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**NATIONAL JOINT COUNCIL  
FOR LOCAL AUTHORITY  
FIRE AND RESCUE SERVICES**

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**To: Chief Fire Officers  
Chief Executives/Clerks to Fire Authorities  
Chairs of Fire Authorities  
Directors of HR (Fire Authorities)**

**Members of the National Joint Council**

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17 June 2010

**CIRCULAR NJC/5/10**

Dear Sir/Madam

**PART-TIME WORKERS (PREVENTION OF LESS FAVOURABLE TREATMENT)  
REGULATIONS – FIRE BRIGADES UNION EMPLOYMENT TRIBUNAL CASES**

Settlement Negotiations

1. You will be aware that test cases in two authorities, Kent and Berkshire, were identified in 2001 under the above legislation. Those test cases have been subject to the Employment Tribunal, Employment Appeal Tribunal, Court of Appeal and House of Lords processes returning finally at the request of the House of Lords to the original Employment Tribunal again for re-consideration and determination. The Tribunal found in favour of the Fire Brigades Union and asked the parties to the case to endeavour to negotiate a settlement.
2. Circular NJC/2/10 advised that a settlement in respect of the terms and conditions aspect of the case has now been agreed in principle with the FBU. The key principles of that settlement were also contained in circular NJC/2/10.
3. Since then further discussion has continued to finalise the settlement. Whilst formal agreement has not yet been reached we write to advise you that it has now been decided to amend one of the key principles of the 'in principle' agreement. Given the complexity of the negotiations and the time it has taken to overcome the problems caused by such

complexity the compensation reference period has been extended by one year to cover from 1 July 2000 to 30 June 2010 (previously 1 July 2000 to 30 June 2009).

4. As a consequence the proposed settlement figures will be amended as follows:
  - Firefighter - £750
  - Crew manager/leading firefighter - £778
  - Watch manager/sub and station officers - £806
5. It is anticipated that formal agreement will be reached shortly. Authorities will be advised when this has occurred and should **take no action** in the interim
6. You are reminded that further information will also be provided at that time on how individual employees will be advised of the outcome as well as the mechanism to facilitate withdrawal of the remaining FBU cases that are currently stayed pending the outcome of these test cases.
7. The remaining aspect of the Employment Tribunal case is that of pension scheme access. This is being dealt with by CLG and the FBU.

Yours faithfully

**SARAH MESSENGER**  
**MATT WRACK**  
Joint Secretaries