



FIREFIGHTERS' PENSION SCHEME 1992 AND 2006

**Discretionary Policies and Delegated
Authority**

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| Regulation | Discretion / Duty | Description | DELEGATION | FRA POLICY |
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| The Firefighters' Pension Scheme (Amendment) (No.2) (England) Order 2013 FPS – SI 2013/1392; NFPS – SI 2013/1393 | Temporary Pay | The employer has the discretion to include or exclude temporary pay or emoluments from pensionable earnings. Any such pensionable benefit must be managed through Additional Pension Benefits (APBs) | Chief Fire Officer delegated to Area Manager Resources | LFR have determined that Temporary Promotion effected after 1 July 2013 will no longer be pensionable. Existing staff who are currently undertaking temporary promotion and paying pension contributions will have the option to move to the non-pensionable allowance with effect from 1 November 2013. |
| 1992 Scheme - Regulation K4 : 2006 Scheme Regulation Part 9 Rule 3. | Abatement | Abatement of pension on re-employment as a firefighter. Withdrawal of the whole or part of a pension paid to a firefighter during any period of re-employment as a regular firefighter, retained firefighter, volunteer firefighter, or in any capacity by any Fire & rescue authority. The FRA responsible for paying the member's pension can legitimately abate it to the point where the aggregate of the pension in payment and the salary received on re-employment does not exceed the level of earnings directly prior to their retirement. Where an authority exercises its discretion not to withdraw or abate the whole or any part of a pension the authority shall in the financial year in which payment is not withdrawn or abated, | | Firefighter pensions will be adjusted or suspended throughout re-employment with Lincolnshire Fire & Rescue, or if re-employed in any other capacity by Lincolnshire County Council. The reduction is on a £ for £ basis. |

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| | | transfer into the FPF an amount equal to the amount of pension paid during that financial year to that person which might have been abated or withdrawn.” | | |
| 1992 Scheme Regulations G6 | Medical Required for purchase of 60ths | | | Not required, all other criteria within the Regulations must be met |
| 1992 Scheme Regulations G7; 2006 Scheme Regulation Part 11 Rule 8 (1) and (2) | Ceasing purchase of 60ths on the grounds of financial hardship | May postpone purchase for a maximum period of 6 months | Chief Fire Officer delegated to Scheme Administrator | Will grant a request in accordance with the 2006 Regulations - any period of greater than 6 months will result in cancellation of the additional purchase election. |

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| <p>The Firefighters' Pension Scheme (Amendment) (No.2) (England) Order 2013 FPS – SI 2013/1392; NFPS – SI 2013/1393</p> | <p>Allow full 25% commutation where normally this would be 2.25 x annual pension;</p> | <p>If an employee is over 50 but below 55 years of age and has over 25 but less than 30 years' pensionable service, the lump sum must not be greater than 2.25 times the pension before commutation. For employees who meet one of the following criteria, the maximum commutation is 25% of pension: i) with an ill health pension; ii) with an age retirement based on 30 years' pensionable service; iii) with a deferred pension, or iv) at or after normal pension age (55)</p> | <p>Chief Fire Officer</p> | <p>Discretion will be considered on an individual case basis. The cost to the Authority would not normally exceed any Statutory or enhanced Redundancy pay where relevant and should result in associated savings from the resultant decrease in salary costs.</p> |
| <p>1992 Scheme 2008 consolidation F2 (4); 2006 Scheme - Regulation Pt 11, Rule 9, paragraph 4(c)</p> | <p>Unpaid absence - employer contributions</p> | <p>Extension of period for a scheme member to elect to pay contributions in respect of a period of absence. Payment by Lincolnshire Fire & Rescue of the employer's pension contributions (otherwise payable by the firefighter) due to a period of unpaid leave of absence. There is also something somewhere about the authority's discretion to determine whether during a period of unpaid leave the person can be treated as an active member</p> | <p>Chief Fire Officer delegated to Scheme Administrator</p> | <p>You can choose to pay contributions for the whole or part of the period of your absence and keep your full benefits in respect of the period you have paid. For the period to count towards your scheme membership you must pay both the employee and employer contributions that would have been paid if you had been at work. If you choose to do this you must inform Lincolnshire Fire & Rescue, in writing, payments must commence within 6 months of returning to work.</p> |

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| <p>1992 Scheme - Regulation F9(5) : 2006- Scheme Regulation Pt 12, Rule 3.</p> | <p>Extension of time limits - transfer outs</p> | <p>Extension to 12 month time limit after leaving to transfer to another pension provider. Charging a member for a 3rd or more cash equivalent transfer value request in a 12 month period.</p> | <p>If you leave your employment with LFR with 3 or more months service, but are not eligible for immediate payment of a pension because you are not old enough, as an alternative to deferring the payment of your pension benefits you can ask for your pension rights be transferred to another pension provider. LFR has chosen not to set a time limit by which you must ask for a transfer, and there will be no cost to you for the West Yorkshire Pension Fund Team to provide this information to your new provider. It should be noted that you are under no obligation to transfer once you have requested to investigate a transfer out of the scheme. It is recommended that if you are not sure of your options that you seek independent financial advice.</p> |
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| <p>1992 Scheme K1 (1 - 3) : 2006 Scheme - Regulation Part 9 Rule 1</p> | <p>Incapacity</p> | <p>Intervals as the F&RS think proper to reassess as to whether a retired member has become capable of carrying out any duty appropriate to the role from which they were retired on health grounds or any other regular employment.</p> | <p>Chief Fire Officer delegated to Area Manager Resources</p> | <p>Where an individual has been in receipt of an ill health award for less than 10 years or where they are under 60 (state pensionable age) their ill health pension must be subject to review as set out by recommendation of the Independent Qualified Medical Practitioner (IQMP). As part of the review the IQMP will assess: For those retired from active service: Whether you have become capable of carrying out any duty appropriate to the role from which you were certified as being permanently disabled; or In cases of a higher tier ill health, whether you have become capable of carrying out any regular employment. For those who had their deferred benefits brought into pay early: Whether you have become capable of undertaking any regular employment. Careful consideration will be taken of the IQMP's recommendation and depending on the outcome of this review LFR will adjust your entitlement accordingly, and will look to seek recovery of any overpayment.</p> |
| <p>2006 scheme - Regulation Pt 8 Rule 3</p> | <p>Ill Health/ Injury Reviews</p> | <p>Discretion to agree with person concerned that the IQMP should be given the opportunity to review their medical opinion if new evidence is presented within appropriate timescales</p> | <p>Chief Fire Officer delegated to Area Manager Resources</p> | <p>Where new evidence is presented in respect of a decision based on IQMP recommendations, the Authority may agree that the IQMP should be given the opportunity of reviewing his opinion in the light of the new evidence.</p> |

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| <p>2006 Scheme - Regulation Part 8, Rule 4 : 1992 Scheme Schedule 9 Part 1 Annex 2</p> | <p>Ill Health/ Injury Appeals</p> | <p>Extension to time limit for an appeal against the authority's decision based on medical advice. Extension to 28 day time limit (14 days in the FPS), not exceeding 6 months from the date of issue of documents at date of notification.</p> | <p>Chief Fire Officer delegated to Area Manager Resources</p> | <p>LFR does not normally agree to an extension to the time limit for an appeal against their decision. However, there may be exceptional or compassionate grounds where this may be considered by the Chief Fire Officer and if so each case would be considered on a case by case basis depending on the circumstances. If it is agreed that the time limit will be extended</p> |
| <p>1992 Scheme Schedule 9 Part 1 paragraph 8 : 2006 Scheme Annex 2 Paragraph 10</p> | <p>Ill Health/Injury Appeals</p> | <p>Payment to Lincolnshire Fire & Rescue such sum as they think fit where a person's appeal was found to be 'frivolous, vexatious or manifestly ill-founded or where the appellant withdraws appeal within 21 days before the date appointed for interview or medical examination.</p> | <p>Chief Fire Officer delegated to Area Manager Resources</p> | <p>Lincolnshire Fire & Rescue would not expect you to pay the cost for referral to the Medical Appeal Board. However, if your claim is found to be "frivolous, vexatious or manifestly ill-founded", or if you withdraw your appeal within 21 days of the interview, or medical examination, and a cost is incurred Lincolnshire Fire & Rescue will recover this cost from you.</p> |
| <p>1992 Scheme C9</p> | <p>Repayment of widows pensions</p> | <p>Under the 1992 Scheme a person entitled to a widow's pension who marries, remarries, forms a civil partnership or a subsequent civil partnership is not entitled to receive any payment on account of the pension in respect of any subsequent period; but if the marriage or civil partnership is dissolved or the other party to it dies the fire and rescue authority may pay the whole or any part of the pension for such period after the dissolution or death as they think fit.</p> | <p>Chief Fire Officer delegated to HR</p> | <p>LFR will determine on a case by case basis whether to re-instate a widow's pension upon the subsequent death of the latter spouse/civil partner or dissolution of that latter marriage/civil partnership</p> |

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| 1992 Scheme - Regulation D(5) & (3) | Payment of children's pensions | Award of children's benefit to a child age 17 or over, where there has been a break in full time education | Chief Fire Officer delegated to HR | Lincolnshire Fire & Rescue would not automatically reinstate a child's pension. Each case would be referred to the Chief Fire Officer for consideration. Each case would be considered on a case by case basis depending on the circumstances of the case. |
| 1992 Scheme - Regulation L5(1) : 2006 Scheme Part 14, Rule 5 | Payment of children's pensions | Recipient of any sum payable to a minor | Chief Fire Officer delegated to HR | Should you die and your child be left with no surviving parents, LFR would make payment to their legal guardian or person nominated by the member prior to death. The Pensions Team would require evidence of guardianship. It is therefore recommended that you seek legal advice and make provision for this in your will. |
| 1992 Scheme Regulation D5(4)(c) & 3(a) :2006 Scheme Part 4, Rule 7 | Payment of children's pensions | Cessation of child's pension where Lincolnshire Fire & Rescue are satisfied that the child is no longer permanently disabled or the child's pension should not have been awarded- | Chief Fire Officer delegated to HR | Should you die and leave a permanently disabled child, LFR will determine the eligibility of their pension at this point. The Pensions Team will ascertain through your child's GP, whether their condition requires reassessing and at what intervals. If it is found that your child is no longer deemed as being permanently disabled LFR would cease payment of the child's pension. However there may be exceptional or compassionate grounds where this may be considered, and agreed to by the Chief Fire Officer. Each case would be considered on a case by case basis depending on the circumstances of the case |

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| <p>1992 Scheme Regulation C8 (6 & 7)</p> | <p>Spouse's Pension on living apart</p> | <p>Increase in the level of spouse's or civil partner's pension where the firefighter and the spouse/civil partner live apart at the date of death.</p> | <p>Chief Fire Officer delegated to HR</p> | <p>1992 Scheme only - If you are living apart at the time of your death your spouse would be entitled to a benefit payable at the rate of 1/160th of your average pensionable pay at the date of death for each year of service after 1978,(which is known as a requisite benefit). Unless they have remained financially dependent on you, whereby, they may be entitled to a higher benefit. LFR may increase the amount payable, in extenuating or compassionate circumstances. This would be considered by the Chief Fire Officer on a case by case basis depending on the circumstances of the case.</p> |
| <p>1992 Scheme - Regulation K1A(2) : 2006 Scheme Part 9, Rule 3</p> | <p>Incapacity</p> | <p>Requirement to decide whether to make an offer of employment, if a person is found capable of the duties of their formal role</p> | <p>Chief Fire Officer delegated to Area Manager Resources</p> | <p>If the IQMP recommends that you are now capable of carrying out the duties of your previous role, there is no automatic entitlement to be offered employment by LFR. Each case will be referred to the Chief Fire Officer for consideration and will depend on the circumstances at the time.</p> |

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| <p>1992 Scheme Regulation B8, E5 and E7 : 2006 Scheme Part 3, Rule 10</p> | <p>Trivial commutation</p> | <p>Commutation of a small pension</p> | <p>Chief Fire Officer delegated to Scheme Administrator</p> | <p>If upon retirement your pension is deemed to be small under the HM Revenue and Customs limits (less than 1% of your Life Time Allowance (LTA)), LFR would look to pay your pension in full (this is known as “commutation”) and make payment as a one off lump sum. No further payments would then be made under the pension scheme for you or your spouse. The Pensions Team would automatically provide you with further details upon retirement if this was applicable to you. Please note that consideration would be taken of any other pensions payable to you.</p> |
| <p>1992 Scheme Regulation E3</p> | <p>Dependent relative's gratuity (Regulation E3 FPS)</p> | <p>Discretion of FRS to provide a payment to a dependent relative in the event of the death of a pensioner.</p> | <p>Chief Fire Officer delegated to HR</p> | <p>LFR does not normally approve payment to a dependent relative, other than that set out by the pension scheme. However, there may be exceptional or compassionate grounds where this may be considered by the Chief Fire Officer. Each case would be considered on a case by case basis depending on the circumstances of the case.</p> |
| <p>2006 Scheme Regulation Part 14, Rule 3</p> | <p>Overpayments on death of pensioner</p> | <p>Where an overpayment occurs due to late notification of the death of a pensioner to FRS.</p> | <p>Chief Fire Officer delegated to HR</p> | <p>Where a person dies after receiving a payment in advance in respect of a pension or allowance, no claim for repayment shall be made on the ground that the payment or any part of it is referable to a period after his death. LFR would look to seek recovery of any overpayment of £100 or more for any period after that initial advance payment.</p> |

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| <p>1992 Scheme Regulation B1(2)(b)</p> | | <p>Permission from Chief Fire Officer enabling retirement before normal retirement age</p> | | <p>To be eligible to retire under the FPS, you must: Be aged 55 or over with at least 2 years' service; or, If you are aged between 50 and 55, with at least 25 years' service, you must have obtained permission from the Chief Fire Officer to retire. To be eligible to retire under the NFPS, you must: Be aged 60 or over, with at least 3 months service; or, If you are aged between 55-60, have obtained permission from the Chief Fire Officer. Under the NFPS if it is agreed that you can retire between 55 and 60, this is referred to as a "member initiated retirement" and your benefits will be reduced, (known as "an actuarial reduction") to take into account the fact that the benefits will be paid for a longer period.</p> |
| <p>2006 Scheme Regulation Part 3, Rule 5</p> | <p>Member initiated early retirement</p> | <p>2006 scheme only - Application from member over 55 for early release of deferred pension subject to actuarial reduction</p> | <p>Chief Fire Officer delegated to Scheme Administrator</p> | <p>To be eligible to retire under the NFPS, you must: Be aged 60 or over, with at least 3 months service; or, If you are aged between 55-60, have obtained permission from the Chief Fire Officer. Under the NFPS if it is agreed that you can retire between 55 and 60, this is referred to as a "member initiated retirement" and your benefits will be reduced, (known as "an actuarial reduction") to take into account the fact that the benefits will be paid for a longer period.</p> |

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| Regulation A14 of the FPS and Part 3, Rule 6 of the NFPS | Authority initiated early retirement | Retirement of a firefighter on grounds of economical, effective and efficient management of their functions- | Chief Fire Officer delegated to ? | If you are retired on the grounds of efficiency of the service, and are aged 50 with at least 25 years' service in the FPS or aged 55 and over in the NFPS, you will have an automatic entitlement to payment of your pension benefits. |
| 2006 Scheme Regulation Part 4, Rule 1 | Survivor Pension | 2006 scheme only - Withholding all or part of a survivor's pension, permanently or temporarily, where the deceased's spouse, civil partner or nominated partner is convicted of manslaughter of the deceased- | Chief Fire Officer delegated to HR | If your spouse is convicted of your manslaughter, Lincolnshire Fire & Rescue will, in exceptional circumstances, seek to reduce the value of their spouse's pension benefits to an amount considered appropriate. Each case will be referred to the Chief Fire Officer for consideration and this will depend on the circumstances of the case. |
| 1992 Scheme - Regulation G2A(3) : 2006 Scheme Part 11, Rule 4 | Maternity & Adoption Leave (extension of time limits to repay contributions). | Extension of time limit in which an election to pay pension contributions in respect of unpaid additional maternity or adoption leave must be made- | Chief Fire Officer delegated to HR | You can choose to pay contributions for the period of your unpaid additional maternity or adoption leave. For the period to count towards your scheme membership you must choose to do this within 30 days of either a) the day on which you return to work, or b) if you do not return to work, the day you cease to be employed. The 30 day time limit may be extended if it is clear that you were unable to meet the normal time period due to circumstances beyond your control. You can request an extension from the Chief Fire Officer who will consider each request on a case by case basis. |

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| <p>2006 Scheme : Regulation Part 11, Rule 4</p> | <p>Maternity & Adoption Leave - (deduction from death grant)</p> | <p>2006 scheme only - Deduction of contributions in respect of unpaid additional maternity or adoption leave from the death grant, without giving notice within the election time limit</p> | <p>Chief Fire Officer delegated to HR</p> | <p>If this were to happen, LFR would deduct the contributions from the death grant, but only in cases where there was a financial gain to a spouse, civil partner, nominated partner or children's beneficiary.</p> |
| <p>1992 Scheme Regulation K3(1)</p> | <p>Ill Health Pension</p> | <p>1992 scheme only - Reduction to the level of ill-health pension where a firefighter contributed to infirmity by own default.</p> | <p>Chief Fire Officer delegated to Area Manager Resources</p> | <p>Where a firefighter has contributed to their condition by their own default LFR may reduce the level of an ill-health pension to not less than half of the full amount.. The Chief Fire Officer will consider each ill health retirement on a case by case basis.</p> |
| <p>1992 Scheme Regulation Schedule 6 Part 1</p> | <p>Purchase of previous service - outstanding contributions</p> | <p>1992 scheme only - Deduction from an award of any outstanding balance of payments in respect of previous service.</p> | <p>Chief Fire Officer delegated to Scheme Administrator</p> | <p>If you are repaying by regular instalments, an amount for previous service and subsequently leave or retire LFR will ask you to pay any outstanding monies. If you are retiring, this amount will be deducted from your commuted lump sum (This is called commutation)</p> |