



NORTHAMPTONSHIRE FIRE AND RESCUE AUTHORITY

PENSION BOARD MEETING

27th July 2021 at 10.30 – 12.30

Microsoft Teams virtual meeting / Beck Franklin Room Darby House

If you should have any queries in respect of this agenda, or would like to join the meeting please contact Kate Osborne 03000 111 222

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Members of the public, with the permission of the Chair of the Committee, may ask questions of members of the Committee, or may address the Committee, on an item on the public part of the agenda.

Further details regarding the process for asking questions or making an address to the Committee are set out at the end of this agenda notice

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Public Meeting of the Fire Pension Board				Time
1	Welcome and Apologies for non- attendance			10:30
2	Declarations of Interests			10:35
3	Meetings and Action log	HK/KO	Report	10:40
4	Handover of governance from Northamptonshire County Council to OPFCC	KO	Verbal	10:45
5	Fire Pension Board Terms of Reference	ALL	Report	10:50
6	Fire fighters pension scheme administration update	NA/ Yunus Gajra	Verbal/ report	11:05
7	Update and Breaches of Law	YG WYPF	Verbal/ report	11:20
8	Compliance with the pensions regulator and code of practice	YG WYPF	Verbal/ report	11:30
9	Dispensations	NA	Report	11:40
10	Immediate Detriment Position	HK	Report	12:10
11	Agenda Plan	HK / KO	Report	12:20
12	AOB	Chair		
13	Confidential items – any	Chair		
14	Resolution to exclude the public	Chair		
15	Future Meetings: <ul style="list-style-type: none"> - 30th September 2021 - 9th December 2021 - 24th March 2022 			12.25

Democratic Support Service
One Angel Square
Northampton
NN1 1DE

**Northamptonshire Fire & Rescue Service
Local Pension Board
Meeting held via Zoom**

Actions & Summary of Meeting: Tuesday 30 March 2021

PRESENT:-

Shaun Hallam (Employer Representative & Chairman)

Kevin Aitken Employee Representative

Nick Alexander Joint head of finance and deputy Section 151 officer for the Office of the Police and Crime Commissioner

Also in attendance (for all or part of the meeting)

Jenny Daniels Democracy Officer (minutes)
Darren Dovey Chief Fire Officer
Paul Hanson Democratic Services Manager
Joanne Walton LGSS Pensions Governance & Regulations Manager

Item No.	Item	Action to be taken by
01/21	<u>Apologies for Absence and Declarations of Interest:</u> Apologies were received from Helen King.	Jenny Daniels

02/21	<p><u>Minutes of the Meeting Held on 14 October 2020</u></p> <p>The minutes were agreed as a true and accurate record of the meeting.</p> <p>RESOLVED that: the Local Pension Board: approved the minutes of the meeting held on 1 June 2020.</p>	Jenny Daniels
03/21	<p><u>Firefighters' Pension Scheme(s) Administration</u></p> <p>At the Chairman's invitation, LGSS Pensions Governance & Regulations Manager Joanne Walton, introduced the report (copies of which had been previously circulated) highlighting the following:</p> <ul style="list-style-type: none"> • Paragraph 2.3 of the report highlighted 4 Key Performance Indicator (KPI) targets that had been missed. It also explained how they were missed. • The data improvement work was ongoing as was the work on with contracting out reconciliation and rectification. • There were a number of deferred members that the service did not hold a current address for and the service had contacted the Department of Work and Pensions to request the information. They would be informing the new administrators of the Fund of the current position in this respect. • The pensioner payroll and pensions administration records reconciliation was affected by the fact that there were separate systems in use over a number of years. These systems were brought together in 2017 but errors were still possible and some detailed work had been undertaken to rectify any mistakes that occurred. 40 overpayments had been found, 36 of which had been overpaid by less than £250 so they could be written off. There were some assessments ongoing and the service would be in touch with the Scheme Manager about them. • There had been no breaches of the law to report. <p>RESOLVED: that the Local Pension Board noted the contents of the Firefighter's Pension Scheme(s) Administration.</p>	Joanne Walton
04/21	<p><u>Northamptonshire Firefighters' Pension Scheme(s) Risk Register</u></p> <p>At the Chairman's invitation, LGSS Pensions Governance & Regulations Manager Joanne Walton, introduced the</p>	

	<p>report (copies of which had been previously circulated) stating they had made all the changes ready for the transfer to West Yorkshire County Council.</p> <p>In answer to queries on the report the following was confirmed:</p> <ul style="list-style-type: none"> • The SLA would need to be updated. • It was noted that the biggest short-term risk was the transfer from one administrator to another. • There was no indication that staff would be going back into the office in the near future. The largest risk from COVID-19 was the fact that the service's inbox had been very busy with enquiries and it took longer to respond to e-mails than telephone calls. • Officers acting outside of their delegated duty could occur more frequently during a change of administrators and so increased the risk. It would also rely on the advice the Board were given. • Failure to respond to legislation or case law updates was something that the employee representatives were not sure was covered. It was felt this was related to training needs and there was a lot of advice coming out about the McCloud and Sargent cases. It was also felt the McCloud and Sargent cases might need to be identified as a risk on their own. • It was felt the risk on conflicts of interest could be reduced. <p>RESOLVED that: the Local Pension Board: Reviewed the current risks on the Northamptonshire Firefighters' Pension(s) Scheme Risk Register (paragraph 3.4 /appendix 1);</p>	<p>Joanne Walton</p>
<p>05/21</p>	<p><u>Local Pension Board Representative Training</u></p> <p>The possibility of engaging a third party training provider, as well as the administrators of the scheme, was welcomed.</p> <p>The LGSS Pensions Governance & Regulations Manager Joanne Walton stated she was going to provide some training on the code of practice. There were fifteen codes and the Pensions Regulator was planning to bring them under a single code. There were also six core processes the Pensions Regulator expected public schemes to have in place and she was able to state they had them all in place. There was a need for the Board to understand the current code of practice to ensure they could compare it to the new one. The LGSS Pensions Governance & Regulations Manager would send the slides over to officers so they could discuss them with the new Administrators of the Fund. It was considered to be important to understand the code of practice particularly as</p>	

	<p>Cyber Crime regulations were changing. It was an important issue to be aware of, particularly as staff may be using their own computers while working from home.</p> <p>The LGSS Pensions Governance & Regulations Manager was thanked for all the support she had given the Board over the years. She was wished the Board luck for the future.</p> <p>RESOLVED that: the LGSS Pensions Governance & Regulations Manager would send the slides on the Code of Practice over to officers so that they could discuss these with the new Administrator.</p>	<p>Joanne Walton</p>
<p>06/21</p>	<p><u>Urgent Business</u></p> <p>Thanks were expressed to everyone who had supported the Board over the years.</p>	

There being no further business the meeting closed at 10.48am.

Jenny Daniels, Democracy Officer.

**Northamptonshire
Firefighters' Pension Scheme
Local Pension Board**

Background

The Public Services Pensions Act 2013 requires all Public Service Pension Schemes to establish a Local Pension Board. In the case of the Firefighters' Pensions Scheme, the role of the Board is to assist the Scheme Manager (Northamptonshire County Council):

- to secure compliance with:
 - the relevant regulations;
 - any other legislation relating to the governance and administration of the Scheme (and any Connected Scheme); and
 - the requirements imposed by the Regulator in relation to the Scheme (and any Connected Scheme), and
- to ensure the effective and efficient governance and administration of the Scheme (and any Connected Scheme).

The Local Pension Board is expected to complement and enhance the Council's existing arrangements for managing the scheme. It does not replace the existing arrangements and it is not a decision making body. Rather, it is designed to act as a critical friend to the Council and its officers when they act in the capacity of scheme manager.

The Firefighters' Pension Scheme (Amendment) (Governance) Regulations 2015 relating to the creation and ongoing operation of local pension came into force on 1st April 2015. These regulations required the Council to agree the establishment of a Local Pension Board in respect of the Firefighter's Pension Scheme by 1st April 2015. In this context, established means that the Council, as Scheme Manager, had to approve the creation of the Board and agree its composition and terms of reference in accordance with its constitution. It did not mean that the Firefighters' Pension Scheme Local Pension Board had to be fully operational by that date.

However, it was anticipated all Local Pension Boards should be operational within a reasonable period after 1st April 2015, and certainly by the end of July of that year. The Northamptonshire Firefighters' Pension Scheme Local Pension Board was established by the Council at its meeting of full Council meeting on 19 March 2015 and held its first meeting on 29 July 2015.

Role and Remit

The role and remit of the Local Pension Board is to assist the Council in its capacity as Scheme Manager by making sure it is administering the Firefighters' Pension Scheme effectively and efficiently and, in doing so, is complying with relevant laws and regulations. The Board does this by reviewing the policies and practices that the Council has adopted and checking them against the applicable regulations, as well as comparing them to examples of best practice elsewhere. It is a slightly different role when compared to the (separate) Board charged with overseeing the Local Government Pension Scheme arrangements as the Firefighters' Pension Scheme is an unfunded scheme with no investment aspect.

Article 9 - The Local Pension Board

1. Local Pension Board

The Council has established a Local Pension Board concerned with the Council's roles as an administering authority in respect of the Local Government Pension Scheme.

a) Composition

Representatives	Number of seats	Term of Appointment	Method of Appointment
Employers	3	4 Years	<ul style="list-style-type: none"> Two councillor representatives determined by Northamptonshire County Council. One representative of a Scheme employer such as an admitted body or non-tax raising body that participates in the Northamptonshire Pension Fund appointed via an open selection process.
Scheme Members	3	4 Years	<ul style="list-style-type: none"> Three representatives appointed via an open selection process. Any trade union members so appointed will represent scheme members.

b) Voting, Frequency of Meetings and Quorum

All Local Pension Board Members shall have the right to vote in meetings.

The Local Pension Board (Local Government Pension Scheme) shall meet a minimum of four times a year. The date, hour and place of meetings shall be fixed by the Board. The Chair may call additional meetings if necessary. Quorum shall be four Local Pension Board Members, provided that the employer and member sides are both represented.

No business requiring a formal resolution shall be transacted at any meeting of the Local Pension Board unless the meeting is quorate. If it arises during the course of a meeting that a quorum is no longer present, the Chair shall either suspend business until a quorum is re-established or declare the meeting at an end and arrange for the completion of the agenda at the next meeting or at a special meeting. Substitutes shall be permitted.

The Chair and Vice-Chair of the Local Pension Board shall be elected by the

Board at its annual meeting. The normal term of office for the Chair and Vice-Chair of the Local Pension Board shall be one year, subject to earlier removal by vote of the Local Pension Board.

2. Role and Function

The Local Pensions Board will have the following roles and functions:

- Authority to assist the administering authority in securing compliance with:
 - The Principal 2013 Regulations;
 - Any other legislation; and
 - Any requirements imposed by the Pensions Regulator in relation to the Scheme.
- Authority to assist the administering authority in ensuring the effective and efficient governance and administration of the Scheme.

3. Training and Knowledge of Members

Members may not be permitted to take part in meetings of the Local Pension Board unless they have complied with any training requirements for Board members as set out in the Public Services Pensions Act.

In order to ensure they are fully representative, all Local Pension Boards must include an equal number of employer and member representatives with a minimum requirement of no fewer than four in total. At its meeting in March 2015, the Council agreed to establish a Firefighters' Pension Scheme Local Pension Board with two employer representatives and two scheme member representatives. The term of appointment for all members is four years or until qualification for membership ceases.

Council determined that one of the employer representatives were to be appointed by Full Council directly, while all other members were appointed via an open and transparent selection process. An application pack containing the terms of reference and an outline of the knowledge and understanding and capacity requirements was made available and advertised to employers and members within the Fund in a way that was compliant with the requirements set out in the relevant guidance on the creation and operation of Local Pension Boards. Following receipt of applications from potential representatives, a short listing and interview process involving the Council's Monitoring Officer determined that the selected representatives had the required attributes to carry out the role effectively.

The appointment/recruitment process led to the successful appointment of two scheme member representatives – Jim Dorrill and Terry Smith – and two employer representatives – Paul Hanson and Councillor Graham Lawman. The

appointment of Paul Hanson was an interim measure in order to secure compliance with the relevant statutory requirements and he was replaced by David Harding after the first meeting of the Board. The current membership of the Board is as set out below:

Employer Representatives

Member	Role	Email	Appointed
David Harding	Deputy Chief Fire Officer	DHarding@northantsfire.org.uk	June 2015
Councillor Graham Lawman	County Councillor	gmlawman@northamptonshire.gov.uk	May 2015

Scheme Member Representatives

Member	Role	Email	Appointed
Jim Dorrill	Northamptonshire Fire and Rescue Service	JDorrill@northantsfire.org.uk	June 2015
Terry Smith	Northamptonshire Fire and Rescue Service	TSmith@northantsfire.org.uk	June 2015

The Chair and Vice-Chair of the Board is elected by the Board on annual basis. The current Chair is Dave Harding and the Vice-Chair is Jim Dorrill. The Board has met four times during the period of this Annual Report. The attendance record for members of the Board is detailed below:

Date	David Harding	Councillor Graham Lawman	Jim Dorrill	Terry Smith
29/07/15	N/A	Attended	Attended	Attended
03/12/15	Attended	Apologies	Attended	Apologies

10/03/16	Attended	Attended	Attended	Attended
04/05/16	Attended	Attended	Attended	Apologies

Code of Conduct and Conflicts Policy

The Council, as Scheme Manager is required to prepare and approve a code of conduct for the Board to adopt. This code has to set out the standards of behaviour expected of members, incorporating the 'Seven Principles of Public Life' (known as the Nolan Principles).

The elected and co-opted members of the Council are governed by the code of conduct for councillors. This code is required of every local authority by the Localism Act 2011 and sets out the standards of behaviour expected of individuals in their capacity as councillors or co-opted members. In addition, there is a legal obligation for councillors to disclose, in a register maintained by the authority's monitoring officer, certain pecuniary interests, as defined in regulations made under the 2011 Act. Both of these requirements apply to any members of a Local Pension Board who are also councillors of a local authority. They do not apply to members of a Local Pension Board who are not Councillors unless they are specifically adopted in terms of reference or other policy document to apply to the other members of the Board. At its meeting in December 2015, the Firefighters' Pension Scheme Local Pension Board formally agreed to adopt the Council's Code of Conduct for all members of the Board.

Aside from the provisions of the Council's Code of Conduct, for the purposes of the members of the Local Pension Board, a 'conflict of interest' is defined in section 5(5) of the Public Service Pensions Act 2013 as a financial or other interest which is likely to prejudice a person's exercise of functions as a member of a Local Pension Board (although that does not include a financial or other interest arising by virtue of that person being a member of the Firefighters' Pension Scheme). The Pensions Regulator recommended that all administering authorities put in place a Conflict of Interest Policy for the operation of their new local pension boards. The Firefighters' Pension Scheme Local Pension Board duly agreed a detail Conflicts Policy at their meeting in December 2015. A copy of the policy can be found here: https://cmis.northamptonshire.gov.uk/cmis5live/Committees/tabid/110/ctl/ViewCMIS_CommitteeDetails/mid/558/id/449/Default.aspx

It is not anticipated that significant conflicts of interest will arise, particularly as the Firefighters' Pension Scheme has no investment aspect. However, officers will take steps to identify, monitor and manage conflicts in accordance with the policy.

Knowledge and Understanding

In accordance with Section 248A of the Pensions Act 2004, every individual who is a member of a Local Pension Board must be conversant with:

- the rules of the Firefighters' Pension Scheme; and
- any document recording policy about the administration of the Scheme which is for the time being adopted in relation to the Fund.

Each individual must have knowledge and understanding of the law relating to pensions and such other matters as may be prescribed.

The Council is required to make appropriate training available to Local Pension Board members to assist them in undertaking their role and where possible support all members of the Board in undertaking that training. The Board, in turn, is required to establish and maintain a policy and framework to address the knowledge and understanding requirements that apply to its members.

Being conversant with the rules of the Firefighters' Pension Scheme and any document recording policy about the administration of the Fund means having a working knowledge (i.e. a sufficient level of familiarity) of them so that members of a Local Pension Board can use them effectively when carrying out their role of assisting the County Council. In particular members of a Local Pension Board need to understand the rules and documents in enough detail to know where they are relevant to an issue and where a particular provision or policy may apply.

In order to assist the Council, it is implicit that members of the Local Pension Board understand the duties and obligations that apply to the Council as well as to themselves. The rules of the Scheme would include the relevant regulations and transitional regulations, as well as any statutory guidance referred to in these regulations. The Board needs to be aware of the range and extent of overriding law which applies to the Firefighters' Pension Scheme and have sufficient knowledge and understanding of the content and effect of that law to recognise when and how it impacts on their role, responsibilities and duties.

Given the role of the Local Pension Board is to assist the Council, members of a Board need to have sufficient knowledge and understanding to challenge any failure by the Council to comply with the Regulations and other legislation relating to the governance and administration of the Firefighters' Pension Scheme and/or any failure to meet the standards and expectations set out the Code of Practice.

Members of the Board are required to have a breadth of knowledge and understanding that is sufficient to allow them to understand fully any professional advice the Board is given. They must be able to challenge any information or advice they are given and understand how that information or advice impacts on any decision relating to their duty to assist the Council. A Local Pension Board's knowledge management policy and framework provides for the acquisition and retention of knowledge and understanding for its members. Members of the Local Pension Board are aware that their knowledge and understanding responsibilities technically began from the date they first took up their post.

The knowledge management policy and framework requires its members to undertake a personal training needs analysis and regularly review their skills, competencies and knowledge to identify gaps or weaknesses. A personalised training plan is then to be used to document and address these promptly. This would be supported by any person the Local Pension Board has designated to implement the knowledge and understanding policy and framework.

Learning programmes deliver the appropriate level of detail to ensure that Local Pension Board members have the required level of knowledge and understanding specific to the Firefighters' Pension Scheme. The Knowledge Management Policy has been designed to assist the Local Pension Board in performing and developing its role in accordance with the Terms of Reference with the ultimate aim of ensuring that Scheme is managed and assisted by individuals who have the appropriate level of knowledge and skills as required by the Pensions Act 2004 also enforced by the Pensions Regulator.

The Knowledge Management Policy incorporates both the best practice as identified by the CIPFA Technical Knowledge and Skills Framework and the requirements of the Pensions Regulator. The Pension Regulator's Code of Practice requires all members of the Local Pension Fund Board to maintain the necessary skills and knowledge to undertake their role effectively. Board members need to be conversant with the rules of the scheme and any document recording policy about the administration of the Firefighters' Pension Scheme and to have knowledge and understanding of the law relating to pensions and any other matters which are prescribed in regulations.

The Knowledge Management Policy also recognises the requirement that skills and knowledge within the remit of a local pension board must be on an individual

rather than a collective basis. As such self- assessments will identify individual training needs following which appropriate training will be arranged. The Policy sets out the methods by which the members of the Pension Fund Board will achieve and maintain the required knowledge and understanding and how this will be measured on an ongoing basis.

The Local Pension Board is required to keep appropriate records of the learning activities of individual members and the Local Pension Board as a whole. This will assist members in demonstrating their compliance, if necessary, with the legal requirement and how they have mitigated risks associated with knowledge gaps. It is a statutory requirement to include details of the training undertaken by members of the Pension Fund Board in the Fund's Annual Report. In addition, this information may be required by other agencies such as the Pensions Regulator from time to time.

The Board received and approved the Knowledge Management Policy for Firefighters' Pension Scheme Local Pension Board members at its second meeting in October 2015. The Policy is available at the following link:

https://cmis.northamptonshire.gov.uk/cmis5live/Committees/tabid/110/ctl/ViewCMIS_CommitteeDetails/mid/558/id/449/Default.aspx

Reporting Breaches of the Law to the Pensions Regulator Policy

In accordance with section 70 of the Pensions Act 2004, certain individuals must report to the Pensions Regulator as soon as reasonably practicable where that individual has reasonable cause to believe that:

- a duty which is relevant to the administration of the LGPS, and is imposed by or by virtue of an enactment or rule of law, has not been or is not being complied with; and
- the failure to comply is likely to be of material significance to the Regulator in the exercise of any its functions.

This obligation directly applies to each individual who is a member of the Local Pension Board. The Local Pension Board must therefore have effective arrangements in place to meet its duty to report breaches of law.

At its meeting in December 2015, the Firefighters' Pension Scheme Local Pension Board was informed that, in line with the Pensions Regulator's Code of Practice number 14 (Governance and administration of public service pension schemes), a policy had been developed which set out the mechanism for reporting breaches of the law. The policy ensures that those with a responsibility to report breaches of the law are able to meet their legal obligations, by analysing situations effectively in order to make an informed decision on whether a breach has been made.

https://cmis.northamptonshire.gov.uk/cmis5live/Committees/tabid/110/ctl/ViewCMIS_CommitteeDetails/mid/558/id/449/Default.aspx

Work Programme 2015-16

The Local Pension Board has met four times in 2015-16 on 29th July 2015, 3rd December 2015, 10th March 2016 and 4th May 2016.

Board Meeting – 29th July 2015

At its first meeting the Board considered its Terms of Reference and the Knowledge and Understanding Policy, both of which are covered separately in the Annual Report. The Board received a report setting out its priorities and work programme for 2015-16. The work programme is reviewed at every Board meeting in order to take account of issues that arise during the year. The Board also discussed the principle of developing a policy on scheme discretions and a communications policy.

Board Meeting – 3rd December 2015

The Board reviewed and agreed the policy and Reporting Breaches of the Law to the Pensions Regulator, as well as the Conflicts of Interest Policy. Following on from the previous meeting, the Board also reviewed the High Level Overview of the Scheme Manager Discretions in the Firefighters' Pension Scheme 2015.

Board Meeting – 10th March 2016

The Board reviewed reports on the Pensions Regulator's Code of Practice and the results of the Pensions Regulators' survey of public sector governance and administration. The Board also received a training item on Scheme Manager Discretions in the Firefighter's Pension Scheme 2015

The Board also discussed the service relationship between the LGSS Pensions Team and the Northamptonshire Fire and Rescue Service.

Board Meeting – 4th May 2016

The Board discussed and agreed its Annual Report.

Board Meeting – 6th July 2016

The Board held an additional meeting in July to review reports on Key

Performance Indicators of the pension administration services and on work undertaken to ensure compliance with the relevant statutory requirements, including Scheme Manager Discretions. The Board also considered a report on the Pension Contribution Holiday Update under the Firefighters' Pension Scheme 1992.

More detail is available in the agendas and minutes of the above Board meetings which can be accessed via following link:

https://cmis.northamptonshire.gov.uk/cm5live/Committees/tabid/110/ctl/ViewCMIS_CommitteeDetails/mid/558/id/449/Default.aspx

Work Programme 2016-17

The Firefighters' Pension Scheme Local Pension Board maintains a work programme which is considered at every meeting. Now that the Board is established and members have completed a number of training activities it will begin to select topics for in-depth analysis with a view to making recommendations to the Pension Committee on a regular basis.

The Work Programme for 2016-17 will build on the work already undertaken by the Board so far, including the review of a range of policies such as that concerned with Scheme Manager Discretions. It was also agreed a Communications Plan would be included in the Board's work programme for the forthcoming year.

Key Officers supporting the Local Pension Board

Head of Pensions

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**Governance & Regulations
Manager**

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Northamptonshire Fire – Local Pension Board

WYPF Report for 27 July 2021

<p>Fire Communications Meeting – 13 July 2021</p>	<ul style="list-style-type: none"> • Member website launched in May • Remedy Data Collection documents published • Pensions Administration Strategic document has been updated & sent to certain stakeholders for comment. Will hopefully be published alongside the July bulletin <p>Focus going forward will now be on ‘Remedy’ communications. These will include:-</p> <ul style="list-style-type: none"> • Q&A to be hosted on the member website • Transitional area of the website to be developed • Eligibility letters to produce <ol style="list-style-type: none"> 1, For those not eligible for remedy 2, For those who are currently Fully Protected 3, All other members who are ‘in scope’
<p>Fire Technical Community – 15 July 2021</p>	<p>This was a special ‘remedy’ meeting</p> <ul style="list-style-type: none"> • Home Office confirmed the Primary Legislation bill was on target to be available mid 2021 • Prospective remedy from 1 April 2022 • Retrospective remedy has more complications and issue to address but does need to be ready for the cut off date of October 2023. Expect there to be some informal engagement by end of 2021/early 2022 <p>Matthews</p> <ul style="list-style-type: none"> • Home Office confirmed they have been working with claimants, their legal representatives, LGA and FRAs and expect the terms to be agreed in the next couple of months. There will be an extended stay of 12-18 months for consultation and FRAs will have 18 months to complete the exercise. They expect there to be an overlap with remedy on dealing with this <p>There was then a discussion on areas which still have issues – 2006 Scheme member refunds, Contribution Holidays, 2015 Pension Sharing Orders on Divorce</p>
<p>Fire Quarterly Client Meeting – 21 July 2021</p>	<ul style="list-style-type: none"> • Verbal update to be given if the minutes are not available before your meeting
<p>Monthly Client Reports –</p>	<p>WYPF will send a Monthly Client Report early each month relating to the activity in the previous month</p>
<p>Regulations amendments</p>	<ul style="list-style-type: none"> • None since April 2019
<p>WYPF Update</p>	<p>Covid-19 Not experiencing any issues. Staff continue to work for home and work being completed without problem</p>

	<p>Staffing Recruitment to various roles is still ongoing</p> <p>Monthly Returns WYPF are still awaiting the first test file to progress this</p> <p>Annual Benefit Statements We have just finalised the statements after making some minor amendments and then will do a print check. We are looking to start production w/c 26 July but for we still need to do some data checks and get all the active member records completely up to date</p> <p>KPI reports These are included in your Monthly Client reports.</p> <p>Breaches There are no breaches to report</p> <p>Pension Dashboard The Fire Scheme Advisory Board submitted a response to this consultation and the response can be found here:- https://www.fpsboard.org/index.php/board-publications/consultations</p> <p>HMT consultation on cost control mechanism and discount rate methodology WYPF will not be responding to this as we feel this is something that Actuary's will need to respond to. The Fire Scheme Advisory Board will be submitting a response. The consultations can be found here: https://www.gov.uk/government/consultations/public-service-pensions-cost-control-mechanism-consultation https://www.gov.uk/government/consultations/public-service-pensions-consultation-on-the-discount-rate-methodology</p>
TPR Scheme Returns – Data Scores	I will supply this information at each Pension Board but these are not available at the moment
Data Improvement Plan	<p>WYPF will be running the report quarterly so will supply the revised percentages.</p> <p>We are looking to complete as follows:-</p> <ul style="list-style-type: none"> • High priority by Nov 2021 • Medium priority by Nov 2022 • Low priority by Nov 2023 <p>On working through some of the issues it has become clear that some of the data the report is checking is actually correct & for these cases we are working on changes to the report so they are excluded in the future.</p>

Appendix A – NORTHAMPTONSHIRE FIRE – Data Scores

1992 scheme	
Common	
Scheme Specific	
2006	
Common	
Scheme Specific	
2006 modified	
Common	
Scheme Specific	
2015	
Common	
Scheme Specific	
2015 modified	
Common	
Scheme Specific	

Northamptonshire Commissioner Fire and Rescue Authority (NCFRA)

Report Title	Fire Fighter Pension Scheme Discretions – July 21
To	NCFRA Pension Board
Date	27 th July 2021



1. Purpose

1. This report discusses the pension scheme discretions available to NCFRA in order to recommend discretions for approval.
2. The report also shows the options available to the Pension Board when approving individual discretions.

2. Overview

1. As at the end of LGSS's administration of NCFRA's Fire Fighter pensions, there were no formal discretions approved by the Authority. This position is not out of kilter with many local pensions boards.
2. West Yorkshire Pension Fund (WYPF) who now administer the Pension Fund, have confirmed that 90% of their contracted Authorities have accepted all discretions, with the following noted;
 - WYPF's position is that it is easier to formally approve the discretions 'Carte Blanche' and to approve the application of that discretion on an individual cases, rather than request approval of each discretion before applying it.
 - WYPF confirmed that there are a number of Authority's that have not approved any discretions and they operate this under the same Service Level Agreements as Authority's who have accepted some or all the discretions.

3. Discretions

1. As a delegate under the Scheme Manager the Authority is responsible for delivery of the Firefighters' Pension Schemes and approving any Discretions.
2. There are 188 possible discretions across the three pension schemes, although it should be noted that some are identical and there are a number of similarities across and occur in each of the schemes. The position is set out below and full details are contained within Appendix A;
 - 1992 Pension Scheme, there are 53 discretions;
 - 2006 Pension Scheme, there are 54 discretions;
 - 2015 Pension Scheme, there are 48 discretions; &
 - A further 33 separate Compensation Discretions outlined separately.
3. Discretions are powers that enable employers to choose how to apply the scheme in respect of certain provisions. Discretions only apply at the time of application and are subject to change.

When the Authority sets and reviews these employer discretions, consideration should be given to:

- Cost – discretionary powers come with a cost attached - policies shouldn't lead to a loss of confidence in public services, therefore have to be affordable;
- Basis on which decisions are made – policies should not be as rigid or restrictive as to prevent flexibility where a possibly unanticipated situation requires it;
- Equality and Fairness– criteria that do not discriminate and where decisions are objectively justified

On this basis;

- Costs should be justifiable in the public eye and with a view to the MTFP. Many of the discretions have a financial impact, however, most will only impact the Pension Fund, however, this is also the responsibility of the Chief Finance Officer and pensions are of significant public interest;
- Flexibility, NCFRA are a small team, however, the organisation is a fast moving emergency service and therefore whilst many of the individual situations may be unlikely given the quantum of transactions that occur, the nature of the business could give rise to any of the situations that discretions were prepared for;
- Equality and Fairness (E&F), under the legislation and principles of good governance, discretions that promote E&F should be considered as a matter of principle, however, it should be noted that in agreeing individual applications of discretions it is likely that this gives rise to precedence which then means in adopting a 'Carte Blanche' approach the detail of this may be lost if the Authority does not agree individual applications of such policies.

4. Discretions

Contained within Appendix B is a side by side summary of the discretions in each scheme, highlighted in the categories below are the key areas where a specific delegation could be individually considered;

- Items highlighted in grey allow for the administrator to change payments without reference back to the Authority
- Items highlighted in blue allow the authority to check for financial or reputational risk
- Items highlighted in green are related to Ill Heath retirements and disablements and removing awards, which can be both controversial and a reputational risk.
- The Item highlighted in yellow is a policy allowing for the Pension Board to determine tapering date changes, which is important for stopping persons tapering from the 1992 or 2006 scheme whilst immediate detriment is considered.
- All compensation discretions allow for financial decisions based on specific situations.

Recommendation

1. Given the complexity and potential impacts from the individual discretions it is recommended that;
 - The position of WYPF administration should not sway the position of the authority's underlying historic position. The ease of administration shouldn't be the first concern, however, it will impose a need to flexibly agree if complex scenarios do occur, i.e. an 'instant' electronic email driven board decision process would probably be required;
 - The authorities lack of significant transactions gives the Scheme Manager and Pension Board the ability to individually decide on cases at an individual level;
 - Any discretions that give rise to a reputational risk, should be considered with a view to the Scheme of Corporate Governance;
 - No compensation discretions should be approved and should all be dealt with on a case by case basis. With individual discretions alongside their financial implications being proposed to the Chief Fire Officer for recommendation;
 - Time limit extensions or employee contributions, i.e. allowing a member to transfer in over 6 months after the date of their transfer or to repay missing contributions, pose little risk and allow the service to manage their team flexibly;
 - The specific tapering discretion and equality discretions should be approved as it aligns to the Sergeant ruling and or equality to ensure the service can manage risk moving forwards.

In summary, due to the volume of transactions, the complexity of the 188 discretions and the lack of significant decisions, it is recommended that only the 3 discretions within the final bullet point are approved and that all other discretions are approved by the Scheme Manager or the Pensions Board following the need arising.

Approving time limited or contribution discretions are not likely to lead to any risk to the authority or the pension fund, however, given the current discretion position and lack of requests to update these, shows the frequency of such requests.

As highlighted above it is anticipated that this will be time sensitive and the board will have to be flexible when considering discretions for approval following a mini Business Case proposal.

Appendix A

1992 Discretions



1992 Scheme
discretions.docx

2006 Discretions



2006 Scheme
discretions.docx

2015 Discretions



2015 Scheme
discretions.docx

Compensation Scheme



Compensation
Scheme.docx

Appendix B – discretion Summary



Discretion
Summary.xlsx



Firefighters' Pension Scheme 1992

Discretionary Policies and Delegated Authority

OFFICIAL

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Discretions in the Firefighters' Pension Scheme 1992

Introduction

As Scheme Manager the Authority is responsible for delivery of the Firefighters' Pension Schemes.

This document lists the Scheme Manager pension discretions as contained in the Firefighters' Pension Scheme Order 1992.

This document is applicable to all recipients of the 1992 Firefighters Pension Scheme.

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1 The Firefighters' Pension Scheme 1992

1.1 Rule B1(2)(b): Permission for a Chief Fire Officer, appointed on or before 1.7.2013, to retire before attaining age 55

Discretion: In the event that a Fire and Rescue Authority's Chief Fire Officer, appointed on or before 1.7.2013, should retire before attaining age 55, the Fire and Rescue Authority must decide whether or not to grant permission for the immediate payment of retirement benefits under Rule B1 of the Firemen's Pension Scheme Order 1992.

WYFRS Adopted Policy: The Authority will consider granting permission to retirement before age 55 in such cases, where it is reasonable to do so.

1.2 Rule B5C: Discretion to determine that certain payments, be treated as such for the credit of Additional Pension Benefit to the Firefighter member

Discretion: The Fire and Rescue Authority have discretion to determine whether any Continual Professional Development payment or increase in pay for temporary promotion which comes into effect on or after 1 July 2013 should be treated as pensionable for the credit to the Firefighter of Additional Pension Benefit.

(In accordance with Rule G1(9), where an allowance or supplement paid to a Firefighter was being treated as pensionable before 1 July 2013 but is not pensionable pay within the meaning of Rule G1(1)(a), it should continue to be treated as pensionable for so long as the Firefighter continues to receive it without any break in payment).

WYFRS Adopted Policy: CPD payments are pensionable as an APB. Payments for Temporary Promotion are non-pensionable.

1.3 Rule B7(5A): Consent for one quarter pension to be commuted in the case of a Firefighter who would otherwise not be permitted to commute such portion of pension

Discretion: Consent for one quarter pension to be commuted in the case of a Firefighter who, upon retirement, would otherwise not be permitted to commute such portion of pension as would provide a greater lump sum than two and a quarter times the full amount of pension.

In accordance with Rule B7(5A) of the Firemen's Pension Scheme Order 1992, before exercising their discretion in this respect, the Fire and Rescue Authority must have regard to the economical, effective and efficient management of their functions, and the costs to the Authority likely to be incurred in any particular case.

These costs will include a sum equal to the difference between the lump sum which the Scheme member wishes to receive and the lump sum payable in the absence of the Fire and Rescue's consent; such a sum would be transferrable to the Firefighters Pension Fund by the Authority in accordance with Rule LA2(10) of the Firemen's Pension Scheme Order 1992. There may also be tax

charges to be paid by both the Firefighter and the Authority which arise from permitting the greater lump sum to be paid.

WYFRS Adopted Policy: Each case will be considered on an individual basis depending on the needs of the Service. A full business case would be needed demonstrating the economical, effective and efficient management of its functions with associated costs.

1.4 Rule B8: Discretion to commute, for a “trivial commutation lump sum”, a small pension payable to a Firefighter pensioner

Discretion: If the total amount of any pension(s) payable to a person – who has attained State pensionable age – under the provisions of the Firemen’s Pension Scheme Order 1992, which together with any increase under the Pensions (Increase) Act 1971 and any pension credit pension under Rule 1A1 of the Order does not exceed the commutation limit for the purposes of Part 1 of Schedule 29 to the Finance Act 2004 (lump sum rule), the Fire and Rescue Authority may, if it is considered appropriate, commute the pension(s) to a lump sum following the guidance of the Scheme Actuary.

WYFRS Adopted Policy: This discretion has been delegated to our Administrators. It will be dealt with in accordance to with their policies and procedures, in line with regulatory requirements.

1.5 Rule B9(2)(b): A Scheme member may allocate a portion of pension for a dependant other than a spouse or civil partner

Administration Statement: Before giving consent to the allocation, it must be demonstrated to the satisfaction of the Fire and Rescue Authority that the nominee is a person substantially dependent on the member. There is no guidance in the Scheme Rules as to the method of demonstration and so the Authority must determine their own test.

WYFRS Adopted Policy: Where a portion of a pension has been allocated to a dependant who is not the spouse, civil partner or cohabiting partner of the member, the Authority may withhold the payment if they cannot be satisfied that the person nominated is substantially dependent on the member. Each case will be considered on its merits and full details of the circumstances will be required.

1.6 Rule B9(6): Requirement for, and acceptance of, an opinion as to normal life expectancy for allocation purposes

Discretion: If a member of the Firefighters’ Pension Scheme 1992 wishes to allocate a portion of pension in favour of a beneficiary (a spouse, or civil partner or some other person that the Fire and Rescue Authority are satisfied is substantially dependent on the Firefighter), that member must satisfy the Authority as to his/her normal life expectancy at the time of the request. There is no guidance in the Scheme Rules as to the method of demonstration and so the Authority must determine how this will be done, e.g. by an opinion from the member’s GP, or from the Authority’s Occupational Health Physician, or from an IQMP. In the absence of such an opinion, or if the opinion suggests limited life expectancy, the Authority would refuse the request.

WYFRS Adopted Policy: Where a Firefighter elects to give up part of their pension (under Rule B9), the Authority may require them to undertake a medical examination to ensure they are in good health before permitting them to do so. Each case will be considered on an individual basis.

1.7 Rule B12: Pension debit members

Discretion: The Fire and Rescue Authority must provide pension valuations and such information as may be required in relation to divorce or dissolution of civil partnership proceedings and take appropriate steps to record and administer Attachment Orders. In the event of a Pension Sharing Order, the Scheme member's pension rights will be apportioned in accordance with the directions of the Court, divorce/dissolution legislation, Rule B12 of the Firemen's Pension Scheme Order 1992, and factors prepared by the Scheme Actuary.

It is for the Authority to determine appropriate charges for this administration.

WYFRS Adopted Policy: This discretion has been delegated to our Administrators. Charges will be determined in accordance with their policies and procedures.

1.8 Rule C8(6): Discretion to increase level of spouse's or civil partner's award for such period as the Fire and Rescue Authority think fit where the Firefighter and spouse or civil partner were living separately

Discretion: The Fire and Rescue Authority have discretion to permit the increase of a surviving spouse or civil partner's award where a benefit is reduced under the Firemen's Pension Scheme Order 1992 because the Firefighter and spouse or civil partner were living separately at the date of death.

WYFRS Adopted Policy: Each case will be considered on an individual basis.

1.9 Rule C8(7): Discretion to allow a gratuity to be paid to the surviving spouse or civil partner where it would otherwise not be payable

Discretion: To allow a gratuity to be paid, in whole or in part, to the surviving spouse or civil partner where it would otherwise not be payable because husband and wife, or civil partners, were living separately at the date of death.

WYFRS Adopted Policy: Each case will be considered on an individual basis.

1.10 Rule C9: Discretion to reinstate all or part of a spouse's or civil partner's pension following termination of the pension on marriage, remarriage, formation of a civil partnership or subsequent civil partnership

Discretion: If an application for reinstatement of a pension or gratuity is made to the Fire and Rescue Authority from the surviving spouse or civil partner of a Firefighter who, after the death of the Firefighter, married or entered into a civil partnership and whose new spouse or civil partner has died or the subsequent marriage or civil partnership has been dissolved, the Authority has discretion to allow payment of the discontinued pension or gratuity to be reinstated. The Authority would have to decide what confirmatory evidence should be provided by the applicant, whether to allow the full award to be reinstated and the date from which reinstatement payment should be made.

WYFRS Adopted Policy: Each case will be considered on an individual basis.

1.11 Rule D5(1) and (2): Cessation of payment of a child's pension

Administration Statement: In accordance with Rule D5(1) and (2) of the Firemen's Pension Scheme Order 1992, the Fire and Rescue Authority shall cease paying a child's pension when the child ceases to be eligible upon attaining a particular age, or ceasing full-time education and entering paid employment, or upon marriage or forming a civil partnership.

1.12 Rule D5(3) and (9)(c): Determination of entitlement to a child's allowance for a child aged 18 or over who was dependent on the deceased by reason of permanent disablement

Determination of entitlement to a child's allowance for a child aged 18 or over who was dependent on the deceased by reason of permanent disablement; review of that award, and the action taken if the Fire and Rescue Authority are satisfied that the child is no longer permanently disabled.

There is no direction here as to how the child's disablement should be established and so the Fire and Rescue Authority will have to determine an appropriate policy, e.g. an opinion from an IQMP. Their policy should also set out how and when the disablement should be reviewed.

The award will cease to be payable if the Authority are satisfied that the child is no longer permanently disabled and not entitled to a child's allowance under any other terms of eligibility.

WYFRS Adopted Policy: Such awards will be reviewed at the child's 18th birthday, and every 10 years thereafter. If the disablement is no longer deemed permanent (according to the opinion of an IQMP), the child's pension will cease if they are not eligible under any other terms of eligibility.

1.13 Rule D5(5) to (8): Discretion to withhold all or part of a child's pension, permanently or temporarily, where the child is convicted of manslaughter of the deceased.

Discretion: The Fire and Rescue Authority may permanently withhold a child's entire pension where the child is convicted of the manslaughter of the deceased until and unless the conviction is quashed on appeal.

WYFRS Adopted Policy: Where a child is convicted of the manslaughter of the deceased, the Authority will permanently withhold the child's entire pension until and unless the conviction is quashed on appeal.

1.14 Rule E3: Discretion to make an award of dependent relative's gratuity to a dependent relative who is not entitled to any other award under the Firemen's Pension Scheme Order

Discretion: Having regard to the conditions of Rule E3 of the Firemen's Pension Scheme Order 1992, the Fire and Rescue Authority can consider the payment of a dependent relative's gratuity to a dependent relative not entitled to any other award under the Firemen's Pension Scheme Order 1992 in respect of the same Firefighter.

WYFRS Adopted Policy: The Authority will consider the payment of a dependent relative's gratuity to a dependent relative not entitled to any other award.

1.15 Rule E5 subject to limitations in Rule E7: Discretion to commute a spouse's or civil partner's pension, which is of limited amount, for a lump sum

Discretion: If the total amount of any pension payable to a surviving spouse or civil partner under the provisions of the Firemen's Pension Scheme Order 1992, together with any increase under the Pensions (Increase) Act 1971, does not exceed the commutation limit for the purposes of Part 2 of Schedule 29 to the Finance Act 2004 (lump sum death benefit rules) or the "permitted amount" as defined in Rule E7(3), and

- (a) the deceased spouse or civil partner died before age 75, and
- (b) the Fire and Rescue Authority are satisfied that there are sufficient reasons, and
- (c) the surviving spouse or civil partner consents,

the Fire and Rescue Authority have discretion to commute the whole of the surviving spouse's or civil partner's pension for a lump sum in accordance with the guidance of the Scheme Actuary at the time when the pension first becomes payable.

WYFRS Adopted Policy: This discretion has been delegated to our Administrators. It will be dealt with in accordance to with their policies and procedures, in line with regulatory requirements.

**1.16 Rule E6 subject to limitations in Rule E7 and Schedule 5, Part III:
Decision to commute a child's pension, which is of a limited amount,
for a lump sum**

Discretion: If the total amount of a child's allowance payable under the provisions of the Firemen's Pension Scheme Order 1992, together with any increase under the Pensions (Increase) Act 1971, does not exceed the commutation limit for the purposes of Part 2 of Schedule 29 to the Finance Act 2004 (trivial commutation lump sum death benefit rules) or the "permitted amount" as defined in Rule E7(3), and

(a) the deceased parent died before age 75, and

(b) the Fire and Rescue Authority are satisfied that there are sufficient reasons, and

(c) the surviving parent or the child's guardian or – if neither – the child him or herself consents,

the Fire and Rescue Authority have discretion to commute the pension for a lump sum in accordance with Schedule 5, Part III and factors prepared by the Scheme Actuary and current at the time when the commutation takes effect.

WYFRS Adopted Policy: This discretion has been delegated to our Administrators. It will be dealt with in accordance to with their policies and procedures, in line with regulatory requirements.

**1.17 Rule E9(6): Decision to substitute a higher amount of child's flat rate
award where neither of the child's parents is alive**

Discretion: In the exceptional circumstances that this issue should come up for consideration, the Fire and Rescue Authority have discretion to make such an award.

WYFRS Adopted Policy: Consideration of a higher pension than the child's flat rate when neither of the child's parents is alive will be given. Each case will be considered on an individual basis.

1.18 Rule F2(5): Discretion that the Fire and Rescue Authority should pay the employer's pension contributions due for a Firefighters' period of absence without pay where the Firefighter gives notice that he/she wishes to pay contributions

Discretion: If the Firefighter has given notice under Rule F2(3) that he/she wishes to pay contributions in order that a period of unpaid leave may count as pensionable service, the Fire and Rescue Authority can use their discretion under Rule F2(5) to pay the employer's contributions otherwise payable by the Firefighter in addition to member contributions in these circumstances.

WYFRS Adopted Policy: The Authority will determine each case on its merits and full details of the circumstances will be required.

1.19 Rule F4(3)(c): Extension of 6-month time limit for election to pay certain sums in order that earlier pensionable service may count on re-joining the fire and rescue service

Discretion: The Fire and Rescue Authority have discretion to permit the extension of the 6-month time limit for an election to pay certain sums in order that earlier pensionable service may count upon a Firefighter re-joining the fire and rescue service.

WYFRS Adopted Policy: An extension will not be granted to the six-month time limit for an election to pay for previous service where a Firefighter commences work with another Fire Authority after retiring without a pension.

1.20 Rule F5(1): Discretion to extend period in which a Firefighter may make a payment to count as pensionable service a period during which an injury award was payable

Discretion: If a Firefighter is entitled under Rule F5 to pay to the Fire and Rescue Authority the amount required in accordance with Schedule 6, Part I, paragraph 1 of the Firemen's Pension Scheme Order 1992 in respect of a period during which the Firefighter was entitled to receive an injury pension, in order that it may count as pensionable service on re-employment, the Authority have discretion to extend the period in which the election to pay and payment must be made (within six months of resuming service).

WYFRS Adopted Policy: An extension will not be granted to the six-month time limit for an election to pay for previous service where a Firefighter commences work with another Fire Authority after retiring without a pension.

1.21 Rule F6A(3)(b): Extension of 12-month time limit for acceptance of "mis-selling" transfer value payment

Discretion: The Fire and Rescue Authority have discretion to permit the extension of the 12-month time limit for the acceptance of a "mis-selling" transfer value.

WYFRS Adopted Policy: It is unlikely that there will be further cases.

1.22 Rule F6A(6): Discretion to adjust "mis-selling" transfer value to take account of any earlier service credit

Discretion: The Fire and Rescue Authority can use their discretion to adjust the amount of transfer value they accept under the "mis-selling" transfer rules to ensure that there is no duplication of pensionable service credited.

WYFRS Adopted Policy: It is unlikely that there will be further cases.

1.23 Rule F7(1) subject to Rule F7(2) and (3): Discretion to accept a transfer value.

Discretion: The Fire and Rescue Authority have discretion to accept a transfer value from a Firefighter's previous pension scheme but, with the passage of time, it is unlikely that anyone would now satisfy the requirement that the written request to the Authority should be made no later than 12 months after the date of taking up employment with the Authority.

WYFRS Adopted Policy: The 1992 FPS is a closed scheme and it is not possible for anyone to qualify for this discretion.

1.24 Rule F9(2): Extension of 6 month time limit for a former Firefighter who has opted out of the Firefighters' Pension Scheme 1992, to request payment of a transfer value to another pension scheme

Discretion: If a former Firefighter or a serving Firefighter who has opted out of the Firefighters' Pension Scheme 1992 becomes subject to another pension scheme and requests that the Fire and Rescue Authority should pay a transfer value to that other scheme, the written request must be made within 6 months of becoming subject to the other scheme. However, the Authority has discretion to extend this time limit.

WYFRS Adopted Policy: The Authority will consider extending the six-month time limit for a former Firefighter to request payment of a transfer value to another pension scheme.

1.25 Rule F9(5): Extension of 12-month time limit after leaving in which a former Firefighter must be subject to a new scheme if a transfer value based upon a returned refund of pension contributions is to be permitted

Discretion: If a former Firefighter has received a refund of pension contributions or a gratuity under Part B of the Firemen's Pension Scheme Order 1992 and wishes to return the contributions/gratuity to reinstate pensionable service for the purposes of a transfer value to a new scheme, he/she must have become subject to that scheme within 12 months of ceasing to serve as a regular Firefighter. The Fire and Rescue Authority have discretion to extend this 12-month time limit.

WYFRS Adopted Policy: The Authority will not extend the 12-month time limit.

1.26 Rule G2(2): Discretion to deduct pension contributions from instalments of pensionable pay

Discretion: Contributions are normally deducted from instalments of pay but the Fire and Rescue Authority have discretion to collect the contributions due by other means should the need arise.

WYFRS Adopted Policy: Contributions will be deducted from instalments of pay where the pay is deemed pensionable.

1.27 Rule G2A(3): Discretion to extend 30-day time limit in which an election to pay contributions in respect of unpaid additional maternity, paternity or adoption leave must be made

Discretion: The Fire and Rescue Authority have discretion to permit the extension of the 30-day time limit (counting from the day on which the person returns to work or, if he/she does not return to work, from the last day of employment with the Authority) for an election to pay contributions in respect of maternity, paternity or adoption leave which would not otherwise count as pensionable service.

WYFRS Adopted Policy: Late applications will be considered up to a maximum of 90 days.

1.28 Rule G6(4): Discretion not to accept a Firefighter's election to purchase increased benefits unless the Firefighter has undergone a medical examination at his/her own expense and satisfied the Fire and Rescue Authority as to his/her good health

Discretion: If a Firefighter who is a member of the Firefighters' Pension Scheme 1992 wishes to purchase increased benefits through the payment of additional contributions, the Fire and Rescue Authority have discretion to require the person to satisfy them as to his/her normal life expectancy at the time of the request by undergoing a medical examination at his/her own expense

WYFRS Adopted Policy: The Authority will require the Firefighter to undergo a medical examination at their own expense to provide evidence of good health before accepting additional contributions.

1.29 Rule G7(3): Discretion of Fire and Rescue Authority to agree to discontinuance of payment of periodical contributions for increased benefits where satisfied that payment is causing, or likely to cause, the Firefighter financial hardship

Discretion: If the Fire and Rescue Authority are satisfied that the payment of periodical contributions for increased benefits is causing, or likely to cause, the Firefighter financial hardship they may give consent to the discontinuance of payment for such period as they think fit.

WYFRS Adopted Policy: The Authority will agree to discontinuance of payment of periodical contributions for increased benefits where the member is able to provide evidence of financial hardship.

1.30 Rule H2(4)(c): Discretion to extend the time limit for appeal against a Fire and Rescue Authority's decision based on a medical opinion

Discretion: If a person, who wishes to appeal under Rule H2 of the Firemen's Pension Scheme Order 1992 against a decision based on a medical opinion, fails to submit the appeal notice and any supporting documents within the 28 days permitted for lodging such an appeal, the Fire and Rescue Authority have discretion to extend the 28 days.

WYFRS Adopted Policy: Where an appeal is not made within the specified time limit and the Authority believes it is not due to the person's own default, the Authority will extend the time limit for appeal by a maximum of one month from the date of the original appeal deadline (or such other timescale the Authority considers appropriate).

1.31 Rule H3: Requirement to deal with a person's disagreement by Internal Dispute Resolution Procedure arrangements

Discretion: The Fire and Rescue Authority must apply the requirements of Rule H3 of the Firemen's Pension Scheme Order 1992 and Section 50 of the Pensions Act 1995 with two-stage Internal Dispute Resolution Procedures. However, they have discretion to decide who the Stage One and Stage Two decision makers will be.

WYFRS Adopted Policy: Stage one will be heard by the Chief Employment Service Office (CESO). Stage two will be heard by the Chief Fire Officer (CFO).

1.32 Part IA: Pension credit members

Discretion: The Fire and Rescue Authority shall provide pension valuations and such information as may be required in relation to divorce or dissolution of civil partnership proceedings and will take appropriate steps to record and administer Attachment Orders. In the event of Pension Sharing Orders, the Scheme member's pension rights will be apportioned in accordance with the directions of the Court, divorce/dissolution legislation, Rule B12 of the Firemen's Pension Scheme Order 1992, and factors provided by the Scheme Actuary; a pension credit member's pension entitlement will be administered in accordance with Part 1A of the Order.

At the time that the pension credit pension becomes payable, the pension credit member will be informed of the commutation option and rights of appeal.

The Authority can determine the charges to be made for administration.

WYFRS Adopted Policy: This discretion has been delegated to our Administrators. Charges will be determined in accordance with their policies and procedures.

1.33 Rule IA2(1): Discretion to commute a small pension due to a pension credit member

Discretion: If permissible under the Finance Act 2004 and Regulation 3(2)(b) of the Pension Sharing (Pension Credit Benefit) Regulations 2000 (commutation of pension credit benefit: small pensions) the Fire and Rescue Authority have discretion for commutation of the whole of a small pension credit pension to a lump sum in accordance with the guidance of the Scheme Actuary.

WYFRS Adopted Policy: This discretion has been delegated to our Administrators. It will be dealt with in accordance to with their policies and procedures, in line with regulatory requirements.

1.34 Rule K1(1) and (2): Requirement to decide whether a person under age 60 and in receipt of an ill-health pension for less than 10 years has become capable of carrying out any duty appropriate to the role from which he/she retired on health grounds

Discretion: Although there is a requirement to review entitlement to an ill-health pension in accordance with this Rule, the Fire and Rescue Authority can decide at what intervals the pension should be reviewed.

WYFRS Adopted Policy: The Authority will undertake regular ill health pension reviews on individuals who are under age 60 and have been in receipt of an ill-health pension for less than 10 years.

Where the IQMP makes a recommendation for a review period the Authority will aim to review in line with this recommendation. In the absence of a recommended review period the Authority will initiate review at intervals it deems appropriate with the information they have to hand.

1.35 Rule K1(3): Requirement to decide whether a person under age 60 who is receiving early payment of a deferred pension on health grounds, has become capable of firefighting and performing any other duties appropriate to his/her former role as a Firefighter

Discretion: Although there is a requirement to review entitlement to early payment of a deferred pension under this Rule, the Fire and Rescue Authority can decide at what intervals the pension should be reviewed.

WYFRS Adopted Policy: The Authority will undertake regular ill health pension reviews on individuals who are under age 60 and have been in receipt of an ill-health pension for less than 10 years.

Where the IQMP makes a recommendation for a review period the Authority will aim to review in line with this recommendation. In the absence of a recommended review period the Authority will initiate review at intervals it deems appropriate with the information they have to hand.

1.36 Rule K3(1): Discretion to reduce the level of an ill-health pension to not less than half of the full amount where Firefighter contributed to infirmity by own default.

Discretion: The Fire and Rescue Authority can consider using the powers contained in Rule K3 of the Firemen's Pension Scheme Order 1992 to reduce an ill-health award where the Firefighter is permanently disabled and has brought about or contributed to the infirmity by his/her own default if they feel it appropriate according to the circumstances of any case which falls within the terms of Rule K3. The amount of the reduced pension would be increased to the level of a notional deferred pension when the person attains age 60.

WYFRS Adopted Policy: Where an individual has contributed to an infirmity by their default, it is likely that the Authority will reduce their pension to not less than half the amount due. However, each case will be considered on an individual basis by the Authority.

1.37 Rule K4: Discretion to withdraw the whole or part of a person's pension during any period of his/her re-employment in any capacity with a Fire and Rescue Authority

Discretion: The Fire and Rescue Authority have a discretion (which is expected to be exercised) to withdraw the whole or part of any pension (other than an award made to a spouse or civil partner) for any period during which the person entitled to it is employed by any Fire and Rescue Authority in any capacity. Fire pensioners are required to inform the Authority of any re-employment, in any capacity, by another Fire and Rescue Authority.

WYFRS Adopted Policy: Where a Firefighter has retired and been re-employed in any capacity with any Fire and Rescue Authority, their pension will be subject to abatement.

1.38 Rule K5(1): Discretion to withdraw a pension in whole or in part, permanently or temporarily, on a person's conviction of certain offences

Discretion: The Fire and Rescue Authority have discretion to use powers contained in Rule K5 of the Firemen's Pension Scheme Order 1992 to withdraw a pension in whole or in part where a pensioner has been convicted of an offence (in the case of a spouse or civil partner this means an offence committed after the death of the member) if they feel it appropriate according to the circumstances of any case which falls within the terms of Rule K5 of the Order and subject to the certification of the Secretary of State where required.

The offences include those which are considered to have been gravely injurious to the interests of the State (including the offence of treason or an offence under the Official Secrets Acts 1911 to 1989) or liable to lead to serious loss of confidence in the public service.

WYFRS Adopted Policy: Where an individual is convicted of such an offence it is likely that the Authority will withdraw their pension. However, each case will be considered on an individual basis.

1.39 Rule K5(5): Discretion to restore a pension withdrawn under Rule K5(1) to the pensioner or to apply it for the benefit of any dependant of the pensioner

Discretion: If the Fire and Rescue Authority withdraw a pension under Rule K5(1) of the Firemen's Pension Scheme Order 1992, subject to the circumstances of the case they may at any time, and to such extent as they think fit, consider applying it for the benefit of any dependant of the pensioner or restoring it to the pensioner.

WYFRS Adopted Policy: The Authority may restore a pension withdrawn under Rule K5 (1) or apply it for the benefit of any dependant of the pensioner. Each case will be considered on an individual basis.

1.40 Rule L3(1): Determination of intervals at which instalments of pension or allowance shall be paid

Discretion: The Fire and Rescue Authority have discretion to determine the intervals at which instalments of pension or allowance should be paid.

(There is no longer a requirement to pay in advance.)

WYFRS Adopted Policy: This discretion has been delegated to our Administrators. It will be dealt with in accordance to with their policies and procedures, in line with regulatory requirements.

1.41 Rule L3(1): Discretion to delay payment of an award to the extent necessary for determining any question as to the Fire and Rescue Authority's liability

Discretion: The Fire and Rescue Authority can use their discretion under Rule L3(1) of the Firemen's Pension Scheme Order 1992 to delay payment of an award to the extent necessary for determining any question as to their liability.

WYFRS Adopted Policy: The Authority will delay the payment of an award until they are satisfied as to the eligibility of an award.

1.42 Rule L3(7) and (8): Discretion to decide an earlier payment date for survivors' benefits than the date prescribed

Discretion: To decide an earlier payment date for survivors' benefits than the date prescribed (the first anniversary of the date of death) where the deceased received a gratuity or lump sum, and an option to pay a gratuity in instalments rather than as a single lump sum.

The Fire and Rescue Authority have discretion to determine the payment date and discretion as to payment in the above circumstances.

WYFRS Adopted Policy: The Authority will consider earlier payment of survivor benefits and/or a smaller amount in regular instalments where this would be of advantage to the person entitled. Each case will be considered on an individual basis.

1.43 Rule L3(9): Repayment of aggregate pension contributions

Discretion: If a person is entitled under Rule B6 of the Firemen's Pension Scheme Order 1992 to the repayment of aggregate pension contributions, the Fire and Rescue Authority are not obliged to make the payment until one year from the date of the person's retirement unless the person makes an earlier request for payment or the Authority use their discretion to make an earlier payment.

WYFRS Adopted Policy: The Authority will make payment at the earliest opportunity in each case.

1.44 Rule L5(1): Payment of awards – minors

Discretion: The Fire and Rescue Authority may, at their discretion and as they think fit, pay a minor's pension to such other person as they may determine. They may give directions to that person as to the application of the pension for the minor's benefits.

WYFRS Adopted Policy: The Authority will make the final decision as to the recipient to receive any sum payable to a minor.

1.45 Rule L5(2): Payment of awards – discretion as to recipient, or application, of payments due to a person incapable of managing his/her own affairs.

Discretion: If it appears to the Fire and Rescue Authority that a person entitled to the payment of an award is, by reason of mental disorder or otherwise, incapable of managing his/her affairs, the Authority may use their discretion to

(a) pay the benefits or any part of them to a person having care of the person entitled, or such other person as the Authority may determine, or

(b) apply the benefits in such manner as the Authority may determine for the benefit of the person entitled, or his/her dependants.

WYFRS Adopted Policy: The Authority will make the final decision as to the recipient to receive any sum payable to a person incapable of managing their own affairs.

1.46 Rule L5(3): Payment of awards – Discretion, following death of a person, as to recipient(s) of sums less than amount specified in the Administration of Estates (Small Payments) Act 1965

Discretion: Upon the death of a person to whom there was due an award and before the award was paid, the Fire and Rescue Authority have discretion as to the recipient of the sum due if it is less than the amount specified in the Administration of Estates (Small Payments) Act 1965 (currently £5,000).

WYFRS Adopted Policy: Following the death of a person, it is the Authority's decision as to who the recipient should be of any awards less than £5,000.

1.47 Rule L5(6) to (9): Payment of awards – Discretion to withhold sums due in respect of fraud, theft or negligence on the part of that person in connection with his/her employment

Discretion: If there has been a loss to the funds of the Fire and Rescue Authority as a result of fraud, theft, or negligence on the part of a regular Firefighter in connection with his/her employment, the Authority can consider using the powers contained in Rule L5(6) of the Firemen's Pension Scheme Order 1992 to withhold all or part of any sums becoming due to him/her from the Authority in respect of a pension.

WYFRS Adopted Policy: The Authority will withhold sums due in respect of an award to a Firefighter where there has been a loss to the funds to the Authority a result of fraud, theft or negligence on the part of that person in connection with his/her employment.

1.48 Schedule 6, Part 1, paragraph 1(4): Discretion to deduct from an award any outstanding balance of payments in respect of previous service

Discretion: In the event that any Firefighter member still has payments in respect of previous service outstanding at the time of retirement, the Fire and Rescue Authority have discretion to deduct the outstanding amount from the payments of award made to him/her.

WYFRS Adopted Policy: The Authority will not put any pension into payment until any outstanding payments have been recovered.

1.49 Schedule 9, Part I, paragraph 1(2): Discretion to extend 28-day time limit in which a person must lodge any medical appeal, provided the Fire and Rescue Authority are of the opinion that the person's failure to lodge the appeal within 28 days was not due to his/her own default

Discretion: The Fire and Rescue Authority have discretion to extend the period for lodging a medical appeal, as outlined above.

WYFRS Adopted Policy: Where an appeal is not made within the specified time limit and the Authority believes it is not due to the person's own default, the Authority will extend the time limit for appeal by a maximum of one month from the date of the original appeal deadline (or such other timescale the Authority considers appropriate).

1.50 Schedule 9, Part 1, paragraph 4(5): Medical Appeal Board representation.

Discretion: The Fire and Rescue Authority can decide their representation at a Medical Appeal Board interview.

WYFRS Adopted Policy: The Occupational Health and Safety Manager will act as the Authority's representative at such hearings. They will be accompanied by the Pensions Manager.

1.51 Schedule 9, Part 1, paragraph 5: Discretion to decide whether or not to submit written evidence or a written statement to a Medical Appeal Board

Discretion: The Fire and Rescue Authority can decide whether or not to submit written evidence or a written statement to a Medical Appeal Board.

WYFRS Adopted Policy: The Authority will submit written evidence to a Medical Appeal Board in accordance with the regulations.

1.52 Schedule 9, Part 1, paragraph 8(2): Discretion, where Medical Appeal Board decides an appeal in favour of the Fire and Rescue Authority and reports that in its opinion the appeal was frivolous, vexatious or manifestly ill-founded

Discretion: If the Medical Appeal Board decides an appeal in favour of the Fire and Rescue Authority and reports that in its opinion the appeal lodged by the appellant was frivolous, vexatious or manifestly ill-founded, the Authority have discretion to require the appellant to pay the Authority such sum as is equal to, but not greater than, the total amount of fees and allowances payable to the Board under Schedule 9, Part 1, paragraph 7(1) of the Firemen's Pension Scheme Order 1992 as determined by the Secretary of State.

WYFRS Adopted Policy: Where the Medical Appeal Board determines that an appeal is frivolous, vexatious or manifestly ill-founded, the Authority will require the appellant to pay it the maximum sum allowable.

1.53 Schedule 9, Part 1, paragraph 8(2A): Discretion to require the appellant to pay the Authority a sum not exceeding the total amount of fees and allowances payable to the Board, where the appellant withdraws an appeal

Discretion: If the appellant withdraws an appeal or requests cancellation of, postponement of, or adjournment of the date appointed for an interview or medical examination by the Medical Appeal Board less than 22 working days before the appointed date, or if the appellant's acts or omissions cause the Board to cancel, postpone or otherwise adjourn the date appointed under Schedule 9, Part 1, paragraph 4(2) of the Firemen's Pension Scheme Order 1992 for the interview less than 22 working days before the date so appointed, the Fire and Rescue Authority have discretion to require the appellant to pay the Authority such sum as is equal to, but not greater than, the total amount of fees and allowances payable to the Board.

WYFRS Adopted Policy: In the circumstances outlined above the Authority will require the appellant to pay any sum they think fit (subject to capping as per the regulations).



Firefighters' Pension Scheme 2006

Discretionary Policies and Delegated Authority

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Discretions in the Firefighters' Pension Scheme 2006

Introduction

As Scheme Manager the Authority is responsible for delivery of the Firefighters' Pension Schemes.

This document lists the Scheme Manager pension discretions as contained in the New Firefighters' Pension Scheme Order 2006.

This document is applicable to all recipients of the 2006 New Firefighters Pension Scheme.

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1 The Firefighters' Pension Scheme 2006

1.1 Part 2, Rule 1(6) to (9): Discretion to accept the status of "nominated partner" where the Scheme member and partner had been in a relationship for less than 2 years

Discretion: Subject to the other requirements of nomination as set out in Part 2, Rule 1 of the Firefighters' Pension Scheme (England) Order 2006 having been met, the Fire and Rescue Authority have discretion to accept a Scheme member's nomination of a partner before their relationship has continued for a period of two years.

WYFRS Adopted Policy: In the circumstances outlined above the Authority will not consider that person to qualify unless in exceptional circumstances. Each case will be considered on its merits and full details of the circumstances will be required.

1.2 Part 3, Rule 5: Pension on member-initiated early retirement

Discretion: If a Firefighter, other than a special Firefighter member, satisfies an eligibility condition, is awarded a deferred pension, and at age 55 or over but before normal benefit age (65) requests early payment by giving written notice to the Fire and Rescue Authority, the Authority have discretion to refuse the request if the pension as reduced by the appropriate amount of actuarial reduction is likely to be less than the guaranteed minimum pension that would be payable from State pensionable age.

WYFRS Adopted Policy: The Authority may refuse a Firefighter's request for early payment of a deferred pension where this is likely to be less than the GMP at State pensionable age. Each case will be considered on an individual basis.

1.3 Part 3, Rule 6: Authority-initiated early retirement

Discretion: The Fire and Rescue Authority, having regard to the economical, effective and efficient management of their functions and the costs likely to be incurred in a particular case, can determine that a firefighter – other than a special Firefighter member – who is at least age 55 but under normal retirement age (60) should be retired from the Authority's employment with immediate payment of a pension calculated on the same principles as an ordinary pension under Part 3, Rule 1 of the Firefighter's Pension Scheme (England) Order 2006.

WYFRS Adopted Policy: Where the retirement of a Firefighter aged 55 or over is in the interests of the management of the Service, the Authority may process an early retirement for the individual. Each case will be considered on an individual basis.

1.4 Part 3, Rule 7B: Discretion to determine that certain payments should be treated as such for the credit of Additional Pension Benefit to the Firefighter member

Discretion: The Fire and Rescue Authority have discretion to determine that the benefits referred to in Rule 7B(5) can be treated as pensionable for the credit to the Firefighter of Additional Pension Benefit.

WYFRS Adopted Policy: No payments, other than pay relating to Continual Professional Development (CPD) will be considered towards an Additional Pension Benefit.

1.5 Part 3, Rule 10: Discretion to commute a small pension to a trivial commutation lump sum

Discretion: If the total amount of any pension(s) payable to a member who has attained State pensionable age, under Part 3 and, if relevant, under Part 6, Rule 1 (pension credit pension) of the Firefighters' Pension Scheme (England) Order 2006, together with any increase under the Pension (Increase) Act 1971, does not exceed the commutation limit for the purposes of Part 1 of Schedule 29 to the Finance Act 2004 (lump sum rule), the Fire and Rescue Authority can, if it is considered appropriate, commute the pension(s) to a lump sum in accordance with the guidance of the Scheme Actuary.

WYFRS Adopted Policy: This discretion has been delegated to our Administrators. It will be dealt with in accordance to with their policies and procedures, in line with regulatory requirements.

1.6 Part 3, Rule 11, paragraphs 2(b) and 3: Discretion to permit a Firefighter to allocate a portion of pension for a dependant other than a spouse, civil partner, or nominated partner

Discretion: The Fire and Rescue Authority can withhold consent for the allocation of a portion of pension for a person other than the member's spouse, civil partner or nominated partner if they are not satisfied that the person is substantially dependent on the firefighter member.

WYFRS Adopted Policy: In the circumstances outlined above the Authority will withhold the payment if they cannot be satisfied that the person nominated is substantially dependent on the member. Each case will be considered on its merits and full details of the circumstances will be required.

1.7 Part 3, Rule 11, paragraph 6(a): Requirement for, and acceptance of, an opinion as to normal life expectancy for allocation purposes

Discretion: If a member of the Firefighters' Pension Scheme 2006 wishes to allocate a portion of pension in favour of a beneficiary, that member must satisfy the Fire and Rescue Authority as to his/her normal life expectancy at the time of the request.

WYFRS Adopted Policy: Where a Firefighter elects to give up part of their pension (as per Part 3, Rule 11, Paragraphs 2(b) and 3), the Authority will require the Firefighter to undergo a medical examination at their own expense before permitting them to do so.

1.8 Part 3, Rule 12: Pension debit members

Discretion: The Fire and Rescue Authority must provide pension valuations and such information as may be required in relation to divorce or dissolution of civil partnership proceedings and will take appropriate steps to record and administer Attachment Orders. In the event of a Pension Sharing Order, the Scheme member's pension rights will be apportioned in accordance with the directions of the Court, divorce/dissolution legislation, Part 3, Rule 12 of the Firefighters' Pension Scheme (England) Order 2006, and the guidance and factors prepared by the Scheme Actuary.

The Authority may determine the charges to be made for administration.

WYFRS Adopted Policy: This discretion has been delegated to our Administrators. Charges will be determined in accordance with their policies and procedures.

1.9 Part 4, Rule 1, paragraph 3: Discretion to withhold all or part of a survivor's pension, where the deceased's spouse, civil partner, or nominated partner is convicted of manslaughter of the deceased

Discretion: The Fire and Rescue Authority have discretion to permanently withhold all of a spouse's, civil partner's or nominated partner's pension where that person is convicted of the manslaughter of the deceased.

WYFRS Adopted Policy: The Authority will permanently withhold the survivor's pension where the deceased's spouse, civil partner, or nominated partner is convicted of manslaughter of the deceased.

1.10 Part 4, Rule 5: Discretion, subject to request of surviving spouse, civil partner or nominated partner of a Firefighter member, to commute their pension to a trivial commutation lump sum

Discretion: If the total amount of any pension payable to a surviving spouse, civil partner or nominated partner under the provisions of the Firefighters' Pension Scheme (England) Order 2006, does not exceed the commutation limit for the purposes of paragraph 20 of Schedule 29 to the Finance Act 2004 (lump sum death benefit) and if the recipient so requests, the Fire and Rescue

Authority may commute the whole of the pension for a lump sum in accordance with factors prepared by the Scheme Actuary and in force at the time when the commutation takes effect.

WYFRS Adopted Policy: This discretion has been delegated to our Administrators. It will be dealt with in accordance to with their policies and procedures, in line with regulatory requirements.

1.11 Part 4, Rule 7, paragraph 5: Discretion to withhold all or part of a child's pension, permanently or temporarily, where the child is convicted of manslaughter of the deceased

Discretion: The Fire and Rescue Authority may permanently withhold all or part of a child's pension, permanently or temporarily where the child is convicted of the manslaughter of the deceased.

WYFRS Adopted Policy: Where a child is convicted of the manslaughter of the deceased, the Authority will permanently withhold the child's entire pension.

1.12 Part 4, Rule 12: Discretion, subject to consent of child's remaining parent, guardian or the child (if not a minor) to commute a child's pension to a trivial commutation lump sum

Discretion: If the total amount of a child's allowance payable under the provisions of the Firefighters' Pension Scheme (England) Order 2006 does not exceed the commutation limit for the purposes of paragraph 20 of Schedule 29 to the Finance Act 2004 and

(a) the Fire and Rescue Authority are satisfied that there are sufficient reasons, and

(b) a surviving parent or the child's guardian or – if neither – the child (if not a minor) consents,

the Authority have discretion to commute the pension for a lump sum in accordance with the guidance of the Scheme Actuary at the time when the pension first becomes payable.

WYFRS Adopted Policy: This discretion has been delegated to our Administrators. It will be dealt with in accordance to with their policies and procedures, in line with regulatory requirements.

1.13 Part 5, Rules 1 and 2: Discretion as to recipient of death grant and post-retirement death grant

Discretion: Upon the death of a Firefighter member or pensioner member, the Fire and Rescue Authority may pay a death grant assessed in accordance with Part 5, Rules 1 and 2 of the Firefighters' Pension Scheme (England) Order 2006 to such person or persons as the Authority think fit, in accordance with Part 5, Rule 1, paragraph 10 of the Order.

WYFRS Adopted Policy: It is the Authority's decision as to the recipient of a death grant.

1.14 Part 5, Rule 1, paragraph 12: Discretion to pay part of any death grant to a person whose conviction for murder or manslaughter of the deceased has been quashed

Discretion: If a person's conviction for murder or manslaughter is quashed on appeal the Authority may, if the death grant has not at that time been paid in full and having regard to the circumstances of the case, pay part of it to the person whose conviction has been quashed.

WYFRS Adopted Policy: The Authority will re-instate all, or part of, any death grant not paid in full to a person whose conviction for murder or manslaughter of the deceased has been quashed.

1.15 Part 6, Rule 2: Discretion, with the agreement of the pension credit member, to commute the whole of a pension credit pension to a trivial commutation lump sum

Discretion: In the circumstances described in regulation 3(2)(b) of the Pension Sharing (Pension Credit Benefit) Regulations 2000, if the total amount of a pension credit pension payable under the provisions of the Firefighters' Pension Scheme (England) Order 2006 does not exceed the commutation limit for the purposes of paragraph 20 of Schedule 29 to the Finance Act 2004 and

(a) the Fire and Rescue Authority are satisfied that there are sufficient reasons, and

(b) the pension credit member consents,

the Authority can commute the pension for a lump sum calculated in accordance with factors provided by the Scheme Actuary current at the time of the commutation.

WYFRS Adopted Policy: This discretion has been delegated to our Administrators. It will be dealt with in accordance to with their policies and procedures, in line with regulatory requirements.

1.16 Part 6, Rule 5, paragraph 2: Discretion to pay a post-retirement death grant in respect of a pension credit member to such person or persons as the Fire and Rescue Authority think fit.

Discretion: If a pension credit member dies within five years of their entitlement to a pension credit pension coming into payment and before their 75th birthday and there is a difference between

- the amount that is five times the pension, calculated at the annual rate effective on the day that it came into payment, and
- the instalments of pension that have been paid

the Fire and Rescue Authority can pay a post-retirement death grant of the amount of the difference to such person or persons as the Authority think fit.

WYFRS Adopted Policy: The Authority will make the final decision as to the recipient for a post retirement death grant as they feel appropriate.

1.17 Part 8, Rule 4, paragraph 4: Discretion to extend time limit for an appeal against the Fire and Rescue Authority's decision based on medical advice

Discretion: If a person who wishes to appeal under Part 8, Rule 4 of the Firefighters' Pension Scheme (England) Order 2006 against a decision based on medical advice, fails to submit the appeal notice and any supporting documents within the 28 days permitted for lodging such an appeal, the Fire and Rescue Authority has discretion to extend the 28 day time limit.

WYFRS Adopted Policy: Where an appeal is not made within the specified time limit and the Authority believes it is not due to the person's own default, the Authority will extend the time limit for appeal by a maximum of one month from the date of the original appeal deadline (or such other timescale the Authority considers appropriate).

1.18 Part 8, Rule 5: Requirement to deal with a person's disagreement by Internal Dispute Resolution Procedure

Discretion: The Fire and Rescue Authority must apply the requirements of Part 8, Rule 5 of the Firefighters' Pension Scheme (England) Order 2006, with two-stage Internal Dispute Resolution Procedures in accordance with Section 50 of the Pensions Act 1995, and the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous) Regulations 2008. However, the Authority may decide the administrative arrangements for compliance with these requirements, i.e. the Stage One and Stage Two decision makers.

WYFRS Adopted Policy: Stage one will be heard by the Chief Employment Service Office (CESO). Stage two will be heard by the Chief Fire Officer (CFO).

1.19 Part 9, Rule 1, paragraph 1: Requirement to decide whether a person under State pensionable age and in receipt of an ill-health pension for less than 10 years has become capable of carrying out any duty appropriate to the role from which he/she retired on health grounds

Discretion: Although the review of ill-health awards is compulsory, the Fire and Rescue Authority can determine the timing of such reviews.

WYFRS Adopted Policy: The Authority will undertake regular ill health pension reviews on individuals who are under state pension age and have been in receipt of an ill-health pension for less than 10 years.

Where the IQMP makes a recommendation for a review period the Authority will aim to review in line with this recommendation. In the absence of a recommended review period the Authority will initiate review at intervals it deems appropriate with the information they have to hand.

1.20 Part 9, Rule 1, paragraph 2 and Rule 2: Requirement to decide whether a person under normal benefit age (65) who is in receipt of a deferred pension paid early on permanent disablement, has become capable of carrying out any duty appropriate to their former role

Discretion: Although the review of early payment of deferred pension on health grounds is compulsory, the Fire and Rescue Authority can determine the timing of such reviews.

WYFRS Adopted Policy: The Authority will undertake regular ill health pension reviews on individuals who are under age 65 and have been in receipt of an ill-health pension for less than 10 years.

Where the IQMP makes a recommendation for a review period the Authority will aim to review in line with this recommendation. In the absence of a recommended review period the Authority will initiate review at intervals it deems appropriate with the information they have to hand.

1.21 Part 9, Rule 3: Discretion to withdraw the whole or part of a Part 3 (personal awards) pension for any period during which the person entitled to it is again employed as a Firefighter, or in any other capacity, by any Fire and Rescue Authority

Discretion: The withdrawal of pension on re-employment is at the discretion of the Fire and Rescue Authority, however an Authority will normally have regard to the terms of Part 9, Rule 3, to the abatement principles set out in Firefighters' Pension Scheme Circular 10/2009, and to HM Treasury guidance, i.e. the pension due under the Firefighters' Pension Scheme 2006 plus remuneration from the new employment should not exceed the pensionable pay upon which the Firefighters' Pension Scheme 2006 pension was calculated (taking account of cost-of-living increases). To the extent that it does, so shall the Firefighters' Pension Scheme 2006 pension be reduced for the duration of the employment.

Account must also be taken of the Authority's obligation under Part 13, Rule 2, paragraph 11 of the Firefighters' Pension Scheme (England) Order 2006 which requires that a sum equivalent to the whole or part of pension not abated or withdrawn must be paid into the Firefighters' Pension Fund by the Authority in the financial year in which pension payment is made.

WYFRS Adopted Policy: Where a Firefighter has retired and been re-employed in any capacity with any Fire and Rescue Authority, their pension will be subject to abatement.

1.22 Part 9, Rule 4: Discretion to disallow early payment of a deferred pension under Part 3, Rule 3, paragraph 4 because of Firefighter's dismissal from a Fire and Rescue Authority's employment

Discretion: Part 3 Rule 3 Paragraph 4 contains the power to pay a deferred pension early where a person is permanently disabled. This discretion allows consideration of not making such a payment where the Firefighter was dismissed

WYFRS Adopted Policy: Early payment of a deferred pension due to permanent disability may not be made where a Firefighter has been dismissed from the Authority. Each case will be considered on an individual basis.

1.23 Part 9, Rule 5, paragraphs 1 to 3: Discretion to withdraw pension in whole or in part, permanently or temporarily, on a person's conviction of certain offences

Discretion: The Fire and Rescue Authority have discretion to use the powers contained in Part 9, Rule 5, paragraphs 1 to 3 of the Firefighters' Pension Scheme (England) Order 2006 to withdraw a pension in whole or in part, permanently or temporarily where a pensioner has been convicted of an offence if the Authority decide it would be appropriate according to the circumstances of any case which falls within the terms of Part 9, Rule 5 of the Order and subject to the certification of the Secretary of State where required.

WYFRS Adopted Policy: Where an individual is convicted of such an offence it is likely that the Authority will withdraw their pension. However, each case will be considered on an individual basis.

1.24 Part 9, Rule 5, paragraph 4: Discretion, to restore a pension withdrawn under Part 9, Rule 5, paragraphs 1 to 3, or to apply it for the benefit of any dependant of the pensioner

Discretion: If the Fire and Rescue Authority withdraw a pension under Part 9, Rule 5, paragraphs 1 to 3 of the Firefighters' Pension Scheme (England) Order 2006, subject to the circumstances of the case they may consider applying it for the benefit of any dependant of the pensioner or restoring it to the pensioner.

WYFRS Adopted Policy: The Authority may restore a pension withdrawn under Part 9, Rule 5 or apply it for the benefit of any dependent of the pensioner. Each case will be considered on an individual basis.

1.25 Part 9, Rule 6: Discretion to decide to what extent an award should be forfeited by a person who has been convicted of an offence under section 34(6) of the Fire and Rescue Services Act 2004

Discretion: If a person has been convicted of an offence under section 34(6) of the Fire and Rescue Services Act 2004 (acts or omissions for purposes of obtaining awards or other sums) the Fire and Rescue Authority have discretion to require such amount of the pension to be forfeited as they think appropriate to the circumstances of the case.

WYFRS Adopted Policy: The Authority will consider to what extent an award should be forfeited in the circumstances described in Part 9, Rule 6. Each case will be considered on an individual basis.

1.26 Part 10, Rule 4, paragraph 3: Discretion for a Fire and Rescue Authority to pay the employer's pension contributions due for a Firefighter's unpaid period of absence where the Firefighter gives notice that he/she wishes to pay contributions

Discretion: The Fire and Rescue Authority have discretion to meet the cost of employer's contributions during a period of unpaid leave.

WYFRS Adopted Policy: The Authority will determine each case on its merits and full details of the circumstances will be required.

1.27 Part 11, Rule 3, paragraph 2: Discretion to deduct pension contributions from each instalment of pensionable pay as it becomes due

Discretion: Contributions are normally deducted from instalments of pay but the Fire and Rescue Authority have discretion to collect the contributions due by other means should the need arise.

WYFRS Adopted Policy: Contributions will be deducted from instalments of pay where the pay is deemed pensionable.

1.28 Part 11, Rule 4, paragraph 3: Discretion to extend the time limit in which an election to pay pension contributions in respect of unpaid additional maternity, paternity or adoption leave must be made

Discretion: The Fire and Rescue Authority have discretion to permit an extension to the 30-day time limit for an election to pay contributions in respect of unpaid maternity, paternity or adoption leave which would not otherwise count as pensionable service or special pensionable service.

WYFRS Adopted Policy: Late applications will be considered up to a maximum of 90 days.

1.29 Part 11, Rule 4, paragraphs 6 and 7: Discretion to deduct contributions in respect of unpaid additional maternity, paternity or adoption leave from the death grant payable under Part 5 if a member or connected member dies

Discretion: If a Firefighter member would have had the option to pay contributions in order to reckon as pensionable service or special pensionable service a period of maternity, paternity or adoption leave but dies within the time limits for making such an election without having made it, he/she shall be deemed to have given the notice and the Fire and Rescue Authority must give the firefighter's personal representatives a statement of the contributions due, and may collect the contributions from the death grant payable under Part 5 of the Firefighters' Pension Scheme (England) Order 2006.

WYFRS Adopted Policy: The Authority may treat a period of unpaid leave as pensionable where the member has died without giving notice of their election. Each case will be considered on an individual basis.

1.30 Part 11, Rule 5, paragraph 5: Discretion to allow a part-time regular Firefighter to pay contributions at a part-time rate to purchase additional service

Discretion: If a part-time regular Firefighter member wishes to purchase additional service by periodical contributions the Fire and Rescue Authority have discretion to allow them to pay the additional contributions at a part-time rate.

WYFRS Adopted Policy: The Authority will allow a part-time regular Firefighter to purchase pro-rated additional service.

1.31 Part 11, Rule 5, paragraph 6: Discretion to allow a retained or volunteer Firefighter to purchase additional service by periodical contributions

Discretion: If a retained or volunteer Firefighter member wishes to purchase additional service by periodical contributions the Fire and Rescue Authority have discretion to permit this, in which case the contributions are based on the firefighter's reference pay.

WYFRS Adopted Policy: The Authority will permit such requests, subject to the member paying the appropriate extra contributions as determined by our Administrators.

1.32 Part 11, Rule 8: Discretion to agree to a Firefighter member's request to discontinue payment of additional contributions to purchase service provided this is solely on the grounds of the member's financial circumstances

Discretion: If it is felt to be appropriate in a particular case, the Fire and Rescue Authority have discretion to agree to discontinue the making of deductions of additional contributions to purchase service from the pay of a firefighter member, where the firefighter's request is made solely on the grounds of his/her financial circumstances.

WYFRS Adopted Policy: The Authority will agree to discontinuance of payment of periodical contributions for increased benefits where the member is able to provide evidence of financial hardship.

1.33 Part 11, Rule 9, paragraph 4(c): The payment of contributions in respect of periods of unpaid service or absence, and discretion to extend the time limit in which the Firefighter must pay

Discretion: If a Firefighter member who elected to pay additional contributions to "purchase" additional service has a period of unpaid service or unpaid leave (i.e. maternity, paternity, adoption

leave or other absence without pay) and consequently there is no pay from which the additional contributions can be deducted, he/she can apply to the Fire and Rescue Authority to pay the contributions. The application must be made no later than one month after the end of the period of unpaid absence.

The additional contributions may be paid directly to the Authority during the unpaid leave, or collected within 6 months of the firefighter's return to duty after the absence. The Authority has discretion to extend this time limit.

WYFRS Adopted Policy: The Authority may extend the time limit for payment of contributions in respect of periods of unpaid service or absence. Each case will be considered on an individual basis.

1.34 Part 12, Chapter 2, Rule 3, paragraph 6: Discretion to charge member for third or subsequent statement of cash equivalent transfer value entitlement requested within any 12 month period

Discretion: Where, in any period of twelve consecutive months, a member has made and not withdrawn two applications for a statement of transfer value entitlement, the Fire and Rescue Authority have discretion not to supply a third or subsequent statement during that twelve-month period unless the applicant pays such fee as the Authority may reasonably require.

WYFRS Adopted Policy: This discretion has been delegated to our Administrators. Charges will be determined in accordance with their policies and procedures.

1.35 Part 12, Chapter 3, Rule 9(1)(c)(ii): Discretion to extend time limit in which a member, other than a special Firefighter member, may apply for a transfer value payment from a non-occupational pension scheme

Discretion: The Fire and Rescue Authority have discretion to accept a Scheme member's application for a transfer value payment from a non-occupational pension scheme where the application is made more than one year after the member first became eligible to be a firefighter member.

WYFRS Adopted Policy: Each application will be considered on a case by case basis. The Authority will not extend time limits if there are direct cost implications.

1.36 Part 12, Chapter 3, Rule 10, paragraph 1, subject to paragraphs 3 and 4 and Part 10, Rule 2, paragraphs 2 and 3: Discretion to accept a transfer value

Discretion: The Fire and Rescue Authority have discretion to accept a transfer value payment into the Firefighters' Pension Scheme 2006 where the Scheme member has made an application under Part 10 Rule 8.

WYFRS Adopted Policy: Each application will be considered on a case by case basis. The Scheme Manager will not extend time limits if there are direct cost implications for the Authority.

1.37 Part 12, Chapter 5, Rule 14, paragraph 3: Discretion to extend 12-month time limit for acceptance of a "mis-selling" transfer value payment

Discretion: The Fire and Rescue Authority have discretion to permit the extension of the 12-month time limit for the acceptance of a "mis-selling" transfer value.

WYFRS Adopted Policy: It is unlikely that there will be further cases.

1.38 Part 14, Rule 3, paragraph 5: Discretion to recover all or part of an overpayment following a pensioner's death of which a Fire and Rescue Authority were not informed

Discretion: Where the Fire and Rescue Authority are not informed of the death of a pensioner and, as a result, the pension has continued in payment, the Authority have discretion to recover all or part of the overpayment as they think fit and may recover it by off-set against any other award payable under the Firefighters' Pension Scheme (England) Order 2006 in respect of the deceased.

WYFRS Adopted Policy: The Authority will recover any overpayments made following a pensioner's death.

1.39 Part 14, Rule 3, paragraph 6: Repayment of aggregate contributions

Discretion: If a person is entitled under Part 3, Rule 8 of the Firefighters' Pension Scheme (England) Order 2006 to the repayment of aggregate pension contributions, the Fire and Rescue Authority are not obliged to make the payment until the expiration of a year from the date of retirement if the person does not make an earlier request for payment.

WYFRS Adopted Policy: The Authority will make payment at the earliest opportunity in each case.

1.40 Part 14, Rule 5, paragraph 1: Discretion as to recipient of any sum payable to a minor and directions as to application for the minor's benefit

Discretion: Where children's benefits are payable, the Fire and Rescue Authority have discretion as to the recipient and may give directions regarding the application of the payments for a child's benefit.

WYFRS Adopted Policy: The Authority will make the final decision as to the recipient to receive any sum payable to a minor.

1.41 Part 14, Rule 5, paragraph 2: Discretion as to recipient, or application, of payments due to a person incapable of managing his/her own affairs

Discretion: If it appears to the Fire and Rescue Authority that a person entitled to the payment of an award is, by reason of mental disorder or otherwise, incapable of managing his/her affairs, the Authority may

- (a) pay benefits or any part of them to a person having the care of the person entitled, or such other person as the Authority may determine, or
- (b) apply the benefits in such manner as the Authority may determine for the benefit of the person entitled, or his/her dependants.

WYFRS Adopted Policy: The Authority will make the final decision as to the recipient to receive any sum payable to a person incapable of managing their own affairs.

1.42 Part 14, Rule 6, paragraph 1: Discretion, following the death of a person, as to recipient(s) of sums less than the amount specified in the Administration of Estates (Small Payments) Act 1965

Discretion: Upon the death of a person to whom there was due, in respect of an award, a sum not exceeding (currently) £5,000, the Fire and Rescue Authority may pay the sum due to the person or persons as the Authority think fit without requiring production of Grant of Probate or any other proof of entitlement.

WYFRS Adopted Policy: Following the death of a person, the Authority's decision as to who the recipient should be of any awards less than £5,000.

1.43 Part 14, Rule 6, paragraphs 4 to 7: Discretion to withhold sums due in respect of an award to a Firefighter where there has been a loss to the funds of the Fire and Rescue Authority as a result of fraud, theft or negligence

Discretion: If there has been a loss to the funds of the Fire and Rescue Authority as a result of fraud, theft, or negligence on the part of a Firefighter in connection with his/her employment, the Authority can consider using the powers contained in Part 14, Rule 6 of the Firefighters' Pension Scheme (England) Order 2006 to withhold all or part of any sums becoming due to him/her from the Authority in respect of an award.

WYFRS Adopted Policy: The Authority will withhold sums due in respect of an award to a Firefighter where there has been a loss to the funds to the Authority a result of fraud, theft or negligence on the part of that person in connection with his/her employment.

1.44 Part 15, Rule 3: Discretion to require a person who is or may be entitled to a pension or a lump sum under the Firefighters' Pension Scheme 2006 to provide a Fire and Rescue Authority with supporting evidence as to identity

Discretion: The Fire and Rescue Authority can require all persons in receipt of a pension or potentially entitled to a pension or lump sum under the Firefighters' Pension Scheme 2006 to provide supporting evidence from time to time as to identity and entitlement to payment under the Scheme. If a person fails to comply with this requirement, according to the circumstances of the case, the Authority can exercise their discretion to withhold the whole payment.

WYFRS Adopted Policy: Where an individual fails to comply with the Authority's requirements regarding evidence of entitlement, the Authority will withhold the whole or part of any amount that is otherwise payable.

1.45 Part 15, Rule 4: Decision as to date of issue of annual benefit statements and relevant date for the pension illustration

Discretion: The Fire and Rescue Authority can determine the timing of the issue of annual benefit statements. The Authority may also decide the relevant date for the pension illustration (except in the case of pension credit members).

WYFRS Adopted Policy: This discretion has been delegated to our Administrators. It will be dealt with in accordance with their policies and procedures, in line with regulatory requirements.

1.46 Annex 2, paragraph 1(2): Discretion to extend 28 day time limit, in which a person must lodge a medical appeal, to a period not exceeding 6 months

Discretion: The Fire and Rescue Authority has discretion to permit the extension of the 28-day time limit in which a person must lodge a medical appeal, to a period not exceeding 6 months from the date of issue of the documents under Part 8, Rule 4, paragraph 4 of the Firefighters' Pension Scheme (England) Order 2006.

WYFRS Adopted Policy: Where an appeal is not made within the specified time limit and the Authority believes it is not due to the person's own default, the Authority will extend the time limit for appeal by a maximum of one month from the date of the original appeal deadline (or such other timescale the Authority considers appropriate).

1.47 Annex 2, paragraph 6(5): Discretion to decide the Fire and Rescue Authority's representative at Medical Appeal Board interview

Discretion: The Fire and Rescue Authority can decide who should represent the Authority at a Medical Appeal Board interview.

WYFRS Adopted Policy: The Occupational Health and Safety Manager will act as the Authority's representative at such hearings. They will be accompanied by the Pensions Manager.

1.48 Annex 2, paragraph 7(1): Discretion to decide whether or not to submit written evidence or a written statement to Medical Appeal Board

Discretion: The Fire and Rescue Authority can decide whether or not to submit written evidence or a written statement to a Medical Appeal Board.

WYFRS Adopted Policy: The Authority will submit written evidence to a Medical Appeal Board in accordance with the regulations.

1.49 Annex 2, paragraph 10(2): Discretion, where Medical Appeal Board determines an appeal in favour of the Fire and Rescue Authority and states that the appellant's appeal was "frivolous, vexatious or manifestly ill-founded"

Discretion: If the Medical Appeal Board decides an appeal in favour of the Fire and Rescue Authority and reports that in its opinion the appeal lodged by the appellant was frivolous, vexatious or manifestly ill-founded, the Authority can require the appellant to pay the Authority such sum as is equal to, but not greater than, the total amount of fees and allowances payable to the Board as determined by the Secretary of State.

WYFRS Adopted Policy: Where the Medical Appeal Board determines that an appeal is frivolous, vexatious or manifestly ill-founded, the Authority will require the appellant to pay it the maximum sum allowable.

1.50 Annex 2, paragraph 10(3): Discretion to require the appellant to pay to the Fire and Rescue Authority such sum as the Authority think fit, where the appellant gives notice to the Medical Appeal Board, withdrawing the appeal

Discretion: If the appellant withdraws an appeal or requests cancellation of, postponement of, or adjournment of the date appointed for an interview or medical examination by the Medical Appeal Board less than 22 working days before the appointed date, or if the appellant's acts or omissions cause the Board to cancel, postpone or otherwise adjourn the date appointed, the Fire and Rescue Authority has discretion to require the appellant to pay the Authority such sum as is equal to, but not greater than, the total amount of fees and allowances payable to the Board under Annex 2, paragraph 9(1) of the Firefighters' Pension Scheme (England) Order 2006.

WYFRS Adopted Policy: In the circumstances outlined above the Authority will require the appellant to pay any sum they think fit (subject to capping as per the regulations).



Firefighters' Pension Scheme 2015 Discretionary Policies

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Discretions in the Firefighters' Pension Scheme 2015

Introduction

As Scheme Manager the Authority is responsible for delivery of the Firefighters' Pension Schemes.

The main Regulations (Statutory Instrument 2014 No.2848 Public Service Pensions) introduced a new Firefighters' Pension Scheme, effective from 1 April 2015 and were laid before Parliament on 28 October 2014.

This document lists the Scheme Manager pension discretions as contained in the Firefighters' Pension Scheme (England) Regulations 2014; <http://www.legislation.gov.uk/ukSI/2014/2848/contents/made>

This document is applicable to all members of the 2015 Firefighters' Pension Scheme.

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1 The Firefighters' Pension Scheme 2015

1.1 Regulation 5: Delegation.

Discretion: In accordance with Regulation 5(2) of the Firefighters' Pension Scheme (England) Regulations 2014, the Scheme Manager (The Fire Authority) may delegate any of their functions including the power to delegate.

WYFRS Adopted Policy: Scheme Manager duties have been delegated to Chief Employment Service Officer (CESO).

1.2 Regulation 12: Opting into the Scheme. Discretion to determine date at which pensionable service starts.

Discretion: An optant-in will become an active member of the scheme with effect from the beginning of the first pay period following the date on which the option is exercised. There is an option for the Scheme Manager to vary the date on which the person becomes an active member, to such other time as the Scheme Manager considers appropriate.

WYFRS Adopted Policy: An optant-in will become an active member of the scheme with effect from the beginning of the first pay period following the date on which the option is exercised. The Scheme Manager will not exercise their discretion to another such date.

1.3 Regulation 16(2)(b): Opting out of the Scheme. Discretion to determine date at which pensionable service ceases.

Discretion: The Scheme Manager has discretion to determine the date at which a person's pensionable service will cease if the person opts out of the scheme and the Authority consider that the first day of the first pay period beginning on or after the date on which the option is exercised would be inappropriate.

WYFRS Adopted Policy: An optant-out will cease to be in pensionable service with effect from the first day of the next pay period following the date on which the option is exercised, unless the payroll has already been processed for that period, in which case the optant-out will cease to be in pensionable service with effect from the first day of the second pay period following the date on which the option is exercised.

1.4 Regulation 17(1)(d): Discretion to allow Continual Professional Development payments to be treated as pensionable.

Discretion: The Scheme Manager has discretion under Regulation 17(1)(d) of the Firefighters' Pension Scheme (England) Regulations 2014 to permit an amount paid to a member for Continued Professional Development to be treated as pensionable pay.

WYFRS Adopted Policy: CPD payments will be treated as pensionable pay.

1.5 Regulation 19(c): Active membership – unpaid authorised absence.

Discretion: The Scheme Manager has discretion to permit a person to count a period of unpaid authorised absence as active membership of the scheme. (This would be subject to that person paying the required contributions under Regulation 111(4)).

WYFRS Adopted Policy: Periods of unpaid authorised absence will be allowed to count as active membership; subject to the member paying the appropriate contributions.

1.6 Regulation 28: Establishment of pension accounts: general. Discretion to keep in such form as the Scheme Manager considers appropriate.

Discretion: The Scheme Manager must establish and maintain pension accounts for members in accordance with Part 4 of the Firefighters' Pension Scheme (England) Regulations 2014 but may be kept in the form they consider appropriate.

WYFRS Adopted Policy: This discretion has been delegated to our Administrators. It will be dealt with in accordance with their policies and procedures, in line with regulatory requirements.

1.7 Regulation 37: Closure and re-establishment of active member's account. Scheme Manager's discretion to select appropriate account where more than one account held.

Discretion: In accordance with Regulation 37(3) and (4) of the Regulations, if a member has more than two active member's accounts with the Authority and ceases pensionable service with less than three months' qualifying service in respect of one account, the Scheme Manager shall close that account and aggregate benefits with one of the others; the member may select which one. In accordance with Regulation 37(5) of the Regulations, if the member fails to make a choice, the Scheme Manager may make a decision on the member's behalf, selecting whichever appears to be the most appropriate account in the circumstances.

WYFRS Adopted Policy: This discretion has been delegated to our Administrators. It will be dealt with in accordance with their policies and procedures, in line with regulatory requirements.

1.8 Regulation 49: Closure of deferred member's account after gap in pensionable service not exceeding 5 years. Discretion to select which account is to be closed where more than one account is held.

Discretion: If a deferred member re-enters pensionable service under the scheme after a gap in pensionable service not exceeding 5 years, the Scheme Manager shall close the deferred member's account and re-establish the person's active member's account with the appropriate entries in accordance with Regulation 49 of the Firefighters' Pension Scheme (England) Regulations 2014.

If the person had more than one relevant deferred member's account, he/she must select – within three months of re-entering scheme employment - which one should close. If the person fails to make a selection, the Scheme Manager may make the choice for them in accordance with Regulation 49(4).

WYFRS Adopted Policy: This discretion has been delegated to our Administrators. It will be dealt with in accordance to with their policies and procedures, in line with regulatory requirements.

1.9 Regulation 62: Employer initiated retirement. Discretion to award immediate payment of retirement pension without reduction

Discretion: The Scheme Manager, having regard to the economical, effective and efficient management of their functions and taking account of the costs likely to be incurred in a particular case, may determine under Regulation 62 of the Firefighters' Pension Scheme (England) Regulations 2014 that an active member who is at least age 55 but under normal pension age (60), and who is dismissed from scheme employment by reason of business efficiency or whose employment is terminated by mutual consent on the grounds of business efficiency, should receive immediate payment of retirement pension without the early retirement reduction.

In accordance with Regulation 120 of the Regulations, if the Scheme Manager uses this discretion to make an early payment of retirement pension, they will have responsibility for payment of an employer initiated retirement additional contribution calculated in accordance with Regulation 120(2). This would be paid into the Firefighters' Pension Fund as required by Regulation 123.

If the Scheme Manager is considering making an award under Regulation 62 for a connected member of the Firefighters' Pension Scheme 2006, they must also consider employer initiated retirement under Part 3, Rule 6 of the Firefighters' Pension Scheme (England) Order 2006.

WYFRS Adopted Policy: Immediate payment of retirement pension without early retirement reduction will not be permitted unless there is a clear financial or operational advantage to be gained by doing so.

1.10 Regulations 63 and 64: Exercise of partial retirement option. Discretion as to form in which notice must be given

Discretion: If, as allowed by Regulation 63 of the Firefighters' Pension Scheme (England) Regulations 2014, an active member aged at least 55 opts to continue in pensionable service under the scheme but claims payment of pension accrued up to the date of option in one or more of their active member's

pension accounts, this partial retirement option shall be taken to be exercised on such date as the member and the Scheme Manager agree. The Scheme Manager decides the form in which notice must be given.

WYFRS Adopted Policy: Where a member aged at least 55 opts to claim the whole of their accrued pension but continue in pensionable service, the Scheme Manager will agree a date most suitable for the Authority, taking into account operational requirements.

1.11 Regulation 68: Review of ill-health award or early payment of retirement pension on ill-health grounds. Discretion to select appropriate timing of review

Discretion: If an ill-health award is made, the Scheme Manager must keep the recipient's entitlement under review subject to the person being under deferred pension age at the time of review, and having been in receipt of the pension for less than 10 years. The Scheme Manager has discretion to decide the appropriate timing of review.

Similarly, if the Scheme Manager determines that a deferred pension should be paid early on ill-health grounds they must periodically review the recipient's entitlement to continuing payment of the award. Such reviews would be carried out until the person reaches deferred pension age and the Scheme Manager has discretion to decide the appropriate timing of review.

WYFRS Adopted Policy: The Scheme Manager will undertake regular ill health pension reviews on individuals who are under deferred pension age and have been in receipt of an ill-health pension for less than 10 years.

Where the IQMP makes a recommendation for a review period the Scheme Manager will aim to review in line with this recommendation. In the absence of a recommended review period the Scheme Manager will initiate review at intervals it deems appropriate with the information they have to hand.

1.12 Regulations 69(3): Consequences of review

Discretion: If, following the review of a lower tier ill-health pension under Regulation 68, the Scheme Manager determines that the recipient is capable of performing the duties appropriate to the role from which the person retired on grounds of ill-health; the employer must consider whether or not to make an offer of re-employment.

WYFRS Adopted Policy: Where a member is receiving a lower tier ill-health pension and becomes capable of performing the duties appropriate to the role from which they retired, the Scheme Manager will consider making an offer of re-employment based on individual circumstances.

1.13 Regulation 70: Commencement of pensions. Discretion to determine date of commencement of payments

Discretion: In accordance with Regulation 70(1) and (2), where an active member has not claimed payment of the retirement pension before the date on which they retire, the Scheme Manager shall, determine the date on which payment will commence and will notify the member accordingly.

In accordance with Regulation 70(8), if a member requests deferral of payment of a deferred pension beyond deferred pension age (Regulation 70(5)(a)), or requests early payment with an early payment reduction before deferred pension age (Regulation 70(5)(b)), the Scheme Manager shall decide the payment date after the claim for payment has been made.

WYFRS Adopted Policy: The Scheme Manager will take advice from the IQMP in this scenario. If no date can be established it will default to the date that the deferred member made their initial enquiry.

1.14 Regulation 72: Allocation election. Discretion to withhold consent if Scheme Manager is not satisfied that nominated person is substantially dependent on the member

Discretion: The Scheme Manager may withhold consent for the nomination of a dependant who is not the spouse, civil partner or cohabiting partner of an active or deferred member if the Scheme Manager is not satisfied that the person nominated is substantially dependent on the active member.

WYFRS Adopted Policy: Where a portion of a pension has been allocated to a dependant who is not the spouse, civil partner or cohabiting partner of the member, the Scheme Manager will withhold the payment if they cannot be satisfied that the person nominated is substantially dependent on the member. Each case will be considered on its merits and full details of the circumstances will be required.

1.15 Regulation 73: Making an allocation election. Proof of the member's normal life expectancy

Discretion: The Scheme Manager must be satisfied that a member who makes a nomination election has normal life expectancy at the time of the request. The Scheme Manager must decide how this is to be judged, e.g. by the member's GP or the Occupational Health Physician, or by an IQMP's opinion.

WYFRS Adopted Policy: Where a Firefighter elects to give up part of their pension, the Scheme Manager will require the Firefighter to undergo a medical examination at their own expense before permitting them to do so.

1.16 Regulation 75: Adjustment of allocated benefit. Discretion to adjust allocated benefit if member dies after reaching age 75

Discretion: If a member who has made an allocation election dies after reaching age 75, and the amount of allocated pension does not qualify as a dependant's scheme pension under section 167 of the Finance Act 2004 (pension death benefit rules), the Scheme Manager has discretion to adjust it in such manner as they may determine.

WYFRS Adopted Policy: Where an allocated pension does not qualify as a dependant's scheme pension, the Scheme Manager will arrange for the amount to be adjusted accordingly.

1.17 Regulation 76: Meaning of “surviving partner”: Discretion to waive qualifying period for surviving partner's pension in the case of a cohabiting partner

Discretion: Under Regulation 76 of the Firefighters' Pension Scheme (England) Regulations 2014, a cohabiting partner may be considered a "surviving partner" and potentially qualify for a pension provided they meet certain conditions, one of which is that they must have been in a "long-term relationship", i.e. for a continuous period of at least two years, at the date at which entitlement needs to be considered. The Scheme Manager has discretion under Regulation 76(2) to allow a person to qualify where the period is less than two years.

WYFRS Adopted Policy: This discretion will only be applied in exceptional circumstance which will be determined on a case by case basis by the Scheme Manager.

1.18 Regulation 85: Meaning of “eligible child”. Discretion as to timing of review if eligibility is based on permanent disablement

Discretion: If a child's pension is put into payment because of the child's dependency on the member on the grounds of permanent disablement and, at review, it is considered that the recipient is no longer permanently disabled, the pension will cease to be payable (unless the child would be entitled to the pension under any other terms of eligibility).

WYFRS Adopted Policy: Such awards will be reviewed at the child's 18th birthday, and every 10 years thereafter. If the disablement is no longer deemed permanent (according to the opinion of an IQMP), the child's pension will cease if they are not eligible under any other terms of eligibility.

1.19 Regulation 95: Person to whom lump sum death benefit payable. Discretion of Scheme Manager to select recipients

Discretion: Regulation 95 of the Firefighters' Pension Scheme (England) Regulations 2014 gives the Scheme Manager absolute discretion to pay any lump sum death benefit to or for the benefit of the member's nominee, personal representative or any person appearing to have been a relative or dependent of the member.

WYFRS Adopted Policy: The Scheme Manager will assess on a case-by-case basis and will take into consideration any/all evidence available to them when making their decision.

1.20 Regulation 100: Payment of pension in respect of an eligible child below age 18. Discretion relating to payment of child's pension

Discretion: If an eligible child's pension is payable in respect of an eligible child below age 18, in accordance with Regulation 100 of the Firefighters' Pension Scheme (England) Regulations 2014, the Scheme Manager must determine to whom it should be paid, and shall give directions to that person as to how the payment should be applied for the eligible child's benefit.

WYPF Adopted Policy: The Scheme Manager will make the final decision as to the recipient to receive any sum payable to a minor.

1.21 Regulation 101: Surviving partner's pensions and eligible child's pensions. Discretion to suspend and recover

Discretion: If, upon a member's death, a pension has been awarded and paid under the Firefighters' Pension Scheme (England) Regulations 2014, and it later appears to the Scheme Manager that the member or person to whom the pension has been paid made a false declaration or deliberately suppressed a material fact in connection with the award, the Scheme Manager has discretion to cease paying the pension and recover any payment made under the award as permitted under Regulation 101.

WYFRS Adopted Policy: In the circumstances outlined above the Scheme Manager will cease payment.

1.22 Regulation 102: Provisional awards of eligible child's pensions: Discretion for later adjustments

Discretion: If the Scheme Manager has paid children's pensions under the Firefighters' Pension Scheme (England) Regulations 2014 to certain persons on the basis that they were eligible children at the date of the member's death and there were no others, and subsequently it appears that any of those children were not eligible, or there was a further eligible child to whom no payment has been made, or that a child born after the member's death is an eligible child, the Scheme Manager has discretion under Regulation 102 to adjust the amount of pensions as required in view of the facts as they subsequently appear. The adjustments may be made retrospectively.

WYFRS Adopted Policy: Each case will be considered on its merits and full details of the circumstances will be required.

1.23 Regulation 104: Discretion to adjust benefits to comply with Finance Act 2004 where members die over age 75

Discretion: If a member dies after reaching age 75 and any part of a pension to which a person becomes entitled on the death would not qualify as a dependant's scheme pension for the purposes of section 167 of the Finance Act 2004 (the pension death benefit rules), the Scheme Manager has discretion under Regulation 104 of the Firefighters' Pension Scheme (England) Regulations 2014 to adjust the benefit payable to the person so that it would qualify as a dependant's scheme pension in accordance with that section of the Act.

WYFRS Adopted Policy: Each case will be considered on its merits and full details of the circumstances will be required.

1.24 Regulations 110: Member contributions. Discretion to specify circumstances where a reduction in pensionable pay shall be disregarded for purposes of determining member contributions

Discretion: The Scheme Manager shall decide the relevant rate of contributions payable by a scheme member by reference to the pensionable pay "banding tables" in Regulation 110 of the Firefighters'

Pension Scheme (England) Regulations 2014 and the requirements of that Regulation. This is subject to Regulations 111 to 113 (contributions during absences).

When identifying the appropriate contribution rate, the reduction in pay in certain circumstances as listed in Regulation 110 shall be disregarded.

In addition, the Scheme Manager may, as allowed by Regulation 110(7)(h) specify the circumstances in a particular case where a reduction in pensionable pay will be disregarded.

WYFRS Adopted Policy: Contribution rates will be assessed when there is a change to pensionable pay and rates will be revised accordingly.

1.25 Regulation 111: Discretion to require member to pay the employer's contribution in addition to the employee's contribution

Discretion: If an active member is absent on a trade dispute or for a period of authorised unpaid absence, the member may elect to pay contributions on the assumed pensionable pay that they are treated as receiving. In accordance with Regulation 111(3) and (4) of the Firefighters' Pension Scheme (England) Regulations 2014, if the member so elects, the Scheme Manager may use their discretion to require the member additionally to pay the employer's contribution in respect of that period of absence.

If an active member is absent from scheme employment because of illness or injury and entitled to receive pensionable pay, they will pay contributions on the pay that they receive during the absence including statutory pay and the Scheme Manager will pay the corresponding employer's contribution. If the active member is absent from scheme employment because of illness or injury and not entitled to receive pay (including statutory pay), they may elect to pay contributions on the pay they were entitled to receive before it ceased. In accordance with Regulation 111(2), if the member so elects, the Scheme Manager may use their discretion to require the member additionally to pay the employer's contribution in respect of that period of absence.

WYFRS Adopted Policy: In circumstances where an individual is absent from work due to a trade dispute or unauthorised absence, they will be required to pay the member contributions and the employer contributions for the period of absence.

In circumstances where an individual is absent from work due to illness, injury, maternity/paternity leave they will only be required to pay member contributions for the period of absence; the Authority will pay the employer contributions. Please note however this is time critical, if the request is outside the specified time limits the employee will also be liable for the employer contributions.

1.26 Regulation 114: Deduction and payment of contributions. Discretion to agree with member the method of payment of employee contributions

Discretion: The Scheme Manager may deduct the member contributions due under Regulation 110 of the Firefighters' Pension Scheme (England) Regulations 2014 from each instalment of pensionable pay as it becomes due, unless circumstances are such that another method of payment has been agreed between the Scheme Manager and the member.

Contributions due in respect of absence from work on reserve forces service leave may be deducted from any payment made under Part 5 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 for the same period.

Contributions which the member is required to pay, or has elected to pay under Regulations 111 and 113 may be paid by a lump sum or by deduction from instalments of pensionable pay as agreed between the member and Scheme Manager, having regard to the time limits for payment.

WYFRS Adopted Policy: The Scheme Manager will agree a reasonable payment plan with the employee.

1.27 Regulation 135: Statement of transfer value entitlement. Discretion to extend period in which guarantee date falls

Discretion: In accordance with Regulation 135 (statement of entitlement) of the Firefighters' Pension Scheme (England) Regulations 2014, the Scheme Manager must specify in a statement of entitlement the "guarantee date" date by reference to which the cash equivalent or club transfer value is calculated; this date must fall within the three months beginning with the date of the member's application for the statement of entitlement and within ten days ending with the date on which the member is provided with the statement. The Authority has discretion (given in Regulation 135(4)) if they believe it to be reasonable, to extend this date to within six months of the date of the member's application if, for reasons beyond the Scheme Manager's control, the information needed to calculate the transfer value cannot be obtained before the end of the three month period.

WYFRS Adopted Policy: An extension will only be granted in circumstances where the information needed to calculate the transfer value cannot be obtained before the end of the three month period, or where there are circumstances beyond their control. The date of extension will not be extended beyond six months of the member's application.

1.28 Regulation 141: Request for acceptance of a transfer payment. Discretion to extend time limit for request

Discretion: Under Regulation 141(3) of the Firefighters' Pension Scheme (England) Regulations 2014 there is a time limit of one year from becoming an active member in which a person can request a transfer payment from a non-occupational pension scheme. The Scheme Manager has discretion to extend this time limit.

WYFRS Adopted Policy: Each application will be considered on a case by case basis. The Scheme Manager will not extend time limits if there are direct cost implications for the Authority.

1.29 Regulations 142 and 144: Transfer statement and club transfer value statement. Discretion to require member to request manager of other pension scheme to provide statement of transfer value

Discretion: In accordance with Regulations 142(2) and 144(2) of the Firefighters' Pension Scheme (England) Regulations 2014 the Scheme Manager may require that, before making a transfer payment request, the member must ask the Scheme Manager of the other scheme to provide a statement of the

amount of transferred pension that the person would be entitled to count if the transfer were to proceed.

WYFRS Adopted Policy: This discretion has been delegated to our Administrators. It will be dealt with in accordance to with their policies and procedures, in line with regulatory requirements.

1.30 Regulation 152: Role of IQMP in determinations by the scheme manager

Administration Statement: In accordance with Regulation 152 of the Firefighters' Pension Scheme (England) Regulations 2014, if a medical issue has to be addressed, the Scheme Manager shall seek, and have regard to, the written opinion of an Independent Qualified Medical Practitioner ("IQMP") selected by them.

WYFRS Adopted Policy: A suitably qualified IQMP will be selected in all medical related cases.

1.31 Regulation 153 (1), (4) and (5): Review of medical opinion

Discretion: Where a member requests a review of an IQMP's opinion in the light of new evidence received by the Scheme Manager within 28 days of the member having received the opinion, the Scheme Manager may agree to giving the IQMP the opportunity of reviewing the opinion.

(4) and (5) Upon receiving the IQMP's response the Scheme Manager must confirm or revise its original determination and advise the member accordingly.

WYFRS Adopted Policy: Where the Scheme Manager receives new evidence from a member within 28 days of the opinion; the Scheme Manager will request the IQMP to review the opinion. Upon receiving the IQMP's advice, the Scheme Manager will confirm or revise its original determination and advise the member accordingly.

1.32 Regulation 155: Notice of appeal (Board of Medical Referees)

Discretion: In accordance with Regulation 155 of the Firefighters' Pension Scheme (England) Regulations 2014, if a member wishes to appeal against a determination made by the Scheme Manager and their grievance lies in the medical opinion upon which the determination was based, they can appeal to a Board of Medical Referees.

The notice of appeal, setting out the appellant's name and address and the grounds of the appeal must be given to the Scheme Manager within 28 days of the member having received the documents supplied under Regulation 154. If the appeal is not made within this time limit the Scheme Manager has discretion under Regulation 155(2) to extend the time limit for such period as they consider appropriate, not exceeding six months from the date on which the relevant documents relating to the determination were supplied in accordance with Regulation 154.

WYFRS Adopted Policy: Where an appeal is not made within the specified time limit and the Scheme Manager believes it is not due to the person's own default, the Scheme Manager will extend the time limit for appeal by a maximum of one month from the date of the original appeal deadline (or such other timescale they consider appropriate).

1.33 Regulation 156 (8) to (12) (see also regulation 161): Reference of appeal to the Board

Discretion: Where a member has given notice of appeal to a board of medical referees, before the board arranges a time and place for the interview and medical examination a member of the board will review the documents supplied to the board in accordance with Regulation 156. If the board member is of the opinion that the board may regard the appeal as frivolous, vexatious or manifestly ill-founded the board member will notify the Secretary of State accordingly. This will be copied to the Scheme Manager who must, in turn, send a copy of it to the scheme member advising that if their appeal is unsuccessful, the member may be required to pay the Scheme Manager's costs and requesting

notification from the member as to whether, in the circumstances, they wish to continue with, or withdraw, the appeal.

WYFRS Adopted Policy: Where the Medical Appeal Board determines that an appeal is frivolous, vexatious or manifestly ill-founded, the Scheme Manager will require the appellant to pay it the maximum sum allowable.

1.34 Regulation 157: Procedure where appeal to be pursued. Discretion to submit written evidence. Selection of attendee(s) representing the Scheme Manager at the interview

Discretion: Where an appeal is to be pursued, the Scheme Manager shall follow the requirements of Regulation 157 of the Firefighters' Pension Scheme (England) Regulations 2014 regarding the interview at the time and place appointed by the Medical Appeal Board. They can submit any written evidence as they consider appropriate and respond to any written evidence supplied by the appellant in accordance with the Regulation and within the set time-scales. They can also decide who should attend the interview as representative(s) of the Scheme Manager.

WYFRS Adopted Policy: The Occupational Health and Safety Manager will act as the Authority's representative at such hearings. They will be accompanied by the Pensions Manager.

The Scheme Manager will submit written evidence to a Medical Appeal Board in accordance with the regulations.

1.35 Regulation 161: Fees and allowances payable to the Board: expenses of each party. Discretion to require appellant to pay fees and allowances in certain circumstances

Discretion: The Scheme Manager can require the appellant to pay to them a sum equivalent to the total amount of fees and allowances payable to the Board under Regulation 160(1) where –

- the Board determines an appeal in favour of the Scheme Manager and states that in the Board's opinion the appeal was frivolous, vexatious or manifestly ill-founded, or
- the appellant has withdrawn the appeal requesting cancellation or postponement, giving less than 22 working days' notice before the date appointed for the interview, or
- the acts and omissions of the appellant cause the Board to cancel, postpone or otherwise adjourn the interview less than 22 working days' notice before the date appointed for that interview.

WYFRS Adopted Policy: Where the Medical Appeal Board determines that an appeal is frivolous, vexatious or manifestly ill-founded, the Scheme Manager will require the appellant to pay it the maximum sum allowable.

1.36 Regulation 163: Appeals on other issues: requirement to deal with a person's disagreement by Internal Dispute Resolution Procedures ("IDRP"). Discretion to decide local IDRP arrangements

Discretion: If a member disagrees with the Scheme Manager's determination of award under Regulation 151 of the Firefighters' Pension Scheme (England) Regulations 2014 and the disagreement does not involve an issue of a medical nature, the member can require the Scheme Manager to deal with the disagreement under Internal Dispute Resolution Procedures by written notice given to the Scheme Manager within 28 days of the receipt of the determination.

In compliance with section 50 of the Pensions Act 1995 (requirement for dispute resolution arrangements) and the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008, the Scheme Manager must have Internal Dispute Resolution Procedures in place but they can determine who should be decision makers at Stage One and at Stage Two.

These arrangements would also apply for other issues not directly covered by Regulation 163 but which may be appealed under Section 50 of the Pensions Act 1995.

WYFRS Adopted Policy: Stage one will be heard by the CESO. Stage two will be heard by the Chief Fire Officer (CFO).

1.37 Regulation 165: Recovery of overpayment of benefits. Discretion to decide means of recovery of overpayment resulting from a percentage decrease in earnings in a revaluation order

Discretion: In accordance with Regulation 165 of the Firefighters' Pension Scheme (England) Regulations 2014 if, in a financial year, a percentage decrease in earnings is specified in an order made under section 9 of the Public Service Pensions Act 2013 ("revaluation"), the Scheme Manager shall recover any overpayment of benefits that has occurred as a result of the application of the retirement index adjustment for that year. The Scheme Manager can determine whether to recover the overpayment by reducing the amount of each instalment of pension until recovery is completed, or whether to omit to pay any increase in the amount of any pension due until the amount of overpayment is recovered.

WYFRS Adopted Policy: This discretion has been delegated to our Administrators. It will be dealt with in accordance to with their policies and procedures, in line with regulatory requirements.

1.38 Regulation 167: Commutation of small pensions. Discretion to commute

Discretion: If a scheme member or a member's beneficiary is entitled to a pension which does not exceed the small pensions commutation maximum, subject to the Scheme Manager receiving the person's consent to the pension being converted to a lump sum of equivalent value assessed in accordance with actuarial guidance, the Scheme Manager in accordance with Regulation 167 of the Firefighters' Pension Scheme (England) Regulations 2014 and in compliance with the commutation provisions of other relevant legislation as set out in Regulation 167 may assess and pay a lump sum in lieu of the pension to the member or beneficiary.

WYFRS Adopted Policy: This discretion has been delegated to our Administrators. It will be dealt with in accordance to with their policies and procedures, in line with regulatory requirements.

1.39 Regulation 168: Discretion regarding payments for persons incapable of managing their affairs

Discretion: If it appears to the Scheme Manager that a person, other than an eligible child, who is entitled to the payment of an award is, by reason of mental incapacity or otherwise, incapable of managing his/her affairs, the Scheme Manager may, in accordance with Regulation 168 of the Firefighters' Pension Scheme (England) Regulations 2014 and having regard to the circumstances of the case and medical guidance where appropriate, consider –

- (a) paying benefits or any part of them to a person having care of the person entitled, or such other person as the Scheme Manager may determine, after obtaining a written undertaking from that person that the benefits paid are to be applied for the benefit of the entitled person as the Scheme Manager may direct, or
- (b) applying the benefits in such manner as the Scheme Manager may determine for the benefit of the person entitled, or any beneficiaries of the person

WYFRS Adopted Policy: The Scheme Manager will make the final decision as to the recipient to receive any sum payable to a person incapable of managing their own affairs.

1.40 Regulation 169: Payment of awards – discretion, following the death of a person, as to recipient(s) of sums less than the amount specified in the Administration of Estates (Small Payments) Act 1965

Discretion: Upon the death of a person to whom there was due a payment under the Firefighters' Pension Scheme (England) Regulations 2014 and before payment was made, if the total sum payable in respect of the deceased under the scheme is (currently) less than £5,000 the Scheme Manager may make payment to the person(s) they deem appropriate without requiring the production of Grant of Probate or Letters of Administration.

WYFRS Adopted Policy: Following the death of a person, the Scheme Manager will determine who the recipient should be in the circumstances outlined above.

1.41 Regulation 171: Discretion as to forfeiture: offences committed by members, surviving partners or eligible children

Discretion: The Scheme Manager can consider using the powers contained in Regulation 171 of the Firefighters' Pension Scheme (England) Regulations 2014 to withdraw a pension in whole or in part, permanently or temporarily where a person entitled to a pension under the scheme has been convicted of a relevant offence as defined within Regulation 171 if the Scheme Manager decides it would be appropriate according to the circumstances of any case which falls within the terms of Regulation 171 and subject to the certification of the Secretary of State where required.

Where a pension is withheld, the Scheme Manager shall at any time, and to such extent and for such duration as they think fit, apply the pension for the benefit of any dependant of the member or restore it to the member.

WYFRS Adopted Policy: When forfeiting a pension, the Scheme Manager will consider each case on an individual basis and details of full circumstances will be required.

1.42 Regulation 172: Forfeiture of pension in the event of murder and discretion as to forfeiture in the case of manslaughter

Discretion: In accordance with Regulation 172 of the Firefighters' Pension Scheme (England) Regulations 2014 if a surviving partner or eligible child is convicted of the murder of the scheme member in respect of whom their benefits are payable, the Scheme Manager must withhold all of the pension otherwise payable to that person.

However, if a surviving partner or eligible child is convicted of the manslaughter of the member, or any other offence, apart from murder, of which the unlawful killing of the member was an element, the Scheme Manager can use the discretion allowed under Regulation 172 to withhold all of the pension which exceeds any Guaranteed Minimum Pension to which the person is entitled under section 17 of the Pension Schemes Act 1993.

WYFRS Adopted Policy: When forfeiting a pension, the Scheme Manager will consider each case on an individual basis and details of full circumstances will be required.

1.43 Regulation 173: Forfeiture of lump sum death benefit

Discretion: If a person is convicted of a relevant offence, i.e. the murder or manslaughter of the member, or any other offence of which resulted in the unlawful killing of the member is an element, the Scheme Manager must withhold all of any lump sum death benefit payable to that person. If, however, the conviction is subsequently quashed on appeal, the Scheme Manager may, to such extent and for such duration as it thinks fit, restore to the person the amount of benefit withheld. If, after the conviction has been quashed, the person is again convicted of murder, manslaughter or an associated offence as outlined above, any restoration is cancelled.

WYFRS Adopted Policy: When forfeiting a pension, the Scheme Manager will consider each case on an individual basis and details of full circumstances will be required.

1.44 Regulations 174 and 176: Forfeiture: discretion to withhold benefits in respect of relevant monetary obligations and relevant monetary losses

Discretion: In accordance with Regulation 174 of the Firefighters' Pension Scheme (England) Regulations 2014, if a scheme member has a relevant monetary obligation or has caused a relevant monetary loss, the Scheme Manager may to such extent and for such duration as they consider appropriate, withhold benefits payable to that person under the scheme. The monetary obligation must have been incurred to the Scheme Manager after the person became an active member and arising out of or connected with the scheme employment in respect of which the person became a member of the scheme, and it must have arisen out of the person's criminal, negligent or fraudulent act or omission. "Relevant monetary obligation" and "relevant monetary loss" are defined in the Regulation. There are certain limits, e.g. the amount withheld may only be that which exceeds the person's guaranteed minimum pension and the Scheme Manager may only act if there is no dispute about the amount or, if there is, there is a court order or the award of an arbitrator.

WYFRS Adopted Policy: When forfeiting a pension, the Scheme Manager will consider each case on an individual basis and details of full circumstances will be required.

1.45 Regulations 175 and 176: Discretion to set-off a relevant monetary obligation against a member's entitlement to benefits under the scheme

Discretion: In accordance with Regulation 175 of the Firefighters' Pension Scheme (England) Regulations 2014, if a scheme member has a relevant monetary obligation – as defined in the Regulations – to the Scheme Manager, the Scheme Manager may, according to the circumstances of the case, set off the monetary obligation against the member's entitlement to benefits under the scheme.

There are certain limits, e.g. the amount withheld may only be that which exceeds the person's guaranteed minimum pension, certain transfer credits are protected, and the Scheme Manager may only act if there is no dispute about the amount or, if there is, there is a court order or the award of an arbitrator.

WYFRS Adopted Policy: Where the Scheme Manager proposes to withhold benefits, the procedure set out in Regulation 176 will be followed. The Scheme Manager will consider each case on an individual basis.

1.46 Regulation 184: Discretion to request evidence of entitlement

Discretion: The Scheme Manager can use their discretion under Regulation 184 of the Firefighters' Pension Scheme (England) Regulations 2014 to require any person who is in receipt of a pension or who may have entitlement to a pension or lump sum under the Scheme to provide such supporting evidence as the Scheme Manager may reasonably require so as to establish the person's identity and their continuing or future entitlement to the payment of any amount under the scheme.

If a person fails to comply with the Scheme Manager's requirements in this respect, the Scheme Manager can withhold the whole or part of any amount that it otherwise considers to be payable under the scheme.

WYFRS Adopted Policy: Where an individual fails to comply with requirements regarding evidence of entitlement, the Scheme Manager will withhold the whole or part of any amount that is otherwise payable.

1.47 SCHEDULE 1: Part 2, Paragraphs 6 to 11. Periodical payments for added pension. Discretion to set a minimum amount, to agree method of payment, and to extend time limit for payment

Discretion: The Scheme Manager can use their discretion under Paragraph 7(3) to set a minimum amount according to the circumstances of the case.

The periodical payments will normally be payable by deduction from the member's pensionable pay during the periodical payment period but if the member does not wish to have this method of payment the Scheme Manager may, in accordance with Paragraph 8(3) agree another method of payment.

If, after a period of assumed pensionable pay or reduced pay, the member wishes to authorise the Scheme Manager to deduct from pay the aggregate of payments which would have been made during this period, the payment must normally be made within 6 months of the end of the period of assumed or reduced pay. However the Scheme Manager can use their discretion under Paragraph 10(4) to extend the period if they are of the view that it would be appropriate in the circumstances.

WYFRS Adopted Policy: The Scheme Manager will consider each case on an individual basis and take advice from our Administrators where appropriate.

1.48 SCHEDULE 2: Part 1, Paragraph 3(3). Discretion to determine tapered protection date in some cases

Discretion: In accordance with Paragraph 3(3), the Scheme Manager can use their discretion to determine a tapered protection closing date for a tapered protection member of the Firefighters' Pension Scheme 2006 to whom Paragraphs 9(5) or 21 apply (members returning to pensionable service) according to the circumstances of the case.

WYFRS Adopted Policy: Scheme members were notified of their tapered protection dates at the time the 2015 scheme was introduced.

Should any 'out of the ordinary' cases present themselves the Scheme Manager will determine the tapered protection closing date based on the merits of the case and following guidance from their Pension Administrators.

WYFRS Adopted Policy: The Scheme Manager will consider each case on an individual basis and take advice from our Administrators where appropriate.

Firefighter Compensation Scheme

Discretionary Policies and Delegated Authority

OFFICIAL

Ownership: Human Resources

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Discretions in the Firefighters' Compensation Scheme

Introduction

As Scheme Manager the Authority is responsible for delivery of the Firefighters' Pension Schemes.

This document lists the Scheme Manager pension discretions as contained in the Firefighters' Compensation Scheme (England) Order 2006;

<http://www.legislation.gov.uk/uksi/2006/1811/schedule/1/made>

This document is applicable to all recipients of the Firefighters' Compensation Scheme.

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1 The Firefighters' Compensation Scheme 2006

1.1 Part 1, Rule 11, Paragraphs (5) and (6): Determining pensionable pay

Discretion: Where the Fire and Rescue Authority are unable to determine the period of a person's service from their records and do not hold records of that person's pay for any period and the necessary documents cannot be obtained from the person, the Authority may estimate the person's pensionable pay from records they hold and may in particular estimate this on the basis of the average of recent pay data for retained Firefighters at the same station or stations as that at which the person was based for the relevant period.

WYFRS Adopted Policy: Where pensionable pay cannot be determined, the Authority will estimate the pensionable pay based on the average of recent pay data for retained Firefighters at the same station or stations as that at which the person was based for the relevant period.

1.2 Part 2, Rule 3, Paragraph 6: Discretion to reduce compensation for death or permanent incapacity

Discretion: The Fire and Rescue Authority may consider using the powers contained in Part 2, Rule 3, paragraph 6 of the Firefighters' Compensation Scheme (England) Order 2006 to reduce the amount or sum referred to in paragraph 2 or 4 by such amount as they consider appropriate where the Firefighter's serious and culpable negligence or misconduct contributed in any material respect to the circumstances in which the injury was sustained, if they feel it appropriate according to the circumstances of any case which falls within the terms of Part 2, Rule 3.

WYFRS Adopted Policy: Where an individual has contributed to an infirmity by their default, it is likely that the Authority will reduce their compensation to not less than half the amount due. However, each case will be considered on an individual basis by the Scheme Manager.

1.3 Part 2, Rule 3, Paragraph 10: Discretion to accept the status of an unmarried partner

Discretion: Although eligibility normally depends upon a relationship having continued for at least two years, the Fire and Rescue Authority has discretion to make a payment in the event of a shorter period.

WYFRS Adopted Policy: In the circumstances outlined above the Authority will not consider that person to qualify unless in exceptional circumstances. Each case will be considered on its merits and full details of the circumstances will be required.

1.4 Part 2, Rule 4: Discretion to commute small compensatory pension for a lump sum.

Discretion: If it is considered appropriate and the total amount of any pension(s) payable to a person – who has attained State pensionable age – under the provisions of:

- Part 2, Rule 1 of the Firefighters' Compensation Scheme Order (England) Order 2006,
- Rule 1A1 of the Firemen's Pension Scheme Order 1992,
- Part 6, Rule 1 of the Firefighters' Pension Scheme (England) Order 2006,
- Regulation 105 of the Firefighters' Pension Scheme (England) Regulations 2014
- the Pensions (Increase) Act 1971

does not exceed the commutation limit for the purposes of Part 1 of Schedule 29 to the Finance Act 2004 (lump sum rule), the Fire and Rescue Authority can commute the pension(s) to a lump sum in accordance with factors prepared by the Scheme Actuary.

WYFRS Adopted Policy: This discretion has been delegated to our Administrators. It will be dealt with in accordance to with their policies and procedures, in line with regulatory requirements.

1.5 Part 3, Rule 4, Paragraphs 6 and 7: Discretion to increase the level of spouse's or civil partner's special or augmented award

Discretion: The Fire and Rescue Authority may consider, according to the circumstances of each individual case, increasing a surviving spouse's or civil partner's award for such period as the Authority think fit if the Firefighter and spouse or civil partner were living separately at the date of death and the normal level of dependant's benefit is reduced accordingly in accordance with Part 3, Rule 4 of the Firefighters' Compensation Scheme (England) Order 2006.

WYFRS Adopted Policy: The Authority may increase, for a period decided by the Authority, the level of spouse's or civil partner's special or augmented award. Each case will be considered on an individual basis by the Authority.

1.6 Part 3, Rule 5, Paragraphs 1 and 2: Discretion to reinstate all or part of a spouse's or civil partner's special or augmented award

Discretion: A person entitled to a pension under Part 3 of the Firefighters' Compensation Scheme (England) Order 2006 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 unless protected by the exclusions set out in Part 3, Rule 5(3). However, the Fire and Rescue Authority can permit the reinstatement of all or part of a spouse's or civil partner's special or augmented award for such period as the Authority think fit on the dissolution of the subsequent marriage or civil partnership, or if the other party to that marriage or civil partnership dies.

WYFRS Adopted Policy: Each case will be considered on an individual basis.

1.7 Part 4, Rule 3, Paragraph 5(C): Decision to cease payment of a child's special allowance

Decision: There is entitlement to a child's allowance for a child who is age 18 or over and who was dependent on the deceased at the date of death on grounds of permanent disablement. The Fire and Rescue Authority may decide how and when to periodically review entitlement. The award will cease to be payable if the Authority are satisfied that the child is no longer permanently disabled and not entitled to a child's special allowance under any of the other terms of eligibility.

WYFRS Adopted Policy: Such awards will be reviewed at the child's 18th birthday, and every 10 years thereafter. If the disablement is no longer deemed permanent (according to the opinion of an IQMP), the child's pension will cease if they are not eligible under any other terms of eligibility.

1.8 Part 5, Rule 1: Discretion to award an adult dependent relative's special pension

Discretion: If the conditions of Part 5, Rule 1 of the Firefighters' Compensation Scheme (England) Order 2006 are met, the Fire and Rescue Authority may consider, according to the circumstances of an individual case, the payment of a dependent relative's special pension to an adult dependent relative not entitled to any other award in respect of the same firefighter. It would be calculated in accordance with Schedule 4, Part 1 of the Order.

WYFRS Adopted Policy: The Authority will consider the payment of a dependent relative's special pension to a dependent relative not entitled to any other award.

1.9 Part 5, Rule 2, Paragraph 3: Discretion to award a dependent relative's gratuity

Discretion: The Fire and Rescue Authority may consider the payment of a dependent relative's gratuity to a dependent relative not entitled to any other award in respect of the same firefighter according to the circumstances of an individual case. The gratuity or gratuities payable must not exceed the amount of the deceased's contributions.

WYFRS Adopted Policy: The Authority will consider the payment of a dependent relative's gratuity to a dependent relative not entitled to any other award.

1.10 Part 5, Rule 3: Discretion to commute for a lump sum a small pension awarded to a surviving spouse or civil partner

Discretion: With the consent of the person entitled to the award, to commute for a lump sum a small pension awarded to a surviving spouse or civil partner.

If the total amount of any pension payable to a surviving spouse or civil partner under Part 3 of the Firefighters' Compensation Scheme (England) Order 2006, together with any increase under the Pensions (Increase) Act 1971, does not exceed the commutation limit for the purposes of Part 2 of Schedule 29 to the Finance Act 2004 (lump sum death benefit rule), and

- (a) the firefighter died before age 75, and
- (b) the Fire and Rescue Authority are satisfied that there are sufficient reasons, and
- (c) the surviving spouse or civil partner consents,

the Authority may commute the whole of the pension for a lump sum in accordance with the guidance of the Scheme Actuary at the time when the pension first becomes payable.

WYFRS Adopted Policy: This discretion has been delegated to our Administrators. It will be dealt with in accordance to with their policies and procedures, in line with regulatory requirements.

1.11 Part 5, Rule 4: Discretion to commute for a lump sum a small pension awarded to a child

Discretion: With the consent of the child, surviving parent or guardian, to commute for a lump sum a small pension awarded to a child.

If a child is entitled to a special allowance under Part 4, Rule 1 of the Firefighters' Compensation Scheme (England) Order 2006, and

- (a) the Fire and Rescue Authority are satisfied that there are sufficient reasons, and
- (b) the surviving parent or the child's guardian or – if neither – the child him or herself consents,

the Fire and Rescue Authority may commute the pension for a lump sum in accordance with Part 2 of Schedule 4 and the guidance of the Scheme Actuary at the time when the pension first becomes payable.

WYFRS Adopted Policy: This discretion has been delegated to our Administrators. It will be dealt with in accordance to with their policies and procedures, in line with regulatory requirements.

1.12 Part 6, Rule 3: Requirement to reconsider his/her claim to an award where the Fire and Rescue Authority do not admit the claim

Decision: If a person claims that they are entitled to an award or to any payment in respect of an award under the Firefighters' Compensation Scheme (England) Order 2006 and the Fire and Rescue Authority do not admit the claim at all or do not admit it to its full extent, in accordance with Part 6, Rule 1, paragraph 1, the Authority must reconsider the case if the person applies to them to do so. The "reconsideration" will be under the Internal Dispute Resolution Procedures as set up for use in the reconsideration of awards under the Firemen's Pension Scheme Order 1992, the Firefighters' Pension Scheme (England) Order 2006 and the Firefighters' Pension Scheme (England) Regulations 2014.

The Authority can decide who should be the Stage One and Stage Two decision makers.

WYFRS Adopted Policy: Stage one will be heard by the Chief Employment Service Office (CESO). Stage two will be heard by the Chief Fire Officer (CFO).

1.13 Part 7, Rule 2 and Rule 4: Discretion to increase an award for a serviceman who are permanently disabled

Discretion: Should a serviceman be permanently disabled at the end of his/her forces period and the infirmity that occasioned his/her incapacity for the performance of duty was occasioned by an injury received during his/her forces period or by a qualifying injury, the Fire and Rescue Authority may consider paying or increasing any pension payable under the Firemen's Pension Scheme Order 1992, the Firefighters' Pension Scheme (England) Order 2006 and the Firefighters' Pension Scheme (England) Regulations 2014 in accordance with Part 7, Rule 2 and Rule 4 of the Firefighters' Compensation Scheme (England) Order 2006, having regard to the limitations in Schedule 6.

WYFRS Adopted Policy: The Authority may increase an award for a serviceman who is injured and permanently disabled during their forces period. The Authority will consider each case on an individual basis.

1.14 Part 7, Rule 3 and Rule 4: Discretion to increase dependants' benefits under the Firefighters' Pension Scheme 1992

Discretion: To increase dependants' benefits under the Firefighters' Pension Scheme 1992 to the level of a flat-rate award if a serviceman dies from the effects of an injury received during his/her forces period or a qualifying injury.

Should a serviceman –

- (a) die during his/her forces period, or
- (b) be permanently disabled at the end of that period, not since have been a firefighter, and die from the effects of an injury that occasioned his/her incapacity for the performance of duty or while in receipt of a pension,

the Fire and Rescue Authority may consider increasing any dependants' benefits as allowed under Part 7, Rule 3 and Rule 4 of the Firefighters' Compensation Scheme (England) Order 2006, having regard to the limitations in Schedule 6.

WYFRS Adopted Policy: The Authority may increase dependants' benefits to the level of a flat-rate award if a serviceman dies from the effects of an injury received during their forces period. Each case will be considered by the Authority on an individual basis.

1.15 Part 7A, Rules 2 and 4: Discretion to increase an award to a reservist who is permanently disabled as a result of an injury

Discretion: If a person takes up employment with the Fire and Rescue Authority on or after 6 April 2006 or, having been employed before that date becomes a member of the Firefighters' Pension Scheme 2006 or the Firefighters' Pension Scheme 2015 and becomes a reservist, for the purposes of the Firefighters' Compensation Scheme 2006 he/she shall be treated as if they had continued to be a Firefighter during the period of relevant service in the armed forces (the "forces period").

If at the end of the forces period or subsequently after resuming service as a Firefighter the person is permanently disabled and the infirmity that occasioned his/her incapacity for the performance of duty was occasioned by an injury received during the forces period or by a qualifying injury, the Fire and Rescue Authority may, according to the circumstances of the case, consider increasing the amount of pension payable under the Firefighters' Pension Scheme 2006 or the Firefighters' Pension Scheme 2015, subject to the limitations of Schedule 7 of the Firefighters' Compensation Scheme (England) Order 2006.

WYFRS Adopted Policy: The Authority may increase an award to a reservist who is permanently disabled as a result of an injury received during their forces period. Each case will be considered by the Authority on an individual basis.

1.16 Part 7A, Rules 3 and 4: Discretion to increase dependants' benefits if a reservist dies from the effects of an injury received during his/her forces period or a qualifying injury

Discretion: If a person takes up employment with the Fire and Rescue Authority on or after 6 April 2006 or, having been employed before that date becomes a member of the Firefighters' Pension Scheme 2006 and becomes a reservist, for the purposes of the Firefighters' Compensation Scheme 2006 he/she shall be treated as if they had continued to be a Firefighter during the period of relevant service in the armed forces (the "forces period").

If the person dies during the forces period or is permanently disabled at the end of the forces period and dies from the effect of an injury that occasions incapacity for the performance of duty the Fire and Rescue Authority may, according to the circumstances of the case, consider increasing the amount of pension payable under the Firefighters' Pension Scheme 2006 or the Firefighters' Pension Scheme 2015, subject to the limitations of Schedule 7 of the Firefighters' Compensation Scheme (England) Order 2006.

WYFRS Adopted Policy: The Authority may increase dependants' benefits if a reservist dies from the effects of an injury received during their forces period. Each case will be considered on an individual basis.

1.17 Part 8, Rule 1: Discretion to pay an injury award to or in respect of an employee of a Fire and Rescue Authority who is not a Firefighter but has to retire, or dies, as a result of an injury received

Discretion: If an employee who is not a Firefighter suffers an injury without their own default –

- (a) while in attendance at a fire, and
- (b) in the execution of their duties as an employee of the Fire and Rescue Authority, and
- (c) has to retire in consequence of the injury

the Authority, having regard to the circumstances of the case, may grant such pension or gratuity under the Firefighters' Compensation Scheme (England) Order 2006 as the Authority think fit.

If in the circumstances outlined in (a) and (b) above, the person dies from the effect of the injury, either before or after retiring from the employment, the Authority, having regard to the circumstances of the case, may grant such pension, gratuity or allowance as they think fit to a surviving spouse, civil partner and/or child. If granted, such awards would be subject to the terms and limits of Part 8, Rule 1 of the Firefighters' Compensation Scheme (England) Order 2006.

WYFRS Adopted Policy: The Authority will pay an award to, or in respect of, an employee who is not a Firefighter but who has to retire, or dies, as a result of an injury received without his/her own default while in attendance at a fire in the execution of their duties as an employee of the Authority. The amount of the award will be decided by the Authority and each case will be considered on an individual basis.

1.18 Part 9, Rule 1, paragraph 1: Discretion to decide intervals at which a person's degree of disablement should be reviewed

Discretion: If a Fire and Rescue Authority make an injury award they must periodically review whether or not the person's degree of disablement has substantially altered; if it has, the pension has to be reviewed. If the disability has ceased the pension must cease. The Authority has discretion to decide the intervals at which the entitlement is reviewed.

WYFRS Adopted Policy: The Authority will undertake regular reviews on individuals who are under state pension age.

Where the IQMP makes a recommendation for a review period the Authority will aim to review in line with this recommendation. In the absence of a recommended review period the Authority will initiate review at intervals it deems appropriate with the information they have to hand.

1.19 Part 9, Rule 1, paragraph 3: Discretion to resolve that no further review of degree of disablement should take place

Discretion: According to the circumstances of an individual case, the Fire and Rescue Authority may – at any time 5 years after an injury pension first becomes payable – determine that no further review of entitlement to the injury pension as required by Part 9, Rule 1, paragraph 1 should take place.

WYFRS Adopted Policy: The Authority will undertake regular reviews on individuals who are under state pension age.

Where the IQMP makes a recommendation for a review period the Authority will aim to review in line with this recommendation. In the absence of a recommended review period the Authority will initiate review at intervals it deems appropriate with the information they have to hand.

1.20 Part 9, Rule 2: Discretion to reduce the level of an injury award to not less than half of the full amount where a person contributed to the infirmity by their own default

Discretion: The Fire and Rescue Authority may consider using the powers contained in Part 9, Rule 2 of the Firefighters' Compensation Scheme (England) Order 2006 to reduce an injury award where a person is permanently disabled and has brought about or contributed to the infirmity by his/her own default if the Authority feel it appropriate according to the circumstances of any case which falls within the terms of Rule 2.

WYFRS Adopted Policy: It is likely that the Authority will apply their discretion in these circumstances. However, each case will be considered on an individual basis.

1.21 Part 9, Rule 3: Discretion to withdraw the whole or part of a person's pension during any period of re-employment as a Firefighter

Discretion: The Fire and Rescue Authority may withdraw the whole or part of any pension payable under the Firefighters' Compensation Scheme (England) Order 2006 (other than an award made to a spouse or civil partner) for any period during which the person entitled to it is employed as a Firefighter by any Fire and Rescue Authority.

(The Authority could consider using the abatement principles for pensions paid under the Firemen's Pension Scheme Order 1992 and Firefighters' Pension Scheme (England) 2006, the abatement principle set out in Firefighters' Pension Scheme Circular 10/2009, and in HM Treasury guidance).

WYFRS Adopted Policy: Where a Firefighter has retired and been re-employed in any capacity with any Fire and Rescue Authority, their pension will be subject to abatement.

1.22 Part 9, Rule 4, paragraphs 1 to 3: Discretion to withdraw a pension based on a person's conviction of certain offences

Discretion: The Fire and Rescue Authority may consider using the powers contained in Part 9, Rule 4, paragraphs 1 to 3 of the Firefighters' Compensation Scheme (England) Order 2006 to withdraw a pension in whole or in part where a pensioner has been convicted of an offence if they feel it appropriate according to the circumstances of any case which falls within the terms of Rule 4 and subject to the certification of the Secretary of State where required.

WYFRS Adopted Policy: Where an individual is convicted of such an offence it is likely that the Authority will withdraw their pension. However, each case will be considered on an individual basis.

1.23 Part 9, Rule 4, paragraph 4: Discretion to restore a pension withdrawn to the pensioner or to apply it for the benefit of any dependant of the pensioner

Discretion: If the Fire and Rescue Authority withhold a pension in whole or in part, under Part 9, Rule 4, paragraphs 1 to 3 of the Firefighters' Compensation Scheme (England) Order 2006, according to the circumstances of the case they may determine, at such time as they think fit, to restore it to the pensioner or to apply it for the benefit of any dependant of the pensioner.

WYFRS Adopted Policy: The Authority may restore a pension withdrawn under Part 9, Rule 4, Paragraphs 1 to 3 or apply it for the benefit of any dependant of the pensioner. Each case will be considered on an individual basis.

1.24 Part 9, Rule 5: Discretion to decide what extent an award should be forfeited by a person who has been convicted of an offence

Discretion: If a person has been convicted of an offence under section 34(6) of the Fire and Rescue Services Act 2004 (acts or omissions for purposes of obtaining awards or other sums), according to the circumstances of the case the Fire and Rescue Authority may determine under Part 9, Rule 5 of the Firefighters' Compensation Scheme (England) Order 2006 that he/she should forfeit the whole or part of an award or sum obtained under the Firefighters' Compensation Scheme (England) Order 2006.

WYFRS Adopted Policy: The Authority will consider to what extent an award should be forfeited in the circumstances described in Part 9, Rule 5. Each case will be considered on an individual basis.

1.25 Part 10, Rule 2, paragraph 1: Determination of intervals at which instalment of an injury pension or allowance should be paid

Discretion: Injury awards must be paid in advance but the Fire and Rescue Authority can determine the intervals at which payments will be made.

WYFRS Adopted Policy: This discretion has been delegated to our Administrators. It will be dealt with in accordance to with their policies and procedures, in line with regulatory requirements.

1.26 Part 10, Rule 2, paragraph 1: Discretion to delay payment of an award, determining any questions of the Fire and Rescue Authorities liability

Discretion: The Fire and Rescue Authority can use their power under Part 10, Rule 2, paragraph 1 of the Firefighters' Compensation Scheme (England) Order 2006 to delay payment of an award to the extent necessary for determining any question as to the Authority's liability.

WYFRS Adopted Policy: The Authority will delay the payment of an award until they are satisfied as to the eligibility of an award.

1.27 Part 10, Rule 2, paragraph 7: Discretion to pay a gratuity in instalments, rather than as a lump sum

Discretion: The Fire and Rescue Authority can decide whether to pay a gratuity as a lump sum or in instalments.

WYFRS Adopted Policy: This discretion has been delegated to our Administrators. It will be dealt with in accordance to with their policies and procedures, in line with regulatory requirements.

1.28 Schedule 5, paragraph 1(2): Discretion to extend the 14-day time limit in which a person must lodge a medical appeal

Discretion: The Fire and Rescue Authority can permit the extension of the 14-day time limit (to a maximum of six months) in which a person must lodge an appeal to a Board of Medical Referees.

WYFRS Adopted Policy: Where an appeal is not made within the specified time limit and the Authority believes it is not due to the person's own default, the Authority will extend the time limit for appeal by a maximum of one month from the date of the original appeal deadline (or such other timescale the Authority considers appropriate).

1.29 Schedule 5, paragraph 5(5): Discretion to decide the Fire and Rescue Authority's representation at Medical Appeal Board interview

Discretion: The Fire and Rescue Authority can decide who should represent the Authority at a Medical Appeal Board interview at the time that the date of the interview is set.

WYFRS Adopted Policy: The Occupational Health and Safety Manager will act as the Authority's representative at such hearings. They will be accompanied by the Pensions Manager.

1.30 Schedule 5, paragraph 6(1): Discretion to determine whether or not to submit written evidence or a written statement to Medical Appeal Board

Discretion: The Fire and Rescue Authority can decide whether or not to submit written evidence or a written statement to a Medical Appeal Board.

WYFRS Adopted Policy: The Authority will submit written evidence to a Medical Appeal Board in accordance with the regulations.

1.31 Schedule 5, paragraph 9(2): Discretion to require the appellant to pay the Fire and Rescue Authority the fees and allowances of the of the specialist member of the board

Discretion: If the Medical Appeal Board decides an appeal in favour of the Fire and Rescue Authority and reports that in its opinion the appeal lodged by the appellant was frivolous, vexatious or manifestly ill-founded, the Authority can require the appellant to pay the Authority such sum as is equal to, but not greater than, the total amount of fees and allowances as determined by the Secretary of State payable to the specialist member of the Board appointed under Schedule 5, paragraph 3(2).

WYFRS Adopted Policy: Where the Medical Appeal Board determines that an appeal is frivolous, vexatious or manifestly ill-founded, the Authority will require the appellant to pay it the maximum sum allowable.

1.32 Schedule 5, paragraph 9(3): Discretion to require the appellant to pay the Authority a sum not exceeding the total amount of fees and allowances payable to the Board, where the appellant withdraws an appeal

Discretion: If the appellant gives notice to the Medical Appeal Board of withdrawing an appeal within 21 working days prior to the date appointed for an interview or medical examination by the Board, the Fire and Rescue Authority may require the appellant to pay such sum as is equal to, but not greater than, the Board's fees and allowances as determined by the Secretary of State under Schedule 5, paragraph 8 of the Firefighters' Compensation Scheme (England) Order 2006.

WYFRS Adopted Policy: In the circumstances outlined above the Authority will require the appellant to pay any sum they think fit (subject to capping as per the regulations).

The Firefighters' Pension Scheme 1992	Category	Also Occurs in
Permission for a Chief Fire Officer, appointed on or before 1.7.2013, to retire before attaining age 55	1.1 CFO Retirement	
Discretion to determine that certain payments, be treated as such for the credit of	Pensionable	
1.2 Additional Pension Benefit to the firefighter member	1.2 Allowance	
Consent for one quarter pension to be commuted in the case of a firefighter who		
1.3 would otherwise not be permitted to commute such portion of pension	1.3 Commutation	
Discretion to commute, for a "trivial commutation lump sum", a small pension		
1.4 payable to a firefighter pensioner	1.4 Commutation	
A Scheme member may allocate a portion of pension for a dependant other than a	Allocating pension	
1.5 spouse or civil partner	1.5 to none partner	
Requirement for, and acceptance of, an opinion as to normal life expectancy for		
1.6 allocation purposes	1.6 Allocating pension Statutory Pension	2006 - 1.7
1.7 Pension debit members	1.7 Sharing	2006 - 1.8
Discretion to increase level of spouse's or civil partner's award for such period as		
1.8 the Fire and Rescue Authority think fit where the firefighter and spouse or civil partner were living separately	Pension upon 1.8 death	
Discretion to allow a gratuity to be paid to the surviving spouse or civil partner	Pension upon	
1.9 where it would otherwise not be payable	1.9 death	
Discretion to reinstate all or part of a spouse's or civil partner's pension following		
1.1 termination of the pension on marriage, remarriage, formation of a civil partnership or subsequent civil partnership	Pension upon 1.1 death	
1.11 Cessation of payment of a child's pension	Dependent 1.11 Pension	
Determination of entitlement to a child's allowance for a child aged 18 or over who	Dependent	
1.12 was dependent on the deceased by reason of permanent disablement	1.12 Pension	
Discretion to withhold all or part of a child's pension, permanently or temporarily,	Dependent	
1.13 where the child is convicted of manslaughter of the deceased.	1.13 Pension	
Discretion to make an award of dependent relative's gratuity to a dependent	Dependent	
1.14 relative who is not entitled to any other award under the Firemen's Pension Scheme	1.14 Pension	
Discretion to commute a spouse's or civil partner's pension, which is of limited		
1.15 amount, for a lump sum	1.15 Commutation Dependent	
Decision to commute a child's pension, which is of a limited amount, for a lump		
1.16 sum	1.16 Pension	
Decision to substitute a higher amount of child's flat rate award where neither of	Dependent	
1.17 the child's parents is alive	1.17 Pension	
Discretion that the Fire and Rescue Authority should pay the employer's pension	Additional	
1.18 firefighter gives notice that he/she wishes to pay contributions	Contributions for 1.18 unpaid leave	
Extension of 6-month time limit for election to pay certain sums in order that earlier	Time limit	
1.19 pensionable service may count on rejoining the fire and rescue service	1.19 extension	
Discretion to extend period in which a firefighter may make a payment to count as	Time limit	
1.2 pensionable service a period during which an injury award was payable	1.2 extension	
Extension of 12-month time limit for acceptance of "mis-selling" transfer value	Time limit	
1.21 payment	1.21 extension	
Discretion to adjust "mis-selling" transfer value to take account of any earlier	Time limit	
1.22 service credit	1.22 extension	2006 - 1.39
1.23 Discretion to accept a transfer value.	Time limit	
Extension of 6 month time limit for a former firefighter who has opted out of the	1.23 extension	
1.24 Firefighters' Pension Scheme 1992, to request payment of a transfer value to	Time limit	
another pension scheme	1.24 extension	

Extension of 12-month time limit after leaving in which a former firefighter must be subject to a new scheme if a transfer value based upon a returned refund of	Contribution
1.25 pension contributions is to be permitted	1.25 Flexibility
	Contribution
1.26 Discretion to deduct pension contributions from instalments of pensionable pay	1.26 Flexibility
	Contribution
1.27 Discretion to extend 30-day time limit in which an election to pay contributions in respect of unpaid additional maternity, paternity or adoption leave must be made	1.27 Flexibility
Discretion not to accept a firefighter's election to purchase increased benefits unless the firefighter has undergone a medical examination at his/her own expense	Time limit
1.28 and satisfied the Fire and Rescue Authority as to his/her good health	1.28 extension
Discretion of Fire and Rescue Authority to agree to discontinuance of payment of periodical contributions for increased benefits where satisfied that payment is causing, or likely to cause, the firefighter financial hardship	1.29 Financial Hardship
1.29 Discretion to extend the time limit for appeal against a Fire and Rescue Authority's decision based on a medical opinion	Time limit
1.3 Requirement to deal with a person's disagreement by Internal Dispute Resolution	1.3 extension
1.31 Procedure arrangements	1.31 Dispute resolution
	Statutory Pension
1.32 Pension credit members	1.32 Sharing
	Dependent
1.33 Discretion to commute a small pension due to a pension credit member	1.33 Pension
Requirement to decide whether a person under age 60 and in receipt of an ill-health pension for less than 10 years has become capable of carrying out any duty	
1.34 appropriate to the role from which he/she retired on health grounds	1.34 Ill Heath
Requirement to decide whether a person under age 60 who is receiving early payment of a deferred pension on health grounds, has become capable of firefighting and performing any other duties appropriate to his/her former role as a	
1.35 firefighter	1.35 Ill Heath
Discretion to reduce the level of an ill-health pension to not less than half of the full amount where firefighter contributed to infirmity by own default.	1.36 Ill Heath
Discretion to withdraw the whole or part of a person's pension during any period of his/her re-employment in any capacity with a Fire and Rescue Authority	1.37 Ill Heath
1.37 Discretion to withdraw a pension in whole or in part, permanently or temporarily, on a person's conviction of certain offences	1.38 Reputational
Discretion to restore a pension withdrawn under Rule K5(1) to the pensioner or to apply it for the benefit of any dependant of the pensioner	Dependent
1.39	1.39 Pension
Determination of intervals at which instalments of pension or allowance shall be paid	1.4 Pension timings
1.4 Discretion to delay payment of an award to the extent necessary for determining any question as to the Fire and Rescue Authority's liability	Determining
1.41 Discretion to decide an earlier payment date for survivors' benefits than the date prescribed	1.41 Liability
	Dependent
1.42 Repayment of aggregate pension contributions	1.42 Pension
	Time limit
1.43 Payment of awards - minors	1.43 extension
	Dependent
1.44 Payment of awards - discretion as to recipient, or application, of payments due to a person incapable of managing his/her own affairs.	1.44 Pension
1.45 Payment of awards - Discretion, following death of a person, as to recipient(s) of sums less than amount specified in the Administration of Estates (Small Payments) Act 1965	Dependent
1.46	1.46 Pension
Payment of awards - Discretion to withhold sums due in respect of fraud, theft or negligence on the part of that person in connection with his/her employment	1.47 Reputational
1.47 Discretion to deduct from an award any outstanding balance of payments in respect of previous service	Determining
1.48	1.48 Liability
Discretion to extend 28-day time limit in which a person must lodge any medical appeal, provided the Fire and Rescue Authority are of the opinion that the person's failure to lodge the appeal within 28 days was not due to his/her own default	Time limit
1.49 Discretion to decide the Fire and Rescue Authority's representation at a Medical Appeal Board interview.	1.49 extension
1.5 Discretion to decide whether or not to submit written evidence or a written statement to a Medical Appeal Board	1.5 Statutory
1.51 Discretion, where Medical Appeal Board decides an appeal in favour of the Fire and Rescue Authority and reports that in its opinion the appeal was frivolous, vexatious or manifestly ill-founded	1.51 Statutory
1.52 Discretion to require the appellant to pay the Authority a sum not exceeding the total amount of fees and allowances payable to the Board, where the appellant withdraws an appeal	1.52 Statutory
1.53	1.53 Statutory

The Firefighters' Pension Scheme 2006	Category	Also Occurs in
Discretion to accept the status of "nominated partner" where the Scheme member and partner had been in a relationship for less than 2 years	1.1 Equality	
1.2 Pension on member-initiated early retirement	1.2 Early retirement	
1.3 Authority-initiated early retirement	1.3 Early retirement	
Discretion to determine that certain payments should be treated as such for the credit of Additional Pension Benefit to the firefighter member	Pensionable	
1.4	Allowance	
1.5 Discretion to commute a small pension to a trivial commutation lump sum	1.5 Commutation	
Discretion to permit a firefighter to allocate a portion of pension for a dependant other than a spouse, civil partner, or nominated partner	Dependent	
1.6	Pension	
Requirement for, and acceptance of, an opinion as to normal life expectancy for allocation purposes	1.7 Allocating pension	1992 - 1.6
1.8 Pension debit members	Statutory Pension	
Discretion to withhold all or part of a survivor's pension, where the deceased's spouse, civil partner, or nominated partner is convicted of manslaughter of the deceased	1.8 Sharing	1992 - 1.7
1.9	Dependent	
Discretion, subject to request of surviving spouse, civil partner or nominated partner of a firefighter member, to commute their pension to a trivial commutation lump sum	1.9 Pension	
1.1	Dependent	
Discretion to withhold all or part of a child's pension, permanently or temporarily, where the child is convicted of manslaughter of the deceased	1.1 Pension	
1.11	Dependent	
Discretion, subject to consent of child's remaining parent, guardian or the child (if not a minor) to commute a child's pension to a trivial commutation lump sum	1.11 Pension	
1.12	Dependent	
1.13 Discretion as to recipient of death grant and post-retirement death grant	1.12 Pension	
1.13	Commutation	
Discretion to pay part of any death grant to a person whose conviction for murder or manslaughter of the deceased has been quashed	1.14 Reputational	
1.14		
Discretion, with the agreement of the pension credit member, to commute the whole of a pension credit pension to a trivial commutation lump sum	1.15 Commutation	
1.15	Time limit	
Discretion to pay a post-retirement death grant in respect of a pension credit member to such person or persons as the Fire and Rescue Authority think fit.	1.16 extension	
1.16	Time limit	
Discretion to extend time limit for an appeal against the Fire and Rescue Authority's decision based on medical advice	1.17 extension	
1.17		
Requirement to deal with a person's disagreement by Internal Dispute Resolution Procedure	1.18 Dispute resolution	
1.18		
Requirement to decide whether a person under State pensionable age and in receipt of an ill-health pension for less than 10 years has become capable of carrying out any duty appropriate to the role from which he/she retired on health grounds	1.19 Ill Health	
1.19		
Requirement to decide whether a person under normal benefit age (65) who is in receipt of a deferred pension paid early on permanent disablement, has become capable of carrying out any duty appropriate to their former role	1.2 Ill Health	
1.2		
Discretion to withdraw the whole or part of a Part 3 (personal awards) pension for any period during which the person entitled to it is again employed as a firefighter, or in any other capacity, by any Fire and Rescue Authority	1.21 Ill Health	
1.21		
Discretion to disallow early payment of a deferred pension under Part 3, Rule 3, paragraph 4 because of firefighter's dismissal from a Fire and Rescue Authority's employment	1.22 Reputational	
1.22		
Discretion to withdraw pension in whole or in part, permanently or temporarily, on a person's conviction of certain offences	1.23 Reputational	
1.23		
Discretion, to restore a pension withdrawn under Part 9, Rule 5, paragraphs 1 to 3, or to apply it for the benefit of any dependant of the pensioner	1.24 Reputational	
1.24		

Discretion to decide to what extent an award should be forfeited by a person who has been convicted of an offence under section 34(6) of the Fire and Rescue Services Act 2004	1.25 Reputational	
Discretion for a Fire and Rescue Authority to pay the employer's pension contributions due for a firefighter's unpaid period of absence where the firefighter gives notice that he/she wishes to pay contributions	1.26 extension	
Discretion to deduct pension contributions from each instalment of pensionable pay as it becomes due	1.27 Flexibility	
Discretion to extend the time limit in which an election to pay pension contributions in respect of unpaid additional maternity, paternity or adoption leave must be made	1.28 extension	
Discretion to deduct contributions in respect of unpaid additional maternity, paternity or adoption leave from the death grant payable under Part 5 if a member or connected member dies	1.29 Flexibility	
Discretion to allow a part-time regular firefighter to pay contributions at a part-time rate to purchase additional service	1.3 Flexibility	
Discretion to allow a retained or volunteer firefighter to purchase additional service by periodical contributions	1.31 Flexibility	
Purchase of service during the limited period	1.32 extension	
Discretion to agree to a firefighter member's request to discontinue payment of additional contributions to purchase service provided this is solely on the grounds of the member's financial circumstances	1.33 Flexibility	
The payment of contributions in respect of periods of unpaid service or absence, and discretion to extend the time limit in which the firefighter must pay	1.34 Flexibility	
Discretion to charge member for third or subsequent statement of cash equivalent transfer value entitlement requested within any 12 month period	1.35 Pension Charges	
Discretion to extend time limit in which a member, other than a special firefighter member, may apply for a transfer value payment from a non-occupational pension scheme	1.36 extension	
Discretion to accept a transfer value	1.37 extension	
Discretion to extend 12-month time limit for acceptance of a "mis-selling" transfer value payment	1.38 extension	
Discretion to adjust "mis-selling" transfer value to take account of any earlier service credit	1.39 extension	1992 - 1.22
Discretion to delay payment of an award to the extent necessary for determining any question as to a Fire and Rescue Authority's liability	1.4 extension	
Discretion to pay an award at other reasonable intervals if impracticable to pay at the standard monthly periods	1.41 health	
Discretion to recover all or part of an overpayment following a pensioner's death of which a Fire and Rescue Authority were not informed	1.42 Reputational	
Repayment of aggregate contributions	1.43 Flexibility	
Discretion as to recipient of any sum payable to a minor and directions as to application for the minor's benefit	1.44 Pension	
Discretion as to recipient, or application, of payments due to a person incapable of managing his/her own affairs	1.45 health	
Discretion, following the death of a person, as to recipient(s) of sums less than the amount specified in the Administration of Estates (Small Payments) Act 1965	1.46 extension	
Discretion to withhold sums due in respect of an award to a firefighter where there has been a loss to the funds of the Fire and Rescue Authority as a result of fraud, theft or negligence	1.47 Reputational	
Discretion to require a person who is or may be entitled to a pension or a lump sum under the Firefighters' Pension Scheme 2006 to provide a Fire and Rescue Authority with supporting evidence as to identity	1.48 Ill Health	
Decision as to date of issue of annual benefit statements and relevant date for the pension illustration	1.49 Reputational	
Discretion to extend 28 day time limit, in which a person must lodge a medical appeal, to a period not exceeding 6 months	1.5 extension	
Discretion to decide the Fire and Rescue Authority's representative at Medical Appeal Board interview	1.51 Ill Health	
Discretion to decide whether or not to submit written evidence or a written statement to Medical Appeal Board	1.52 Ill Health	
Discretion, where Medical Appeal Board determines an appeal in favour of the Fire and Rescue Authority and states that the appellant's appeal was "frivolous, vexatious or manifestly ill-founded"	1.53 Ill Health	
Discretion to require the appellant to pay to the Fire and Rescue Authority such sum as the Authority think fit, where the appellant gives notice to the Medical Appeal Board, withdrawing the appeal	1.54 Ill Health	

The Firefighters' Pension Scheme 2015	Category	Also Occurs in
1.1 Delegation. Opting into the Scheme. Discretion to determine date at which pensionable service starts.	1.1 Reputational	
1.2 Opting out of the Scheme. Discretion to determine date at which pensionable service ceases.	1.2 Policy decision	
1.3 Discretion to allow Continual Professional Development payments to be treated as pensionable.	1.3 Policy decision	Pensionable Allowance
1.4	1.4 Allowance	
1.5 Active membership - unpaid authorised absence. General. Discretion to keep in such form as the scheme manager considers appropriate.	1.5 Policy decision	
1.6 Closure and re-establishment of active member's account. Scheme Manager's discretion to select appropriate account where more than one account held.	1.6 Policy decision	
1.7 Closure of deferred member's account after gap in pensionable service not exceeding 5 years. Discretion to select which account is to be closed where more than one account is held.	1.7 Policy decision	
1.8	1.8 Policy decision	
1.9 Employer initiated retirement. Discretion to award immediate payment of retirement pension without reduction	1.9 Early retirement	
1.10 Exercise of partial retirement option. Discretion as to form in which notice must be given	1.1 Policy decision	
1.11 Review of ill-health award or early payment of retirement pension on ill-health grounds. Discretion to select appropriate timing of review	1.11 Ill Health	
1.12 Consequences of review	1.12 Ill Health	
1.13 Commencement of pensions. Discretion to determine date of commencement of payments	1.13 Policy decision	
1.14 Allocation election. Discretion to withhold consent if Scheme Manager is not satisfied that nominated person is substantially dependent on the member	1.14 Policy decision	
1.15 Making an allocation election. Proof of the member's normal life expectancy	1.15 Policy decision	
1.16 Adjustment of allocated benefit. Discretion to adjust allocated benefit if member dies after reaching age 75	1.16 Policy decision	
1.17 Discretion to waive qualifying period for surviving partner's pension in the case of a co-habiting partner	1.17 Equality	
1.18 Meaning of "eligible child". Discretion as to timing of review if eligibility is based on permanent disablement	Dependent Pension	
1.19 Person to whom lump sum death benefit payable. Discretion of Scheme manager to select recipients	Dependent Pension	
1.20 Payment of pension in respect of an eligible child below age 18. Discretion relating to payment of child's pension	Dependent Pension	
1.21 Surviving partner's pensions and eligible child's pensions. Discretion to suspend and recover	Dependent Pension	
1.22 Discretion for later adjustments	Dependent Pension	
1.23 Discretion to adjust benefits to comply with Finance Act 2004 where members die over age 75	Contribution Flexibility	
1.24 Member contributions. Discretion to specify circumstances where a reduction in pensionable pay shall be disregarded for purposes of determining member contributions	Contribution Flexibility	

Discretion to require member to pay the employer's contribution in addition to the employee's contribution 1.25	Contribution Flexibility
Deduction and payment of contributions. Discretion to agree with member the method of payment of employee contributions 1.26	Contribution Flexibility
Statement of transfer value entitlement. Discretion to extend period in which guarantee date falls 1.27	Time Extension
Request for acceptance of a transfer payment. Discretion to extend time limit for request 1.28	Time Extension
Transfer statement and club transfer value statement. Discretion to require member to request manager of other pension scheme to provide statement of transfer value 1.29	Policy decision
1.3 Role of IQMP in determinations by the scheme manager	Policy decision
1.31 Review of medical opinion	Ill Health
1.32 Notice of appeal (Board of Medical Referees)	Ill Health
1.33 Reference of appeal to the Board	Ill Health
Procedure where appeal to be pursued. Discretion to submit written evidence. 1.34 Selection of attendee(s) representing the scheme manager at the interview	Ill Health
expenses of each party. Discretion to require appellant to pay fees and allowances in certain circumstances 1.35	Policy decision
requirement to deal with a person's disagreement by Internal Dispute Resolution Procedures ("IDRP"). Discretion to decide local IDR arrangements 1.36	Dispute resolution
Recovery of overpayment of benefits. Discretion to decide means of recovery of overpayment resulting from a percentage decrease in earnings in a revaluation order 1.37	Over Payment
1.38 Commutation of small pensions. Discretion to commute	Commutation
1.39 Discretion regarding payments for persons incapable of managing their affairs	Payment under ill health
Payment of awards - discretion, following the death of a person, as to recipient(s) of sums less than the amount specified in the Administration of Estates (Small Payments) Act 1965 1.4	Reputational
1.41 offences committed by members, surviving partners or eligible children	Reputational
Forfeiture of pension in the event of murder and discretion as to forfeiture in the case of manslaughter 1.42	Reputational
1.43 Forfeiture of lump sum death benefit	Reputational
Discretion to withhold benefits in respect of relevant monetary obligations and relevant monetary losses 1.44	Reputational
Discretion to set-off a relevant monetary obligation against a member's entitlement to benefits under the scheme 1.45	Over Payment
1.46 Discretion to request evidence of entitlement	Policy decision
Part 2, Paragraphs 6 to 11. Periodical payments for added pension. Discretion to set a minimum amount, to agree method of payment, and to extend time limit for payment 1.47	Time Extension
Part 1, Paragraph 3(3). Discretion to determine tapered protection date in some cases 1.48	Policy decision - Sergeant Case



Northamptonshire Firefighter Pension Board

SUBJECT: Immediate Detriment Update

DATE: 27 July 2021

AUTHOR: Helen King, Office of the Police, Fire and Crime Commissioner

ADVICE: For members to note

1. Purpose of the Report

- 1.1 The Local Firefighter Pension Board is responsible for assisting the Scheme Manager in ensuring the effective governance and administration of the firefighter pension schemes.
- 1.2 This report provides an update on the latest position.

2. Background

- 2.1 Following an employment tribunal and subsequent appeals, the transitional protections related to the 2015 Firefighters' Pension Scheme were found to be age discriminatory.
- 2.2 The case was referred back to the Employment Tribunal (ET) to determine remedy. An interim declaration was made in December 2019 by the ET that claimants were entitled to be treated as if they remained in the 1992 or 2006 Firefighter's Pension Schemes.
- 2.3 Formal consultation on the changes to the transitional arrangements to the 2015 schemes has been undertaken and the consultation response was issued on 4 February 2021 by HM Treasury. The response confirms that discrimination will be addressed in two parts.
- 2.4 To remove future discrimination from the schemes and ensure equal treatment, all remaining protected members who are not currently members of FPS 2015 will transfer into this scheme on 1 April 2022. This means that all future service for all members will build up in the reformed 2015 scheme. Final salary benefits already built up are fully protected.

- 2.5 For benefits built up during the period of discrimination, 1 April 2015 to 31 March 2022, unprotected and taper members will be credited with final salary build-up in their original legacy scheme. At retirement, all members will be able to keep their legacy final salary benefits or choose to receive the 2015 scheme benefits that they would have built up in the same period. While we expect that transferring remaining members into the 2015 scheme at 1 April 2022 will be relatively straightforward, the conversion of 2015 scheme benefits into final salary will involve complex administrative processes with adjustments of pay, contributions, tax relief, and pensions tax liabilities.
- 2.6 The consultation response addresses some of these issues, however, further policy decisions are needed in some areas. The Home Office will consult separately on changes needed to the Firefighters' Pension Scheme regulations to enact the remedy. This is likely to take some time.
- 2.7 The Home Office issued [informal guidance](#) direct to FRSs in August 2020 regarding the treatment of immediate detriment cases. However, this guidance contains significant gaps, particularly in the areas of how to deal with the tax implications and pension contribution holidays. This makes it very difficult for FRAs to be able to implement the guidance in a consistent way.
- 2.8 It introduces significant risks to FRAs as it is not backed by legislation and any implementation is done at their own risk.

3. Immediate Detriment

3.1 In June 2021, the Local Government Association (LGA) provided information which FRA's can use as required to advise scheme members on the current position. This information was been shared with Scheme members in June by the Authority and includes the following:

3.1.1 Immediate detriment is the term used to refer to firefighters who retire before the law/ scheme rules are changed to remove age discrimination.

There are two types of immediate detriment members:

- Members who have already retired.
- Members who will retire before the law/ scheme rules are changed to remove age discrimination.

3.1.2 On 10 June the Home Office published updated guidance on immediate detriment:

[Immediate HO Detriment Guidance.SA\(6Aug20\) \(003\) HMM.docx \(fpsregs.org\)](#)

The guidance is informal and does not deal with pension scheme members who have already retired.

3.1.3 It confirms that Fire & Rescue Authorities (FRAs) have the power to calculate and pay pension benefits from the legacy final salary schemes under Section 61 of the Equality Act.

- 3.1.4 This rule means that members can be treated as though they did not move to the FPS 2015. However, while Section 61 gives the Authority the legal power to make payments, it cannot deal with all knock on effects of remedying the pension benefits and so making payments now would mean acting in advance of final Government policy decisions which have not been made.
- 3.1.5 Acting in advance of Government policy carries an element of risk for both the individual and the Authority, which might be outside of the organisation's control to manage. One example of such risk is the interaction with wider Government tax policy controlled by HM Revenue and Customs, which affects both the tax relief available on pension contributions and how much pension and individual can earn tax free.
- 3.1.6 More information about possible risks is given in the LGA information note which sits alongside the guidance: [LGA Immediate Detriment Information Note. Version 2 Published June 2021 \(fpsregs.org\)](#)
- 3.1.7 It is not yet known if the individual or their dependents will be able to change a decision made under immediate detriment if the scheme rules when they are in place would give them or their family a higher benefit.
- 3.1.8 Discussions are on-going between all parties to try to agree a pathway to reducing and minimising this risk to all in a uniform way and Northamptonshire support and welcome these discussions.

4. The Way Forward

- 4.1 Northamptonshire are committed to paying pensions due to pension scheme members as soon as they are able to do so.



Northamptonshire Firefighters' Pension Scheme Local Pension Board

AGENDA ITEM: 11

REPORT BY	Project Support Officer
SUBJECT	Northamptonshire Firefighters' Pension Scheme Local Pension Board - Agenda Plan
RECOMMENDATION	To discuss the agenda plan

1. Background

1.1 The agenda plan incorporates statutory, good practice and agreed scrutiny items and has been updated to reflect the items at the July 2021 to March 2022

	frequency required	27 th July 2021	30 th September 2021	9 th December 2021	24 th March 2022
Confirmed agenda to be circulated		4 th June			
Deadline for reports to be submitted		19 th July			
Papers to be circulated		20 th June			
Apologies and Declaration of Interests	every meeting	Apologies and Declaration of Interests	Apologies and Declaration of Interests	Apologies and Declaration of Interests	Apologies and Declaration of Interests
Minutes	every meeting	Minutes	Minutes	Minutes	Minutes
Fire Fighters Pensions Scheme Administration	every meeting	Fire Fighters Pensions Scheme Administration	Fire Fighters Pensions Scheme Administration	Fire Fighters Pensions Scheme Administration	Fire Fighters Pensions Scheme Administration
Update on SLA and breaches of Law	every meeting	Update on SLA and breaches of Law	Update on SLA and breaches of Law	Update on SLA and breaches of Law	Update on SLA and breaches of Law
Compliance with the Pensions regulator and Code of Practice	annually	Compliance with the Pensions regulator and Code of Practice			
Risk Register	every meeting	Risk Register	Risk Register	Risk Register	Risk Register

Annual Report	annually		Annual Report		
Immediate Detriment position		Immediate Detriment position			
Age Discrimination remedy	annually		Age Discrimination remedy		
Election of Chair and Vice chair	annually			Election of Chair and Vice chair	
Local Pension Board Representative Training	annually				Local Pension Board Representative Training