

**STATEMENT OF POLICY**

**Discretions under Firefighter Pension scheme Regulations**

Policy Statement

By (Employer)

Essex Fire Authority

This document includes discretionary policies for the relevant regulations; the Firefighter's Pension Scheme 1992, the New Firefighter's Pension Scheme 2006 and the Firefighter's Pension Scheme 2015.

Such policy decisions are to be kept under review.

Print Name            Lindsey Stafford-Scott

Signed                .....

Position             Director of Human Resources and Organisational Development

Date                  .....

# **1 Fire Authority Discretions - Firefighter Pension Scheme Regulations 1992**

## **A written policy statement is required concerning the following:-**

	<b>Discretion</b>	<b>Regulation</b>	<b>Employer Policy</b>
1.1	<p>The scheme manager has discretion to determine if the following payments are to be treated as pensionable pay to provide an additional pension benefit:-</p> <p>(a) any allowance or supplement to reward additional skills and responsibilities that are applied and maintained outside the requirements of the firefighter's duties under the contract of employment but are within the wider functions of the job;</p> <p>(b) the amount (if any) paid in respect of a firefighter's continual professional development;</p> <p>(c) the difference between the firefighter's basic pay in their day to day role and any pay received whilst on temporary promotion or where he is temporarily required to undertake the duties of a higher role;</p> <p>(d) any performance related payment which is not consolidated into his standard pay.</p>	Rule B5C (1), (5)	<p>The additional pensionable pay resulting from a period of temporary promotion which started after 1 July 2013 will be pensionable as an Additional Pension Benefit.</p> <p>The amount paid in respect of a firefighter's continual professional development will be pensionable as an Additional Pension Benefit.</p>

	<b>Discretion</b>	<b>Regulation</b>	<b>Employer Policy</b>
1.2	<p>Where an active member is absent from scheme employment because of illness or injury and not entitled to receive pensionable pay, or because of trade dispute or authorised unpaid absence, they may pay member contributions and the employer contributions due for the period.</p> <p>The fire and rescue authority may agree to pay the employer's contribution for the firefighter.</p>	Rule F2 (5)	The Firefighter must pay both the employee and employer contributions in order to reckon the period of authorised absence as pensionable service unless extenuating circumstances apply.
1.3	<p>Where a retired Firefighter is re-employed by any fire and rescue authority in whatever capacity, the fire and rescue authority may withdraw the whole or any part of the pension for any period during which the person entitled to it is re-employed.</p>	Rule K4, LA2 (9)	<p>Abatement to pension will apply if the member's new salary, combined with the pension they are in receipt of, exceeds (is more than) their total salary they received while previously employed, then that excess amount is abated (taken away from) their pension for the period whilst the member is in receipt of such a salary.</p> <p>Pension abatement will apply unless exceptional circumstances apply. Such exceptional circumstances are if the role is hard to fill or is a specialist role where the continuing expertise of the post-holder is critical to the operational effectiveness of the service.</p>

	<b>Discretion</b>	<b>Regulation</b>	<b>Employer Policy</b>
Note	Overpayment of pension		No discretion is required for overpayment of pensions as the regulations set out the requirements in this situation. As payments are made in advance, if a pensioner dies it is likely that an instalment of pension will have been made in respect of a period after his or her death. Rule L3(2) explains that if this is the case, no recovery of that instalment should be made in respect of the period after the date of death. But if there is a Spouse, the date of payment for the Spouse's pension moves to the day after the former firefighter had been paid up to.

## **2 Fire Authority - Firefighter Pension Scheme Regulations 2006**

### **A written policy statement is required concerning the following:-**

	<b>Discretion</b>	<b>Regulation</b>	<b>Employer Policy</b>
2.1	<p>The scheme manager has discretion to determine if the following payments are to be treated as pensionable pay to provide an additional pension benefit:-</p> <p>(a) any allowance or supplement to reward additional skills and responsibilities that are applied and maintained outside the requirements of the firefighter's duties under the contract of employment but are within the wider functions of the job;</p> <p>(b) the amount (if any) paid in respect of a firefighter's continual professional development;</p> <p>(c) the difference between the firefighter's basic pay in their day to day role and any pay received whilst on temporary promotion or where he is temporarily required to undertake the duties of a higher role;</p> <p>(d) any performance related payment which is not consolidated into his standard pay.</p>	Rule 7B (1), (5) of Part 3	<p>The additional pensionable pay resulting from a period of temporary promotion which started after 1 July 2013 will be pensionable as an Additional Pension Benefit.</p> <p>The amount paid in respect of a firefighter's continual professional development will be pensionable as an Additional Pension Benefit</p>

	<b>Discretion</b>	<b>Regulation</b>	<b>Employer Policy</b>
2.2	Where a retired Firefighter is re-employed by any fire and rescue authority in whatever capacity, the fire and rescue authority may withdraw the whole or any part of the pension for any period during which the person entitled to it is re-employed.	Rule 3 of Part 9	Abatement to pension will apply if the member's new salary, combined with the pension they are in receipt of, exceeds (is more than) their total salary they received while previously employed, then that excess amount is abated (taken away from) their pension for the period whilst the member is in receipt of such a salary. Pension abatement will apply unless exceptional circumstances apply. Such exceptional circumstances are if the role is hard to fill or is a specialist role where the continuing expertise of the post-holder is critical to the operational effectiveness of the service.
2.3	Where an active member is absent from scheme employment because of illness or injury and not entitled to receive pensionable pay, or because of trade dispute or authorised unpaid absence, they may pay member contributions and the employer contributions due for the period.  The fire and rescue authority may agree to pay the employer's contribution for the firefighter.	Rule 4 of Part 10	The Firefighter must pay both the employee and employer contributions in order to reckon the period of authorised absence as pensionable service unless extenuating circumstances apply.
2.4	Where the authority are not informed of the death of a pensioner; and a pension to which he was entitled has continued in payment, the authority may recover all or part of the overpayment, as they think fit; and may recover it by set-off against any other award payable under this Scheme in respect of the deceased.	Rule 5 of Part 14	The Authority will deduct any overpayment of pension from any other award payable under the scheme in respect of the deceased. If no further award is payable, the Authority will seek to recover any overpayment that is greater than £25 unless extenuating circumstances apply.

### **3 Fire Authority - Firefighter Pension Scheme Regulations 2015**

#### **A written policy statement is required concerning the following:-**

	<b>Discretion</b>	<b>Regulation</b>	<b>Employer Policy</b>
3.1	The scheme manager must ensure that delegated powers are appropriate and current.	Regulation 5	The Director of Human Resources and Organisational Development continues to have full delegated powers from the Scheme Manager.
3.2	The scheme manager has discretion to determine if continual professional development payments are to be treated as pensionable pay.	Regulation 17(1)(d)	The amount paid in respect of a firefighter's continual professional development will be treated as pensionable pay.
3.3	Where an active member is absent from scheme employment because of illness or injury and not entitled to receive pensionable pay, or because of trade dispute or authorised unpaid absence, they may pay member contributions; if they do, the scheme employer may require that they should also pay employer contributions.	Regulation 111(2), (3) and (4)	The Firefighter must pay both the employee and employer contributions in order to reckon the period of authorised absence as pensionable service unless extenuating circumstances apply.
Note	Overpayment	No regulatory position	The Authority will deduct any overpayment of pension from any other award payable under the scheme in respect of the deceased. If no further award is payable, the Authority will seek to recover any overpayment that is greater than £25 unless extenuating circumstances apply.