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Mr Shane McAteer
Clerk
Committee for Finance and Personnel
Room 419
Parliament Buildings
Stormont

Our Ref CFP276/11-15

1 November 2013

Dear Shane

Following its meeting of 23 October the Committee requested a Departmental response on various issues connected with its consideration of the Public Service Pensions Bill. At the Evidence Session on 23rd October, officials were provided with a document, setting out in tabular form the key issues which have arisen from the Committee's Call for Evidence. Officials have now reviewed this document and consider, apart from a few exceptions, all outstanding issues will be addressed in the responses to the Committees' letters of 10th, 17th and 24th October. Any remaining issues will be addressed by officials at the Evidence Sessions scheduled for November.

A Departmental response is now attached to the letter from the Committee dated 24th October. The issues are addressed in the sequence raised in the Committee's letter to the Department.

Yours sincerely,



JUDITH FINLAY
Departmental Assembly Liaison Officer

DEPARTMENTAL RESPONSE TO ISSUES RAISED IN CORRESPONDENCE FROM THE COMMITTEE FOR FINANCE AND PERSONNEL ON 24 OCTOBER 2013

COMMITTEE COMMENT / ISSUE

The Committee has requested a response on correspondence to the Committee from the Fire Brigades Union (FBU) on the oral evidence from Departmental Officials at the Committee meeting on 16 October. The correspondence concerns pension age for firefighters which is dealt with at clause 10 of the Bill. A copy of the Executive Summary and Recommendations of the Review of Firefighters Pension Age FBU (Williams Report) referred to in the FBU correspondence is attached at Appendix 1 to this advice paper. (A copy of the correspondence is attached separately in the associated documentation for this submission).

Departmental response

Primary legislation

The FBU correspondence opposes the Department's position that the primary legislation requires that the normal pension age for firefighters is 60 and has proposed an amendment to provide that the pension age be specified in scheme regulations:

The purpose of the primary legislation is to set out the high level requirements for each scheme, including pension age. For the firefighters scheme the requirement for normal pension age reflects the current position for firefighters recruited from 6 April 2006 who already have a normal pension age of 60. This is already specified in the scheme regulations. The FBU proposed amendment to the Bill would introduce a conflicting provision to the current requirement.

The FBU correspondence highlights findings of the 'Williams' report into pension age for firefighters and summarises that *"the Williams report has made clear that majority of firefighters will not reach age 60 and still be able to maintain the appropriate fitness levels, particularly female firefighters..."*

In its review of normal pension age for firefighters the Williams report made a number of findings and also made several corresponding recommendations where it deemed appropriate. The recommendations focus on regularising standards of fitness and processes for fitness assessment across fire services and how authorities can take reasonable steps to facilitate existing members who would be unable to meet those standards in the future.

For example the report recommends that *"Firefighters over the age of 55 who can no longer meet the fitness requirement could be allowed to leave early on an actuarially reduced pension. The pension should be calculated so there is no overall financial advantage or disadvantage to the firefighter (or to the pension scheme) from the member leaving before the NPA".* (Normal Pension Age for Firefighters - A review

for the Firefighter's Pensions Committee 12 January 2013' -Executive Summary. This is attached at **Appendix 1** for ease of reference.

A proportion of this group will fall under the transitional protection category and will see no change in their expected pension age. For those who do not the Public Service Pensions Bill provides for scope at secondary legislation to incorporate such variances in scheme design to facilitate this recommendation. This is the point officials addressed at the Committee meeting on 16 October.

Our approach is in line with the findings of the Williams report where it states:

"It is up to individual FRSs (Fire and Rescue Services) to decide how to manage individuals who fall below their selected fitness standard"

It is important to note that this review of firefighters' pension age does not recommend a change to the current pension age for firefighters. In addition to making recommendations on standardising how fitness levels across fire services are monitored and tested. The report recommended the next review of pension age should be undertaken once fitness standard(s) have been determined and sufficient data have been collected to measure the effect of implementing these standards. The report states that it is unlikely that the review will have sufficient data until at least 2016.

Scottish proposal

As a result of recent Firefighters scheme level discussions in Scotland on development of proposals for flexibilities for early departure with minimal actuarial reduction the threat of strike action on pension age has been avoided by agreement. As well as provision to vary terms for actuarial reduction, the scheme accrual rate is one of the areas where flexibility exists to modify scheme design to suit the particular workforce and could certainly need to be reviewed as a part of any proposal to vary other scheme terms.

These issues will need to be discussed in consultations with TUS at the secondary legislation stage for the firefighters scheme in Northern Ireland. Adjustment of accrual rates for the firefighters scheme overall could form part of those discussions within the context of prioritising flexibilities for early departure terms for those current members who do not qualify for transitional protections but are unable to remain in service until pension age.

New Firefighters Pension Scheme (NFPS) – NPA 60

The FBU comment here reinforces the Department's position that the secondary legislation process is the appropriate one for scheme flexibilities.

Actuarial reductions

Awaiting technical input on the calculation of actuarial reductions from DHSSPS Policy Branch. This will be provided as soon as possible to the Committee.

COMMITTEE COMMENT / ISSUE

Correspondence to the Committee from the Pat McCartan, Chairperson, Independent Financial Review Panel (IFRP) on its concerns over provisions contained at clauses 30, 31 and 32 of the Bill. Mr McCartan expressed concerns that the Bill could have impacts on the Assembly Members' Pension Scheme and in particular therefore the provisions contained at clauses 30, 31 and 32.

Departmental response

The Assembly Members' Pension Scheme (Northern Ireland) 2000 (AMPS (NI) 2000) was established on 13 May 2000 under the Assembly Members' Pensions Determination 2000, made by the Secretary of State under section 48 of the Northern Ireland Act 1998, by virtue of paragraph 9 of the Schedule of the Northern Ireland Act 2000. The scheme provides benefits for Members and qualifying office-holders of the Northern Ireland Assembly.

Clauses 30,31 and 32 of the Bill deal with additional schemes for existing schemes for public bodies and new schemes which would be established for those public bodies in the future. As the Assembly Scheme is neither a public body or a new scheme it is outside these definitions.

The Department sought a view from the Assembly Commission on proposals for the reform of the Assembly Members Pension Scheme in May 2013 during the pre-introduction policy scoping stage for pension reform. The Commission confirmed the Assembly Members Pension Scheme falls under the remit of the Independent Financial Review Panel which is an independent body established by an Act of the Assembly [The Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011] to look at MLAs pay, allowances and pensions. The Commission also advised the Panel had indicated that they are intending to review the Pension Scheme in light of the review of public sector schemes, the review of the equivalent Westminster scheme and the Welsh Remuneration Boards review of the National Assembly for Wales pension scheme. The Department of Finance and Personnel is content with this approach and accepts the Assembly Scheme is outside the remit of the Bill.

COMMITTEE COMMENT / ISSUE

The Committee has requested the Department's view on each of the following five options for amending the Bill:

- 1. An amendment to prescribe the circumstances in which the Regulations can make retrospective provision. Clause 3 of the Bill currently allows retrospective provision where it considers this appropriate in relation to pensions and benefits.*

Departmental Response - reject

It would be unworkable to cite in the primary legislation each circumstance where a Department would be required to make regulations which would have retrospective provision. The power for retrospection at clause 3 must operate in the context of the enhanced protection built in at clause 23. This means that a retrospective provision which would have a significant adverse effect requires the consent of Trade Unions before the proposed change could be made.

The approach at clause 3 ensures any need to return to the primary legislation unnecessarily to amend it is avoided. Where a scheme proposes any retrospective changes in its secondary legislation that legislation remains subject to the Assembly prerogative to scrutinise or pray against it where it considers this necessary.

COMMITTEE COMMENT / ISSUE

- 2. An amendment to define "significant adverse effect" on the face of the Bill.*

Departmental Response - reject

An attempt to define a significant adverse effect in the primary legislation definition may have the opposite effect of what the Committee may want to see achieved. A definition in primary legislation would impede the flexibility in the current provision that allows for a case by case assessment for each proposed scheme change.

The Department is unaware of any precedent to define a 'significant adverse effect' elsewhere in primary legislation.

The comparable term "substantial" is used in primary legislation in other areas. For example Section 1 of the Disability Discrimination Act 2005 defines the meaning of a 'disability' in terms of an impairment which has a "substantial" and long-term adverse effect. The term "substantial" however is not defined.

Case Law indicates 'substantial' is held to mean "something more than minor or trivial". The threshold set therefore is not high. It is the view of the Department that the term 'significant' sets a similar low threshold which ensures an appropriate level of scrutiny of scheme proposals.

As drafted the current provision in the Bill allows the significance of an effect to be weighed on its own merits and by the authority and pension board in the case for each proposed changes.

COMMITTEE COMMENT / ISSUE

- 3. An amendment to require DFP to produce guidance detailing how it will measure significant adverse effect in relation to pensions and other benefits. This may require DFP to lay the guidance before the Assembly and to publish it before making any Regulations.*

Departmental Response - reject

As the significance of the effect to be measured will be specific to changes being proposed in each scheme it will be determined by the Responsible Authority and Pension Board for that scheme. The Department does not see its role is one to constrain that process by introducing a new statutory requirement in the Bill.

COMMITTEE COMMENT / ISSUE

4. *An amendment to clause 24 of the Bill so that all retrospective changes to the Bill are by affirmative procedure as recommended by NIHRC.*

Departmental Response - reject

Powers for retrospective changes are common in public service pensions legislation. They are routinely used to adjust schemes to accommodate changes in law or where it would not be desirable to delay the benefit of a particular change but where time is required to consider the consequences and appropriate method of making the change. Many changes are progressive and in favour of members interests. It is often the case that the Northern Ireland schemes are introducing changes equivalent to changes already made for the equivalent schemes in Great Britain and without retrospective powers would face a delayed timescale. The retrospective powers enable schemes to effectively implement the desired changes at the appropriate time. Some examples taken from the case of the civil service scheme include: the introduction of changes which enabled civil servants to purchase additional pension amounts with effect from 1 October 2007 although the legislation was made in January 2008; a provision enabling civil servants to buy out the actuarial reduction that would normally apply to pension benefits taken early on resignation was introduced in legislation made in December 2010 but applied from 1 April 2010; changes to ensure comply with anti – age regulations were introduced with effect from April 2006 in legislation made on 27 September 2006.

Where retrospective changes are deemed to have a significant adverse effect they will be subject to affirmative resolution procedure in the Assembly. The Department considers the existing negative resolution process is appropriate for other cases where scheme changes are routine or beneficial to scheme members. The process provides the Assembly with the option to debate any proposed scheme changes as necessary.

COMMITTEE COMMENT / ISSUE

5. An amendment to clause 23 that deletes the word “significant” so that a safeguard would apply in relation to all adverse effects.

Departmental Response - reject

There are safeguards in place which prevent the inappropriate use of the retrospective powers which are both internal and external to the Bill. The power to interfere with benefits that have accrued is already limited substantively by the protections of the Human Rights Act 1998 and the associated European Convention of Human Rights.

The Department considers that retrospective changes will in practice very rarely produce adverse effects for members. However, it is important to strike a balance between providing protections to members while ensuring that schemes can operate efficiently and effectively. Where a retrospective effect would be deemed significant then the requirement for trade unions will be required and the higher process for consultation will be engaged.

The approach maintains operational efficiency in schemes by allowing minor and technical retrospective changes to be made subject to the normal consultation requirements. The threshold for a significant adverse effect can be argued to be sufficiently low to ensure any effect of measurable detriment to a scheme member will be observable. If the significance of an adverse effect is not apparent i.e. the effect is insignificant it may be so trivial or minor so as not to be measurable in any effective way. It may be impossible to observe, or to describe objectively. A trade union veto on every minor or technical retrospective change could compromise the capability for responsible authorities to maintain their scheme rules in compliance with overarching legal and policy changes.

Issues which officials undertook to respond to arising from the Evidence Session on 23rd October 2013.

COMMITTEE COMMENT / ISSUE

The Committee requested a definition of discretionary benefits and examples. Clause 3(3)(c) refers.

Departmental Response

Many schemes have some benefits which are not automatic, but which can be awarded at the trustees' and/or employer's discretion. They must decide on whether, and if so to what extent, discretionary benefits are to be included within the benefits to be valued. In doing so, they must have regard to:

- any established custom for awarding them; and
- any consent requirements needed (which will usually involve the employer).

A typical discretionary benefit is the award of pension increases over and above what the rules of the scheme automatically provide; for example, early retirement on favourable terms with consent and also death benefits. Once a discretionary benefit is awarded, it becomes part of a member's accrued benefit. Awarding discretionary benefits sometimes requires the consent of the sponsoring employer.

When considering the extent to which discretionary benefits are to be included, employers and trustees should:

- make a decision in relation to each discretionary benefit they can provide under the scheme's rules;
- understand the relevant scheme rule which provides for the award of the discretionary benefit in question, bearing in mind that they may need to take legal advice;
- consult any person (usually the employer) whose consent is needed;
- consider the past history and future intentions with regard to the award of the benefit, taking into account the relevant circumstances (for example, the scheme's funding if appropriate) which influenced or could influence the award; and
- take into account any agreed policy relating to the award of the benefit.

COMMITTEE COMMENT / ISSUE

Committee has suggested replacing "satisfied from time to time" with a specified period. Clause 5(5)(a) refers.

Departmental Response - reject

The requirement for Scheme Managers to be “satisfied from time to time” that none of the members of the Board have a conflict of interest is an ongoing requirement, not a requirement for occasional review. The Department consider that a time limit could not sensibly work and would weaken the requirement. It is anticipated that the Pensions Regulator Guidance, will state that potential conflicts have to be reported when they arise, not within a specified time period of them arising (otherwise conflicts could be unmanaged for the intervening period). The scheme regulations should establish a compliant requirement (e.g. for members to report conflicts as soon as practicable).

Under the Public Service Pensions Bill the Pensions Regulator is responsible for regulating scheme compliance with conflict of interest requirements of the Bill (by virtue of making the provision part of the 'pension legislation' within the Pension Regulator's scope), then the Pension Regulator would be able to take their full suite of action. This would broadly entail the issuing of improvement notices (which the scheme must comply with), appointing a skilled person to support the pension board, issuing fines for breaches or prosecuting in court

COMMITTEE COMMENT / ISSUE

The Committee requested details of sanctions for non-compliance. Clause 5(5)(a) and 5(5)(b.) refers.

Departmental Response

The Committee had requested detail of what the sanctions would be for failure to comply with the Guidance on Conflict of Interest and as already addressed sanctions will apply as above and are summarised in the following attachment.

<http://www.thepensionsregulator.gov.uk/about-us/our-powers.aspx>

COMMITTEE COMMENT / ISSUE

Clause 7. Why scheme advisory board does not include provision to include employer representatives and member representatives in equal numbers.

Departmental Response

The purpose of these boards is to advise the responsible authority on matters that they commission them to advise on. It is the Departmental view that the responsible authority should be free to request advice from whoever they consider appropriate. Requiring the board membership to be balanced in the way suggested by the Committee could constrain the board's ability to provide appropriate advice. For example, they may want actuarial advice on the impact of a proposed change, which neither employer or employee representatives would be in a position to provide.

However, as pointed out at previous Evidence sessions the secondary legislation process provides scope for departments with scheme responsibilities and their TUS

to further refine scheme level arrangements as appropriate or as suited to their business in the course of their overall consultations on new scheme regulations.

COMMITTEE COMMENT / ISSUE

Past Practice Examples of public service pension scheme negative resolution.

Departmental Response

Over the past 2 years each of the public service pension schemes have introduced on average approximately seven statutory rules under negative resolution. In the majority of cases these rules introduced minor technical amendments to further clarify the operation of certain regulations.

The only statutory rules of any substance introduced were those in relation to the increased member contributions.

This number is not particularly substantial but each individual statutory rule takes approximately 8 months to introduce under negative resolution. This timescale is as a result of the requirement to consult with both the stakeholders and their statutory committees.

Affirmative resolution would take a scheme into a new direction where further enhanced consultations with stakeholders would be appropriate and progress of the rule would be guided by the Assembly timetable.

**Normal Pension Age for Firefighters
A review for the Firefighter's Pensions Committee 12 January 2013
Executive Summary and Recommendations**

“Executive Summary

Introduction

Firefighters initially had a compulsory pension age of 60 years established by the Fire Brigades' Pensions Act 1925. This was lowered to 55 years for firefighters up to and including the rank of Station Officer (now Watch Manager B) by subsequent legislation. However the New Firefighters' Pension Scheme Regulations 2006 closed the 1992 scheme to new entrants and introduced a Normal Pension Age (NPA) of 60 years. The Hutton report of 2010 recommended that the Government should consider setting a NPA of 60 years as the benchmark for all Uniformed Services Schemes.

The Department of Communities and Local Government Firefighters' Pension Scheme: Heads of Agreement of 2012 includes a requirement for the NPA to be subject to regular review, informed by research carried out by the Firefighters' Pension Committee (FPC).

All previous decisions on a pension age have been based on qualitative assumptions about fitness. No previous reviews have attempted to quantify the numbers expected to be fit leading up to and at the NPA. Other nations have a wide variety of pension ages for firefighters and there is no evidence that any of these nations have attempted a quantitative assessment of the evidence in order to determine a pension age based on physiology and medical fitness.

This paper reviews and analyses the evidence for changes in fitness with age, and for changes in prevalence of chronic disease with age. It quantifies these changes in order to produce a model that gives estimates for numbers likely to be aerobically fit at an NPA, both for firefighters who do not maintain physical fitness and body mass index as they age and for firefighters who do.

In order to create this model, a number of assumptions have been made, so the final figures given are estimates, not guaranteed numbers. The review has been provided with data from a substantial number of Fire Services, and the estimates produced fit well with the actual data.

This is not a political review of the changing approach to pensions, but a scientific review of the evidence of how capabilities change with age. The work has not been undertaken in isolation; it was essential that the UK Fire and Rescue Services (FRS) and firefighters were given an opportunity to comment and inform the authors. The FRSs have provided a wealth of data as well as advice on structures and roles. The Fire Brigades Union has also provided essential research papers, data and comment. Richard Stevenson has collected and provided data from a number of the

FRSs, and wrote Chapter 10. It is important to recognise the part that everyone has played in producing this work, but also to recognise that the summary and conclusions are made by the primary authors alone. The additional members of the review board have contributed greatly, but this paper does not represent their opinions and they have not endorsed the findings or the recommendations.

Cardiorespiratory fitness

The most important consideration is physical fitness for role. In order to produce definitive answers, the FRSs must have a defined fitness standard or standards. It does not yet have any clearly defined and universally agreed standard(s). A study is currently in progress, sponsored by the Chief Fire Officer's Association, to develop clear measurable standard(s) but this will not report until 2013/4. Meanwhile a number of FRSs use an aerobic fitness standard that estimates a firefighter's maximum rate of oxygen uptake (VO_{2max}), a universally recognised measure of aerobic fitness. The general standard used by many FRSs is a minimum fitness level of $42 \text{ mL}\cdot\text{kg}^{-1}\cdot\text{min}^{-1}$, while some adopt an 'at risk' standard of $35 \text{ mL}\cdot\text{kg}^{-1}\cdot\text{min}^{-1}$ where firefighters are allowed to continue on operational duties for a limited period while they undergo remedial fitness training. This review has taken $42 \text{ mL}\cdot\text{kg}^{-1}\cdot\text{min}^{-1}$ for the aerobic fitness benchmark for the recommendations, but specifically does not endorse this as a recommended standard for firefighting, and acknowledges that aerobic fitness is only one component of total firefighter physical fitness. The recommendations of this review are therefore provisional until clear standard(s) are developed, encompassing strength and muscular endurance requirements as well as aerobic fitness requirements.

Studies show that below an aerobic fitness standard of $42 \text{ mL}\cdot\text{kg}^{-1}\cdot\text{min}^{-1}$ the risk of sudden catastrophic cardiac events increases, and below the level of $35 \text{ mL}\cdot\text{kg}^{-1}\cdot\text{min}^{-1}$ the increase is significant, with a risk of sudden death particularly while undergoing high levels of physical exertion. There is a strong argument that FRSs have a duty of care to their firefighters and to the general public to minimise this risk by maintaining an appropriate and safe level of aerobic fitness.

Physical fitness is known to decline with age. Studies show that without regular physical activity this decline is substantial and progressive from age 20. A model developed from a number of major academic studies estimates that for the general male population, around 60 % of men meet the standard of $42 \text{ mL}\cdot\text{kg}^{-1}\cdot\text{min}^{-1}$ at age 25, but this drops to 35 % at age 35, 15 % at age 45 and less than 1 % at age 60. Within these studies, it is shown that the small subgroup (<25 %) that could maintain weight and physical activity levels would maintain a mean fitness of above $42 \text{ mL}\cdot\text{kg}^{-1}\cdot\text{min}^{-1}$ to age 70, assuming they start with a VO_{2max} above $49 \text{ mL}\cdot\text{kg}^{-1}\cdot\text{min}^{-1}$ at 25 years. The drop in fitness seen in the general population is mostly due to unhealthy lifestyle choices, weight gain and lack of physical activity.

A number of recent studies have suggested that firefighters are no fitter than the general population. They are as overweight as the general population, but have fewer individuals in the higher category of obesity than the general population. Our modelling of research papers combined with our limited data from the FRSs shows that UK firefighters are physically fitter than the general population, with an estimated mean VO_{2max} of $\sim 50 \text{ mL}\cdot\text{kg}^{-1}\cdot\text{min}^{-1}$ being maintained until 35 years of age.

The models estimate the number of firefighters who will be unable to meet the minimum aerobic fitness standard as they age. In the worst case scenario, where

firefighters follow the normal population changes in physical activity levels and body mass index with ageing, 85 % would be unfit for duty at 55 years, increasing to 92 % at 60 years. In the best case scenario, where firefighters maintain their physical activity levels and body mass index as they age, 15 % would be unfit at 55 years, increasing to 23 % at 60 years. Those who fall below the standard at ages 55 and 60 years are likely to have been close to 42 mL·kg⁻¹·min⁻¹ when joining their FRS. It is up to individual FRSs to decide how to manage individuals who fall below their selected fitness standard. Current practice in many FRSs is to allow them to continue on duty 'at risk' while undertaking remedial training, and the great majority are able to increase their fitness levels to the appropriate standard within a few months.

Recent data collected from four FRSs found at 50-54 years of age, 51 % (n=417/822) of firefighters were below 42 mL·kg⁻¹·min⁻¹. At 55-60 years, 66 % (n=70/106) of firefighters were below this minimum standard.

Fitness in women is significantly lower than for men at all ages; however the decline in fitness follows a similar rate when activity levels and body mass index changes are similar. The same model can therefore be used for both sexes for the decline in aerobic fitness. There will however be fewer women with a substantially higher starting fitness than the minimum standard required, so more women are likely to drop below the required aerobic fitness standard as they age.

Firefighters in management roles of Station Manager and above have less requirement for a high level of operational fitness, and no significant problems with fitness are expected in relation to age in this group, assuming a recommended minimum VO₂max standard of 25 mL·kg⁻¹·min⁻¹ is required in the role.

Strength

There is no compulsory strength standard for selection to the FRS, and in order to develop a benchmark for the review, the ladder lift test from the National Firefighter Selection Test was used as a standard. The model for strength change with age was developed from studies of grip strength and assumed no additional physical training. The model showed that by age 55, 10 % of men and 30 % of women would fail the test, and by age 60 the figures would be 20 % and 40 % respectively. These figures would be expected to reduce significantly if a policy of routine physical training which included strength training was adopted across all Fire Services.

Medical health

A medical model was produced for the most important chronic medical conditions likely to affect fitness for firefighting across the age range 45-75 in the general population. Ill health retirement (IHR) data for 2007-12 from 38 FRSs were then compared with predictions from the model. The IHR data demonstrated that firefighters are substantially healthier than the general public. This would be explained by the significantly fewer very obese firefighters than in the general population and the higher levels of aerobic fitness. Increasing the NPA from 55 to 60 is expected to result in an additional 30-40 IHRs assuming there are 5000 firefighters in the age range 55-59. There are expected to be substantially more firefighters with chronic disease who have not reached a point where IHR is appropriate. Assuming

120 firefighters with chronic disease who are not fully fit, this would represent 2.5 % of age group 55-60.

Structural implications, reasonable expectations and management issues A final decision on the implications of the appropriate NPA can only be made when a decision is made on minimum fitness standard(s). If a fitness training programme is adopted across all FRSs, this may require additional fitness advisers and may have minor implications in relation to overall manning levels. The increase in numbers medically unfit, and in IHR numbers, is not expected to have a substantial effect on operational effectiveness.

There will be a significant number of firefighters who expected to retire at age 55 and will have difficulty maintaining fitness beyond this age. Among those who have joined on the 2006 pension scheme there will also be some who will have difficulty maintaining fitness, and there are likely to be around 2.5 % who are medically unfit above age 55 but who do not meet the criteria for IHR. There is likely to be a substantially larger proportion of women firefighters who are physically and/or medically unfit over age 55. Allowing firefighters to leave after age 55 on a pension that is actuarially reduced from age 60 without any additional penalty could be considered a reasonable way to manage expectations, and to manage any potential discriminatory issues.

RECOMMENDATIONS

Fitness standard(s). It is essential to determine minimum role-related fitness standard(s) across the UK FRSs.

Fitness selection at recruitment. FRSs should consider informing applicants that those whose fitness is close to $42 \text{ mL}\cdot\text{kg}^{-1}\cdot\text{min}^{-1}$ are unlikely to maintain fitness to NPA unless they are able to increase their level of physical activity and/or reduce their body mass index.

Fitness assessments. All FRSs should conduct regular fitness assessments for all firefighters to ensure fitness for role is maintained.

Fitness training. All FRSs should implement regular fitness training. We recommend 2.5 hours a week of fitness training should be incorporated into the daily routine of wholtime firefighters. Appropriate support and opportunities for fitness training should be provided for retained firefighters.

Early leavers. Firefighters over the age of 55 who can no longer meet the fitness requirement could be allowed to leave early on an actuarially reduced pension. The pension should be calculated so there is no overall financial advantage or disadvantage to the firefighter (or to the pension scheme) from the member leaving before the NPA. This would help address any equality issues in relation to women firefighters and disabled firefighters.

Ill health retirement. In order to avoid any advantages to IHR, those who become permanently medically unfit for firefighting below age 55 could take their pension early at the same rates as those who leave early because they are unable to meet the fitness requirement.

III health retirement for a qualifying injury. Where a firefighter becomes permanently medically unfit for firefighting because of a qualifying injury, the current arrangements outlined in the New Firefighter Pension Scheme Regulations 2006 should continue.

III health retirement data collection. All FRSs should routinely collect IHR data annually, to include as a minimum the age, role, gender, medical diagnosis and duration of service of the firefighter. An appropriate body should be identified to collect and analyse the data and report annually on their findings.

Fitness data collection. All FRSs should routinely collect fitness data annually; the specific data to be collected should be determined by the current review into fitness standards. An appropriate body should be identified to collect and analyse the data and report annually on their findings.

Further NPA reviews. The next review should be undertaken once fitness standard(s) have been determined and sufficient data have been collected to measure the effect of implementing these standards. It is unlikely that the review will have sufficient data until at least 2016.

Fitness standard(s). It is essential to determine minimum role-related fitness standard(s) across the UK FRSs.

Fitness selection at recruitment. FRSs should consider informing applicants that those whose fitness is close to $42 \text{ mL}\cdot\text{kg}^{-1}\cdot\text{min}^{-1}$ are unlikely to maintain fitness to NPA unless they are able to increase their level of physical activity and/or reduce their body mass index.”