



Fire Officers' Association

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Dear Martin

Firefighters' Pension Committee

Further to the 10th FPC meeting on 10th January, the FOA would like to clarify some aspects of matters raised for consideration by the Committee. A response to items a and c below is not expected as the comments made are for ODPM consideration and, if any new suggestions are considered to have merit ODPM may, at their discretion, bring them forward to the committee. Otherwise, the FOA will bring forward proposals to the February meeting or in the final 'round up' of the Blueprint document.

a. Cut off point for review of Ill-health awards

We are grateful for the committee's agreement to accept the introduction of a cut off point for review of ill-health awards so far as these relate to payment of the award itself and to the continued payment of higher tier awards.

In the interest of clarity and audit, we feel that it is worth submitting a fuller explanation in support of our request.

There are aspects of the proposals relating to ill-health awards that we find difficult to argue against. Ill-health enhancements to the pension scheme are not an automatic right and they are intended to compensate for a member's inability to undertake work outside the service. Where members are genuinely unfit, we wish to see that they receive all possible assistance - especially where the reason for retirement is work related. People suffering from occupational injuries should be provided for in pretty much the same way as they are currently.

Difficulty arises where someone's condition improves after leaving the service. If this improvement is such that the person is able to work near normally outside the fire service, we have to accept that receipt of public money in compensation for a situation that has improved considerably amounts to fraud and we cannot condone this.

At the same time a Scheme member retiring on ill-health grounds will undertake forward planning, taking account of changed circumstances, to provide a sustainable lifestyle. The proposed open-ended review arrangement posed a threat to the long-term financial stability of an individual whose employability is likely to diminish through time. Even where the condition leading to retirement improves, a person who has not worked for a prolonged period would be less likely to gain employment than a competitor with a continuous employment record. The agreed review cut-off point affords some protection against the member falling into a long-term unemployment situation.

Whilst not having figures to hand, we expect that the majority of ill-health pensioners will be aged 45 plus and it is not considered unreasonable to assume that employability options will be limited for people in this age bracket. We feel that reviews should be restricted to a period sufficient to allow authorities time to assess whether improvement has occurred whilst removing uncertainty for the individual, in terms of being thrust into an alien labour market in a position of disadvantage. If a condition has not improved within the ten-year year period it seems unlikely that it will do so thereafter.

Having accepted this, we believe that there will be situations where it will be obvious from the point of retirement that there is no possibility of recovery to a point at which employment is a realistic prospect. In such cases, it is suggested that the authority has the discretionary power to exclude an individual from review arrangements. The use of such power might be appropriate where members have been diagnosed with degenerative conditions or severe brain damage, for example.

As well as taking away long-term uncertainty from the member, there is also an advantage to the FRA in that the administrative burden of long-term monitoring is removed.

b. Other questions related to review of ill-health pension

We would appreciate the ODPM's opinion on matters relating to review of ill-health pensions, particularly whether precedent or guidance exists. These issues do not appear to present difficulties at the moment but we expect an increase in the number of case reviews and it would be useful to establish protocols an early stage.

- (a) Where an authority recalls a member for review, would it be expected that the authority cover costs incurred by the member when attending an assessment. Such costs will normally be minor but many retired members choose to move away from the area in which they worked, often overseas. We not aware of any requirement to remain within the employing authority's boundary and since the review process is for the benefit of the authority, we believe that it would be reasonable to specify how such costs will be met.
- (b) What arrangements exist to carry out reviews remotely in situations where he member insists that they are unfit to travel for assessment purposes. With certain conditions it is possible that travel could adversely affect the member's health, in such cases an authority's insistence that the member attends could attract a claim against that authority.

c. H2: Medical Appeals

The FOA's perceived benefits of an informal review provision were explained in our submission of 4th January and we are content with the committee's agreement of an amendment along the lines of the Police Scheme as suggested in your letter of 17th January.

We also ask that consideration be given to the inclusion of suitable wording to indicate that the time limit for appeal against a decision made under Rule H1 will commence from the later of, either, the date of the decision or the date of any review undertaken in accordance with paragraph (?), i.e. the proposed new paragraph.

Yours sincerely



I. Glyn Morgan