



Office of the  
Deputy Prime Minister

Creating sustainable communities

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FOA  
By e-mail

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Dear Glyn

Thank you for your e-mail dated 5 January outlining FOA's comments on the medical appeal provisions and pensionable pay provisions of the draft blueprint. I will deal with each of your points in the order that you have raised them.

### **G1 - Pensionable Pay**

We have written to the National Joint Council for Local Authorities regarding the pensionable pay of a firefighter. We have asked for their comments on those elements of a firefighter's pay that should be treated as pensionable and have specifically asked for comments on the Flexible Duty Allowance (FDA) and the pay of a Retained Duty System firefighter. In addition to this, the FBU have also indicated that they will be submitting their comments regarding these issues in the next few weeks.

We have noted your comments, but will want to wait for the responses from both the NJC and the FBU before considering all the options available.

When all responses have been received we will consider all comments and will issue a paper on pensionable pay to the Firefighters' Pension Committee (FPC) for comment.

### **H2: Medical Appeals**

As you are aware this issue was discussed at the last FPC meeting on the 10 January. It was accepted that the reconsideration of an opinion made under Rule H1 is not prevented by the existing Rule H2 provision and that a FRA is able to review any case where additional evidence was submitted by the appellant.

However, following this discussion members agreed to include a mechanism within Rule H2, which would be similar to the Police Pension Scheme, where a FRA could reconsider its Rule H1 decision if additional evidence was submitted and if necessary refer the case back to the IQMP.

The additional provision will be on the lines of:

“The authority and the person concerned may, by agreement, refer any opinion of the independent qualified medical practitioner which has been given under Rule H1 for reconsideration on fresh evidence, and he shall accordingly reconsider his opinion and, if necessary, issue a fresh certificate which, subject to any further reconsideration under this provision, shall be final”

### **Guidance on Standards**

In your email you have also highlighted that there is an inconsistency that exists between the opinions that are given by medical advisors and you have suggested the need for some form of central control on standards and guidance. We are currently drafting guidance on the capability assessments for ill-health retirements. When complete, this guidance will be circulated to all FRAs and their medical practitioners.

Yours sincerely

**Martin Hill**