



**DEFEND CONTROL JOBS**  
AN INJURY TO ONE IS AN INJURY TO ALL

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**FIRE BRIGADES UNION**  
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**CIRCULAR: 2011HOC0191MW**

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**TO: ALL MEMBERS**

Dear Brother/Sister

**LEGAL CHALLENGE - RPI/CPI**

As part of our campaign challenging the cuts in the Fire Service and attacks on pay, conditions and pensions, the Executive Council has promised that it will take whatever steps it can to achieve our objectives - political, legal and industrial as necessary.

You will be aware of the Government's decision to change the rate of indexation for public sector pensions from the Retail Price Index (RPI) to the Consumer Price Index (CPI) with effect from 5 April 2011, which has caused a great deal of concern for FBU officials and members.

The matter has been discussed at recent Executive Council meetings where it was agreed in principle to proceed with a legal challenge subject to the usual considerations, primarily the prospects for the challenge being successful.

Following a discussion with our QC, on 28 February 2011, I submitted a pre-action letter outlining our concerns and highlighting the next steps that the FBU may be considering, which included a legal challenge. At that meeting we were also informed that other public sector unions were also considering the submitting of pre-action letters route, which later proved to be the case.

The FBU received a response to its pre-action letter on 7 April 2011 which, not unexpectedly, refuted the points raised. Following this a further meeting with our QC took place on 15 April 2011 convened by our solicitors, Thompsons. This meeting was attended by a number of unions including the FBU. The QC outlined the various strands of the challenge and gave his view on the potential success rates for each.

Following this meeting the FBU have confirmed that it will be submitting the necessary papers to the courts on the strands identified. Any such challenge needs to be submitted promptly. You will recognise however that there are no guarantees of success especially with a case with huge potential political ramifications.

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It is pertinent to mention that we are aware of another challenge which has been lodged on narrower grounds (which are also included in our case) by the Police Federation, Prospect and the First Division Association. We wish these organisations every success with their challenge and will liaise with them where possible.

Members will be aware of the successes of the FBU and its legal representatives over the years on important cases such as this, including the Co-Responding case; the right to an ill-health pension where redeployment opportunities don't exist; and the part-time worker status for Firefighters working the Retained Duty System.

A further circular to members will be issued when further information is available.

Best wishes.

Yours fraternally

A handwritten signature in black ink that reads "M. Wrack". The signature is written in a cursive, slightly slanted style.

**MATT WRACK  
GENERAL SECRETARY**

*MW/sll*