fire and Rescue Authority?

Yes

Please comment on your response below

The Policy and supporting Service Instruction is under review based on the changing landscape and the proposed introduction of a capability procedure.

A copy of the revised DRAFT Policy and Service Instruction is attached

4. Do you believe that there can be 'national fitness standard' or should this be left to local discretion.

Yes

Please give reasons for your answer below

*A National Fitness Standard should be adopted – The current firefighter rolemap includes such a focus (FF2) and the importance of remaining fit for duty.
The work of the Firefit Steering group has suggested an appropriate standard which is supported through academic research. The Authority recognises that a firefighter has to be fit and capable of undertaking their role.*

Having differing standards across the UK makes FRA's extremely vulnerable should the decision to dismiss on capability grounds be challenged.

Whilst authorities may need to discharge the responsibility differently there should not be a difference in the level of fitness expected – both in relation to the performance of the necessary operational duties of a firefighter but also in the context of ensuring the health, safety and wellbeing of the employee.

5. Do you have policies on authority initiated retirements under the New Firefighters' Pension Scheme 2006?

No

Please provide details below

The authority currently has no formal policy on this matter and considers every case upon its merits. It should be noted that the authority does not currently employ members of the 2006 scheme who have retired or are near retirement.

6. What operational roles for firefighters can be developed and would be suitable for people with lower levels of fitness.

Please list below:

None

All parties must realise that because of a number of issues including the financial pressures, the downsizing of the workforce and equal pay issues that the options for redeployment within role are limited if not non-existent.

A number of possible roles are quoted in the consultation paper but MFRA have serious concerns about the practicalities of all of them. For example - why would any reasonable local authority employ an unfit firefighter just to drive an appliance when they can employ a green book member of staff just to drive the fire appliance at a much reduced cost? This could also be unfair to operational firefighters who would continue to maintain fitness and therefore continue operationally without the same opportunities.

Equally and as importantly it should be noted that as an integral component of a fire crew the driver does not just drive the fire appliance – they pump operate, run out hose, fetch and carry equipment and at a large scale incident fulfil operational roles which could include the wearing of breathing apparatus. If a firefighter who is unable to carry out these roles was accommodated on the appliance it could only be as an extra (unnecessary) role that would incur cost the public purse.

If any authority were to employ a firefighter to undertake Protection (Legislative Fire Safety) or Prevention (Community Fire Safety) duties they would be undertaking that work alongside green book staff who are on less favourable terms and conditions making the authority susceptible to equal pay claims or sex discrimination claims (given the vast majority of firefighters will be white male).

Firefighters are rewarded to reflect their working and operating effectively in a dynamic and risk critical environment – if they can no longer operate in that environment they become a very expensive alternative to fulfil other roles.

We are all striving for the maximum productivity out of the 'fixed cost' that we employ - the minimum number of operational responders to manage the risks in our IRMP. In many other sectors multi skilling has been the way to achieve maximum productivity to ensure that companies can keep all their human resources fully employed for the time they are at work. Paring down the operational role to one or two 'light work' functions is not going to improve productivity; rather it will significantly reduce it.

I would be grateful if you could complete the attached questionnaire and provide any further comments you have on this to: Melanie.Gillett@communities.gsi.gov.uk by Friday 6 December. If you have any queries please contact Melanie on: 030344 41047.