



Fire Officers' Association

FOA COMMENT

Fire Services Pensions – Scotland - 11/2/2008

On 10th February 2008 The Scottish Government announced plans to safeguard the pension rights of Scotland's firefighters.

The FOA welcomes the Scottish Government's decision to amend guidance on access to ill-health pensions.

This deals with the situation created by 2006 UK guidance where a firefighter who becomes unfit for normal duties could be dismissed on grounds of capability instead of being awarded an ill-health pension.

We considered this situation to be totally unacceptable and made the Scottish Minister for Community Safety aware of our views at the end of 2007. It is good to see that our opinions and those of others have been taken on board.

The situation for the rest of the UK remains unchanged and discussions are ongoing with Communities and Local Government.

We would like to see a consistent approach taken across the whole of the UK so it is sincerely hoped that the Scottish solution will be applied elsewhere.

The Scottish Government recognised these concerns and following representations by staff organisations, Ministers have agreed to introduce revised guidance for Scotland's eight Fire and Rescue Authorities (FRAs) to remove the uncertainty.

Fergus Ewing, the Minister for Community Safety, said: "We view the changes made in the 2006 guidance as unfair as they could potentially result in a firefighter seriously injured in the line of duty being both denied access to an ill-health retirement pension and possibly losing his or her job.

"The people of Scotland are well aware of the debt we owe to our fire & rescue professionals and the risks they take to protect our communities. "We owe it to them, to ensure they are treated fairly."

The issue is also being considered in England and Wales and proposals to address the situation were discussed at Westminster on January 23.

Commenting on these proposals, Mr Ewing added:

"I did not consider that the arrangements proposed in England to resolve the situation offered a fair, workable or timely way of resolving this issue.

"I have therefore instructed officials to revised current guidance in Scotland to resolve the situation for our fire and rescue staff here."

A regular firefighter is entitled to an ill-health retirement award/pension (IHR) under the Fire Pension Scheme if permanently disabled from the performance of duty.

Under the Scheme, 'disablement' is defined as 'incapacity, occasioned by infirmity of mind or body, for the performance of duty'. The definition of regular firefighter includes the requirement to 'fight fires and undertake other duties appropriate to the person's role'.

The question of entitlement to pension awards is a matter for each FRA. However, before considering this, they must obtain the opinion of an independent qualified medical practitioner on questions relating to disablement and that opinion is binding on the authority.

Under the current guidance issued to the independent assessor, disablement can only be granted if the fire-fighter is assessed as unable to perform ALL of his/her duties. Thus, it is possible that a person could be assessed by the independent assessor as being capable of undertaking some non-operational roles and therefore ineligible for IHR, but that the FRA does not have a suitable post. In such situations, the issue would be an employment (not a pension) matter.

Under the Firefighter's Compensation Scheme, retained fire-fighters have an entitlement to ill health and injury awards when retired for reasons of permanent disablement, if the infirmity was duty related. However, in order to access this benefit they too have to be assessed as permanently disabled from the performance of duty.