

**FIREFIGHTER'S PENSION SCHEME ORDER 1992**  
**Decisions to be made by and discretionary powers of the fire authority**

**Agreed Delegations as at January 2014 with proposals for new delegations shown as NEW (amended June 2023)**

**Key**

- A:** Decision/action taken in accordance with determination of Fire Authority in individual cases. Decisions would be made by the Pensions Panel, or the Appeals Committee in cases relating to IDRPs, with the exception of item 2, where the Authority will be the first and only decision maker and item 43 where the Authority would be advised by the Human Resources Committee.
- B:** Decision/action taken in accordance with general policy of Fire Authority (once the policy has been made, the administration would be at level "D")
- C:** Decision/delegated to Chief Fire Officer or Deputy Chief Fire Officer after consulting with the Treasurer on budgetary implications and the Legal Adviser on any legal issues.
- D:** Decision/action delegated to the Brigade Manager with responsibility for Human Resources after consulting with the Treasurer on budgetary implications and the Legal Adviser on any legal issues.
- E:** **Decision/action delegated to the Pension Administrator in conjunction with the Fire Authority.**

Where a decision has to be taken in respect of the Chief Fire Officer, Deputy Chief Fire Officer or Assistant Chief Fire Officer, the level at which the decision/action is taken should be "A" or "B" in all circumstances.

<b>PROVISION OF FIREMEN'S PENSION SCHEME 1992</b>		<b>LEVEL OF DECISION</b>				
		<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
1	Determination of eligibility for membership of FPS [Rule A3]				<b>X</b>	
2	Permission for CFO to retire before attaining age 55 [Rule B1(2)(b)] <b>To be archived post remedy</b>	<b>X</b>				
3	Discretion to determine that any or all of the following benefits may be treated as pensionable for the credit to the firefighter of additional pension benefit: additional skills/responsibilities; continual professional development; difference in basic pay on temporary promotion; any performance related payment not consolidates into basic pay. <b>[Rule B5C] added from 01.07.13 by SI 2013/1392 - To be archived post remedy</b>			<b>NEW</b>		

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		A	B	C	D	E
4	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 exercising their discretion the fire and rescue authority must have regard to the economical, effective and efficient management of their functions, and the costs likely to be incurred in the particular case and which are transferrable to the Firefighters Pension Fund in accordance with Rule LA2(10).) <b>[Rule B7(5A)] Added with effect from 1.7.2013 by 2013/1392</b>	NEW				
5	Commutation of trivial pension [Rule B8] <a href="#">Delegate to Pensions Administrator</a> A Scheme member may allocate a portion of pension for a dependant other than a spouse or civil partner. [Rule B9(2)(b)]				X	X
6	Acceptance of condition of normal life expectancy for allocation purposes [Rule B9(6)].				X	
7	Decision to increase level of spouse's or civil partner's award where firefighter and spouse were living separately at the date of death and where normal level of benefit is accordingly reduced under FPS rules [Rule C8(6)]			X		
8	Decision to allow a gratuity to be paid, in whole or in part, to the surviving spouse where it would otherwise not be payable because husband and wife were living separately at the date of death. [Rule C8(7)]			NEW		
9	Decision to reinstate all or part of a spouse's or civil partner's pension or gratuity if, following termination on remarriage, formation of a civil partnership or subsequent civil partnership, the other party dies [Rule C9] Cessation of payment of a child's pension [Rule D5(1) and (2)]- <a href="#">Delegate to Pensions Administrator</a>		X			
10	Decision to withhold all or part of a child's pension, permanently or temporarily, where the child is convicted of manslaughter of the deceased. <b>[Rule D5(5)] Added with effect from 1.7.2013 by 2013/1392</b>			NEW		X
11	Decision to terminate a child's allowance for a child aged 18 or over who was dependent on the deceased by reason of permanent disablement. Such an award is payable for life unless the fire and rescue authority are satisfied that the child is no longer permanently disabled, or that the child's allowance should not have been awarded. <b>[Rule D5(3) and (9)(c)] Added with effect from 1.7.2013 by 2013/1392</b> <a href="#">Delegate to Pensions Administrator</a>	NEW				X
12	Award of dependent relative's gratuity to a dependent relative who is not entitled to any other award under the FPS in respect of the same firefighter [Rule E3]			X		
13	Decision to commute to a lump sum a spouse's or civil partner's pension which is of limited amount [Rule E5 subject to limitations in Rule E7] <a href="#">Delegate to Pensions Administrator</a>				X	X
14	Decision to commute to a lump sum a child's pension [Rule E6 subject to limitations in Rule E7] <a href="#">Delegate to Pensions Administrator</a>				X	X
15	Decision to substitute a higher amount of child's flat-rate award where neither of the child's parents is alive [Rule E9(6)]			X		
16	Decision as to amount of pensionable service (to be set out in Certificate of Pensionable Service with notice of right of appeal) [Rule F1]				X	
17	Decision that the fire and rescue authority should pay the employer's pension contributions (otherwise payable by the firefighter) due for a firefighters' period of absence without pay where the firefighter gives notice that he/she wishes to pay contributions in order that the period may count as pensionable service. <b>To be archived post remedy</b>			X		
18	Extension of 6 month time limit for election to pay certain sums in order that earlier pensionable service may count on rejoining the fire service [Rule F4(3)(c), and Rule F5(1)(c)]. <b>To be archived post remedy</b>			X		

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		A	B	C	D	E
19	Extension of 12 month time limit for acceptance of "mis-selling" transfer value payment [Rule F6A (3)(b)] <b>To be archived post remedy</b>				X	
20	Adjustment of service on payment of mis-selling transfer value to take account of any earlier service credit [Rule F6A(6)] <b>To be archived post remedy</b>		X			
21	Discretion to accept a transfer value [Rule F7(1) subject to Rule F7(2) and (3)] <b>To be archived post remedy</b>				X	
22	Extension of 6 month time limit for a former firefighter to request payment of a transfer value to another pension scheme [Rule F9(2)]		X			
23	Extension of 12 month time limit after leaving in which a former firefighter must be subject to a new scheme and may request a transfer value after having previously received a gratuity/repayment of pension contributions [Rule F9(5)]		X			
24	Determination of pensionable pay [Rule G1(1)]				X	
25	Discretion to deduct pension contributions from instalments of pay [Rule G2(2)] <b>To be archived post remedy</b>		X			
26	Discretion to extend 30-day time limit in which an election to pay contributions in respect of unpaid additional maternity or adoption leave must be made. [Rule G2A(3)]. <b>To be archived post remedy</b>			X		
27	Discretion not to accept firefighter's election to purchase increased benefits through the payment of additional contributions unless firefighter has undergone a medical examination at own expense and satisfied authority as to his/her good health <b>To be archived post remedy</b>		X			
28	Discretion of fire authority to agree to discontinuance of payment of periodical contributions for increased benefits where satisfied that payment is likely to cause financial hardship [Rule G7 (3)]			X		
29	Determination, in first instance, of entitlement to, and type of award, under FPSO [Rule H1(1)]	X				
30	Requirement to use, but right to select, independent qualified medical practitioner for providing a medical opinion. [Rule H1(2)].				X	
31	Discretion to determine award without medical evidence if firefighter refuses to submit to medical examination [Rule H1(3)]	X				
32	Determination of whether new evidence presented by the firefighter, following a determination under Rule H1, should be copied to IQMP with an invitation for the IQMP to reconsider his/her opinion. <b>[Rule H1A(1)(c)] Introduced with effect from 1 July 2013 by SI 2013/1392.</b>					NEW
33	Requirement to reconsider Rule H1 decision after receiving a Rule H1A response from IQMP. <b>[Rule H1A(4)] Introduced with effect from 1 July 2013 by SI 2013/1392.</b>					NEW
34	Requirement to deal with a person's disagreement by Internal Dispute Resolution Procedure arrangements set up by the fire and rescue authority in accordance with the requirements of section 50 of the Pensions Act 1995, where the disagreement is in respect of an authority's determination under Rule H1 and the disagreement does not involve an issue of a medical nature. [Rule H3]	X				
35	Discretion to commute a small pension due to a pension credit member.[Rule 1A2(1)] <a href="#">Delegate to Pensions Administrator</a>				X	X

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36	Requirement to decide, at such intervals as the fire and rescue authority think proper, 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 and, in the case of a higher tier ill-health pension, whether that person has become capable of carrying out any regular employment. [Rule K1(1) and (2)].				X	
37	Requirement to decide, at such intervals as the fire and rescue authority think proper, whether a person under age 60 and in receipt of a deferred pension has become capable of firefighting and performing any other duties appropriate to his former role as a firefighter. [Rule K1(3)].				X	
38	Requirement to decide whether to offer a person, whose ill-health pension has been reviewed under Rule K1 and who is found to be capable of performing duties appropriate to his/her former role, an offer of employment in that role. [Rule K1A(2)].			X		
39	Discretion to reduce the level of an ill-health pension to not less than half of full amount where firefighter contributed to infirmity by own default [Rule K3(1)]	X				
40	Discretion to withdraw whole or part of a person's pension during any period of his/her re-employment as a regular firefighter in a brigade. <b>Cases will be managed on a case-by-case basis and consideration given to whether any exceptional circumstance exists and whether abatement applies</b> [Rule K4]		X			
41	Discretion to withdraw a pension in whole or in part, permanently or temporarily, on a person's conviction of certain offences [Rule K5(1)]	X				
42	Discretion to restore pension withdrawn under Rule K5(1) to the pensioner or to apply it for the benefit of any dependant of the pensioner [Rule K5(5)]	X				
43	Determination of intervals at which instalments of pension shall be paid [Rule L3(1)(b)]		X			
44	Discretion to delay payment of an award to the extent necessary for determining any question as to the fire and rescue authority's liability. [Rule L3(1)].				X	
45	Discretion to decide an earlier payment date for survivor's benefits (other than an injury gratuity) than the date prescribed <b>where the deceased received a gratuity or lump sum</b> and option to pay gratuity in instalments rather than as a single lump sum [Rule L3(7) and (8)]				X	
46	Discretion as to recipient of any sum payable to a minor [Rule L5(1)]				X	
47	Discretion as to recipient of payments due to a person incapable of managing his/her own affairs [Rule L5(2)] <a href="#">Delegate to Pensions Administrator</a>				X	X
48	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 [Rule L5(3)] <a href="#">Delegate to Pensions Administrator</a>				X	X
49	Discretion of fire authority to withhold sums due to a firefighter where there has been a loss to the funds of the fire authority as a result of fraud, theft or negligence on the part of that person [Rule L5(6)]	X				
50	Discretion to deduct from an award any outstanding balance of payments in respect of previous service. [Schedule 6, Part 1, paragraph 1(4)]. <b>To be archived post remedy</b>				X	
51	Decision as to contribution rate payable by firefighter by reference to pensionable pay. [Schedule 8, Part A1].				X	
52	Discretion to extend <b>28</b> day time limit in which a firefighter must lodge a medical appeal to a period not exceeding 6 months from the date of issue of the documents referred to un Rule H2(4) to that person [Schedule 9, Part 1 (1)(2)]	X				

PROVISION OF FIREMEN'S PENSION SCHEME 1992		LEVEL OF DECISION				E
		A	B	C	D	
53	Discretion to decide the fire and rescue authority's representation at Medical Appeal Board interview. [Schedule 9, Part 1, paragraph 4(5)].				X	
54	Discretion to decide whether or not to submit written evidence or a written statement to a Medical Appeal Board. [Schedule 9, Part 1, paragraph 5].			X		
55	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, to require the appellant to pay to the authority such sum as the authority think fit, not exceeding the total amount of fees and allowances payable to the Board as determined by the Secretary of State. [Schedule 9, Part 1, paragraph 8(2)]		X			
56	Discretion, where 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, to require the appellant to pay the authority a sum not exceeding the total amount of fees and allowances payable to the Board. [Schedule 9, Part 1, paragraph 8(2A)] <b>As amended with effect from 1.7.2013 by SI 2013/1392.</b>		NEW			

## GENERAL POLICY OF FIRE AUTHORITY

Where "B" has been suggested in the chart, i.e. that the decision/action should be taken in accordance with a general policy statement of the Fire Authority, the Fire Authority will need to consider the terms of the policy. At present no policy statement exists. The following are suggestions as to how the Fire Authority may wish to decide their policy (the numbers of each item correspond with the numbers in the chart). Once the policy has been made the delegation would be to level "D".

CHART ITEM NUMBER	AGREED/NEW SUGGESTED POLICY
9	Allow in all cases (agreed January 2002)
20	Adjust in all cases (to avoid excess service credit) (agreed January 2002)
22	Allow only if it can be demonstrated to the satisfaction of the fire authority that the person's delay in making request is caused by an error or oversight on the part of the fire authority (agreed January 2002)
23	Allow only if it can be demonstrated to the satisfaction of the fire authority that the person's delay in making request is caused by an error or oversight on the part of the fire authority (agreed January 2002)
25	Require in all cases (standard practice) (agreed January 2002)
27	Require a medical examination in all cases (agreed January 2002)
40	Require withdrawal of pension in all cases (agreed January 2002)
43	Allow payment monthly, in advance (current practice) (agreed January 2002)
55	Require appellant to pay said fees where Medical Appeals Board decide that appeal was "frivolous, vexatious or manifestly ill-founded" (agreed January 2002)
56	Require appellant to pay said fees where he/she withdraws an appeal or requests cancellation of, postponement of, or adjournment of the date for an interview or medical examination by the Medical Appeals Board less than 22 working days before the appointed date <b>(NEW)</b>