Policy

The Local Government Pension Scheme Discretionary Policy
HR and Workforce Development
Next review due: 31/03/2022

Description

The Local Government Pension Scheme Discretionary Policy.

Contents

Introduction

Statement of policy on the Local Government Pension Scheme Regulations (LGPS) 2013 and the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014.

This document sets out the scheme employer's policy on the operation of each of the mandatory discretions (and optional discretions where chosen) available under the LGPS Regulations. It states whether or not discretions will be operated and the circumstances and criteria for applying them.

Details

Employer name:	Hampshire and Isle of Wight Fire and Rescue Authority (HIWFRA)
Employer number:	00777
Policy effective from:	1st April 2021

Part A – Mandatory discretions

Different discretions apply to members depending on the dates they were actively paying into the scheme. Part A is split into sections to reflect this.

The following discretions apply to members who were actively paying into the scheme as at 1 April 2014 onwards.

Power to award additional pension (Regulation 31)
Whether, at the full cost to the Scheme employer, to grant extra annual pension of up to the current published amount (figure at 1 April 2018 £6,822) to an active member or within 6 months of leaving to a member whose employment was terminated on the grounds of redundancy or business efficiency [regulation 31 of the LGPS Regulations 2013].
Employer Policy Decision
Hampshire and Isle of Wight Fire and Rescue Authority (HIWFRA) will not consider granting extra pension unless the scheme member is retired in the interests of efficiency of the service. If a scheme member is retired in the interests of efficiency of the service, HIWFRA will consider granting (and paying for) additional pension in the Local Government Pension Scheme using an amount no greater than the payment the scheme member would have received had they been made redundant, and in any event no greater than the current published amount, this is reviewed each April in line with the 'Pensions Increase order' . There may be tax implications associated with this.

Shared cost additional pension contributions (Regulation 16(2e) (4d))
Whether, how much, and in what circumstances to contribute to a Shared Cost APC scheme
Where an active scheme member has decided to make Additional Pension Contributions (APCs) to purchase extra pension benefits up to the current published figure, the employer can resolve to ***voluntarily*** contribute towards the cost of this too. Note: This does not include instances where the employee is paying for ***lost*** pension via an APC where the election was made in the first 30 days (or longer if the employer allows) – in this circumstance the employer ***must*** pay two-thirds of the cost of such purchase.
Employer Policy Decision
A contribution will only be made to meet the cost of a member's additional pension contributions where as an employer we are required to do so under the LGPS regulations. Where a member is voluntarily making additional pension contributions, HIWFRA will not consider meeting any part of that cost. *****see Optional Discretions section

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Whether to allow flexible retirement - (Regulation 30 (6)) & TP11(2) & R30(8)
Whether to allow flexible retirement for staff aged 55 or over who, with the agreement of the Scheme employer, reduce their working hours or grade [regulation 30(6) of the LGPS Regulations 2013] and, if so, as part of the agreement to allow flexible retirement: • whether, in addition to the benefits the member has built up prior to 1 April 2008 (which the member must draw), to allow the member to choose to draw • all, part or none of the pension benefits they built up after 31 March 2008 and before 1 April 2014, and / or • all, part or none of the pension benefits they built up after 31 March 2014 [regulations 11(2) and 11(3) of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014], and • whether to waive, in whole or in part, any actuarial reduction which would otherwise be applied to the benefits taken on flexible retirement before Normal Pension Age (NPA) [regulation 3(5) of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014, regulation 18(3) of the LGPS (Benefits, Membership and Contributions) Regulations 2007 and regulations 30(6) and 30(8) of the LGPS Regulations 2013] Employers may allow a member from age 55 onwards to draw all or part of the pension benefits they have already built up whilst still continuing in employment. This is provided the employer agrees to the member either reducing their hours or moving to a position on a lower grade. In such cases, pension benefits will be reduced in accordance with actuarial tables unless the employer waives the reduction either fully or in part or a member has protected rights. Please be aware, if you allow members to retire under flexible retirement, and they meet the 85 year rule between the ages of 55 and 60, there may be a cost to the employer as there is no option to switch the 85 year rule off in this instance.
Employer Policy Decision
<u>Whether to allow flexible retirement</u> HIWFRA may consent to a request for pension benefits being paid under the flexible retirement policy to an employee over the age of 55, providing: a) their remuneration is reducing by 40% either through a reduction in contractual hours or grade and does not incur a cost to the employer, or, b) where the reduction is less than 40% and does not incur a cost to the employer. **<u>Whether to allow the member to choose to take:</u>** a) part or none of the pension benefits they built after 31 March 2008 and before 1 April 2014, and / or b) all, part or none of the pension benefits they built up after 31 March 2014

HIWFRA will allow a member to choose to draw all, part or none of their post 31 March 2008 and pre 1 April 2014 benefits, as long as there is no cost to the employer.

HIWFRA will allow a member to choose to draw all, part or none of their post 1 April 2014 benefits, as long as there is no cost to the employer.

Whether to waive, in whole or in part, any actuarial reductions which would otherwise be applied to the benefits taken on flexible retirement before Normal Pension Age

HIWFRA will not waive in whole or in part, any actuarial reductions which would otherwise be applied to the benefits taken on flexible retirement before Normal Pension Age.

Employees should note that the final decision as to whether to allow flexible retirement is at the sole discretion of Hampshire and Isle of Wight Fire and Rescue Authority as the employer.

Switching on the 85 year rule [paragraph 1(1)(c) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014]

Whether to "switch on" the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60.

Active members are now able to voluntarily retire between ages 55 and 60. If they were a member of the LGPS on 30 September 2006 then some of their benefits could be protected from reductions applied to early payment under the 85 year rule. This rule only applies automatically to members voluntarily retiring from age 60 but the employer has the discretion to "switch it on" for voluntary retirements between age 55 and 60.

This discretion does not apply to flexible retirement (see Regulation 30(6)) whereby the 85 year rule is always switched on.

Where the employer does not choose to "switch on" the rule, then benefits built up would be subject to reduction in accordance with actuarial guidance issued by the Secretary of State regardless of whether a member meets the rule or not.

If the employer does agree to "switch on" the 85 year rule, the employer will have to meet the

cost of any strain on fund resulting from the payment of benefits before age 60 i.e. where the member has already met the 85 year rule or will meet it before age 60.

Employer Policy Decision
HIWFRA will not ‘switch’ back on the 85 year rule for employees leaving voluntarily between age 55 and 60.

Waiving of actuarial reductions - Regulation 30(8), TP3(1), TPSch 2, para 2(1), B30(5) and B30A(5)

Whether to waive, in whole or in part, any actuarial reductions on benefits which a member voluntarily draws before normal pension age (other than on the grounds of flexible retirement).

Employers can agree to waive any actuarial reductions due in the case of employees retiring anytime after age 55.

Employers should also note that the strain cost of any such retirements would need to be met by the employer and paid into the Pension Fund at the appropriate time.

There are 4 member groups which you would be making the discretions policy on, the below covers in what circumstance reductions can be waived and to which benefits these would apply:

Members joined before 1 October 2006 and who reached 60 before 1 April 2016 – Group 1

- To waive on compassionate grounds, any actuarial reductions applied to benefits built up before 1 April 2016
- To waive on any grounds, actuarial reductions applied to benefits built up after 1 April 2016

Members joined before 1 October 2006 and who reach age 60 between 1 April 2016 and 31 March 2020 and also meet their critical retirement age before 1 April 2020 (date member meets the 85 year rule) – **Group 2**

- To waive on compassionate grounds, any actuarial reductions applied to benefits built up before 1 April 2020
- To waive on any grounds, actuarial reductions applied to benefits built up after 1 April 2020

Members joined before 1 October 2006 and who reach age 60 after 1 April 2016 but before 31 March 2020 and don’t meet their critical retirement age before 1 April 2020 (date member meets the 85 year rule) – **Group 3**

- To waive on compassionate grounds, any actuarial reductions applied to benefits built up before 1 April 2014
- To waive on any grounds, actuarial reductions applied to benefits built up after 1 April 2014

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Members joined after 1 October 2006 – **Group 4** • To waive on compassionate grounds, any actuarial reductions applied to benefits built up before 1 April 2014 • To waive on any grounds, actuarial reductions applied to benefits built up after 1 April 2014
Employer Policy Decision
Whether to waive any actuarial reductions for a member voluntarily drawing benefits before normal pension age (other than on the grounds of flexible retirement), as outlined above? HIWFRA will not consent to waive any actuarial reduction applicable to an employee who retires voluntarily between age 55 and their Normal Pension Age. HIWFRA will not meet the cost of actuarial reduction where an ex-employee voluntarily draws their reduced benefits between age 55 and their Normal Pension Age.

The following discretions apply to members who ceased active membership between 1 April 2008 and before 1 April 2014

Whether to "switch on" the 85 year rule for a member with deferred benefits voluntarily drawing benefits on or after age 55 and before age 60 – [paragraph 1(1)(c) & 1(2) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014]
Whether to "switch on" the 85 year rule for a member with deferred benefits voluntarily drawing benefits on or after age 55 and before age 60 or upon the voluntary early payment of a suspended tier 3 ill health pension?
A member with a deferred benefit who left the scheme voluntarily between 1 April 2008 – 31 March 2014 and who has subsequently become a deferred pensioner may now claim their benefits from age 55 without their employers consent. However, these benefits will be reduced for early payment. Where a member has reached the 85 year rule at the point of retirement, an employer can consent to switching on the 85 year rule. Any 'strain' to the Fund will be payable immediately by the Scheme employer.
Employer Policy Decision
HIWFRA will not 'switch' back on the 85 year rule where an ex-employee draws their benefits voluntarily between age 55 and 60.

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Whether to waive upon the voluntary early payment of deferred benefits or suspended tier 3 ill health pension, any actuarial reduction on compassionate grounds? [regulation 30(5) of the LGPS (Benefits, Membership and Contributions) Regulations 2007 and paragraph 2(1) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014]
Whether to waive reductions which may occur on deferred benefits claimed between ages 55-60 or suspended tier 3 ill health for leavers between 1 April 2008 and 31 March 2014.
A member with a deferred benefit who left the scheme voluntarily between 1 April 2008 – 31 March 2014 or was awarded a Tier 3 ill health pension under the 2007 Regulations and who has subsequently become a deferred pensioner may now claim their benefits from age 55 without their employers consent. However, these benefits will be reduced for early payment. An employer can consent to waiving any reductions, on compassionate grounds, which may be applied to deferred benefits or suspended tier 3 ill health pension paid early.
Employer Policy Decision
HIWFRA will not waive any actuarial reductions which may occur on deferred benefits claimed between ages 55-60 or for a suspended tier 3 ill health for leavers between 1 April 2008 and 31 March 2014.

The following discretions apply to members whose active membership stopped between 1 April 1998 and before 1 April 2008

Whether to 'switch on' the 85 year rule upon the voluntary early payment of deferred benefits [paragraph 1 (1) (f) & 1 (2) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) regulations 2014]
Whether, as the 85 year rule does not automatically fully apply to members who would otherwise be subject to it and who choose to voluntarily draw their deferred benefits (on or after 14 May 2018) on or after age 55 and before age 60, to switch the 85 year rule back on in full for such members.
Deferred members who left the scheme after 1 April 1998 are now able to voluntarily retire between ages 55 and 60. If they were a member of the LGPS on 30 September 2006 then some of their benefits could be protected from reductions applied to early payment under the 85 year rule. This rule only applies automatically to members voluntarily retiring from age 60 but the ceding employer has the discretion to "switch it on" for voluntary retirements between age 55 and 60.

Where the employer does not choose to "switch on" the rule, then benefits built up would be subject to reduction in accordance with actuarial guidance issued by the Secretary of State regardless of whether a member meets the rule or not. If the employer does agree to "switch on" the 85 year rule, the employer will have to meet the cost of any strain on fund resulting from the payment of benefits before age 60 i.e. where the member has already met the 85 year rule or will meet it before age 60.
Employer Policy Decision
HIWFRA will not 'switch' back on the 85 year rule where an ex-employee draws their benefits voluntarily between age 55 and 60.

Whether to grant applications for the early payment of pension benefits on or after age 50 and before age 55 [regulation 31(2) of the LGPS Regulations 1997].
Whether to grant application for early payment of deferred benefits on or after age 50 and before age 55.
A member with a deferred benefit who left the scheme between 1 April 1998 – 31 March 2008 can claim their benefits from age 50 with their employers consent. However, these benefits may be reduced for early payment and/or be subject to an unauthorised payment charge under the Finance Act 2004.
Employer Policy Decision
HIWFRA will not consent to the early payment of deferred benefits to individuals benefits between ages 50 and 55, unless there is no cost to HIWFRA.

Whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to benefits which are paid before age 65 [regulation 31(5) of the LGPS Regulations 1997 and paragraph 2(1) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014].
Whether to waive any actuarial reduction on compassionate grounds which would normally be applied to benefits which are paid before age 65.
Employers can agree to waive any actuarial reductions on compassionate grounds due in the case of employees who ceased active membership between 1 April 1998 and 31 March 2008.

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Employers should note that the strain cost of any such retirements would need to be met by the employer and paid into the Pension Fund at the appropriate time.
Employer Policy Decision
HIWFRA will not waive any actuarial reductions on compassionate grounds due in the case of employees who ceased active membership between 1 April 1998 and 31 March 2008 who are paid before age 65.

The following discretions apply to members who ceased active membership before 1 April 1998

Whether to grant applications for the early payment of deferred pension benefits on or after age 50 and before NRD on compassionate grounds [regulation D11(2)(c) of the LGPS Regulations 1995].
Whether to grant early payment of a deferred benefit on compassionate grounds, on or after age 50 and before NRD.
An employer can grant application for early payment of deferred benefits on or after age 50 on compassionate grounds. However, these benefits may be reduced for early payment and/or be subject to an unauthorised payment charge under the Finance Act 2004.
Employer Policy Decision
HIWFRA will not consent to the early payment of deferred benefits on compassionate grounds to individuals between age 50 and NRD, unless there is no cost to HIWFRA.

- These policies may be subject to review from time to time. Any subsequent change in this Policy Statement will be notified to affected employees.

- Any changes to this policy will be notified to the Hampshire Pension Fund within 30 days of the change.

For the full list of discretions policies go to:
http://lgpslibrary.org/assets/gas/ew/DISCLv1.6c.pdf

Signed on behalf of:	**Hampshire and Isle of Wight Fire and Rescue Authority (HIWFRA)**		
Completed by:	**Rob Carr**	**Position:**	**Head of Finance**
Signature:	**Rob Carr**	**Date:**	**1 0 1 1 2 0**

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Part B – Optional Discretions

(The two detailed are the most frequently used Regulations, but remain optional – see LGA Discretions for the full list of optional employer discretions)

Membership Aggregation Regulation 22 (7)(b),(8)(b)
Whether to extend the 12 month option period for a member to elect to join deferred benefits to their current employment/membership. The election to keep separate pension benefits must be made within 12 months of becoming an active member, who must be active at the date of election. An employer may allow a period longer than 12 months.
Employer Policy Decision
HIWFRA will not extend the 12 month period for a member to elect to not combine pension rights from previous local government employment with an ongoing concurrent employment. If the election not to combine is not made within 12 months of the new active membership, then the previous LGPS membership will be combined with the members new LGPS membership.

Transfers of Pension Rights Regulation 100(6)
Extend normal time limit for acceptance of a transfer value beyond 12 months from joining the LGPS . Where an active member requests to transfer previous pension rights into the LGPS, the member must make a request within in 12 months of becoming an active member. An employer may allow a longer period than 12 months.
Employer Policy Decision
HIWFRA will only accept a request to transfer previous pension rights into the LGPS if the election to do so is made within 12 months of becoming an active member of the LGPS.

Whether, subject to qualification, to substitute a higher level of pensionable pay when calculating assumed pensionable pay (APP) [regulations 21(5A) and 21(5B) of the LGPS Regulations 2013] regulation 7 of the LGPS (Amendment) Regulations 2018
If, in the Scheme employer's opinion, the pensionable pay received in relation to an employment (adjusted to reflect any lump sum payments) in the 3 months (or 12 weeks if not paid monthly) preceding the commencement of Assumed Pensionable Pay (APP), is

materially lower than the level of pensionable pay the member would have normally received, decide whether to substitute a higher level of pensionable pay when calculating APP, having had regard to the level of pensionable pay received by the member in the previous 12 months.
Employer Policy Decision
HIWFRA will substitute a higher level of pensionable pay when calculating assumed pensionable pay (APP), if in their opinion, the pensionable pay received in relation to an employment in the 3 months preceding the commencement of APP, is materially lower than the level of pensionable pay the member would have normally received.

Whether to extend 30 day deadline for member to elect for a shared cost APC Regulation 16(16)
Whether to extend 30 day deadline for member to elect for a shared cost APC upon return from a period of absence from work with permission with no pensionable pay (otherwise than because of illness or injury, relevant child-related leave or reserve force service leave).
Employer Policy Decision
HIWFRA will extend the deadline for a member to elect for a shared cost APC to **60 days**, upon physical return to work from a period of absence from work with permission with no pensionable pay.

Signed on behalf of:	**Hampshire and Isle of Wight Fire and Rescue Authority (HIWFRA)**								
Completed	**Rob Carr**	**Position:**	**Head of Finance**						
Signature:	**Rob Carr**	**Date:**	**1**	**0**	**1**	**1**	**2**	**0**	

Updates

Section	What's been updated and why	Date updated	Who updated

Policy

The Firefighters Pension Scheme Discretionary Policies - 2015, 2006 and 1992
HR and Workforce Development
Next review due: 31/03/2022

HAMPSHIRE FIRE AND RESCUE SERVICE
ISLE OF WIGHT FIRE AND RESCUE SERVICE

Description

This Policy describes the local decisions made by the Hampshire and Isle of Wight Fire and Rescue Authority (HIWFRA) in relation to the Firefighters Pension Scheme Discretionary Policies – 2015, 2006 and 1992.

Contents

Details

Employer name:	Hampshire and Isle of Wight Fire and Rescue Authority (HIWFRA)
Policy effective from:	1st April 2021

Introduction

This Policy is split into two parts:

- Part 1 - The Firefighters' Pension Scheme (England) Regs. 2014
- Part 2 - The Firefighters' Pension Scheme (England) Regs 2006 & 1992

Each part has its own scope. However, Firefighters of non-Hampshire and Isle of Wight Fire and Rescue Service bodies are excluded from this policy and should refer to their own employer's policies and procedures.

Part 1 - The Firefighters' Pension Scheme (England) Regs. 2014

Scope

This policy applies to all firefighters who are members of ‘The Firefighters' Pension Scheme (England) 2015.

Discretions relating to the 2006 and 1992 schemes are appended to this Policy.

Special note

There are 52 employer discretions within the 2015 Firefighter’s Scheme. Each discretion is separated, in this policy, into 3 boxes

- 1st box (in grey) = reference to the discretion number
- 2nd box = outline of the discretion the employer needs to consider
- 3rd box = HIWFRA`s local decision around the discretion. Where the word `Agreed` is placed in box 3, this means that HIWFRA has agreed to the discretion arrangements included in box 2.

Delegation (Regulation 5)
The scheme manager must ensure that delegated powers are appropriate and current.
Under the Scheme of Delegation the Chief Officer has discretion from the Authority to exercise all matters of day-to-day administration and operational management of the services and functions

Pensionable pay (Regulation 17)
The scheme manager has discretion to determine if continual professional development payments are to be treated as pensionable pay. [Regulation 17(1)(d)]
Continual Professional Development (CPD) will be treated as pensionable pay.

Contributions during absence from work due to illness, injury, trade dispute or authorised absence (Regulation 111)
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)]

Illness and injury (Regulation 111(2) – HIWFRA agree to delegate the authority to the Chief Officer, in consultation with directors, to consider each case on an individual basis to determine whether the individual or the employer pay the employer contributions.

Trade dispute (Regulation 111(3) - Members will be required to pay the employer's contributions in accordance with regulation 117(3) in all cases of active member pension buy-back involving trade dispute(s) (unless exceptionally agreed differently by the Chief Officer).

Authorised unpaid absence (Regulation 111(4) - HIWFRA agree to delegate the authority to the Chief Officer, in consultation with directors, to consider each case on an individual basis to determine whether the individual or the employer pay the employer contributions.

For all cases where regulations 111 paragraphs 2, 3 or 4 apply, contributions must be paid within 6 months of HIWFRA requesting the money and at the rate of pay applicable to the period of time. HIWFRA will normally make the request for the monies within 6 months of the absence/dispute ending.

Opting in/out (Regulation 12)
Opting into this scheme (Regulation 12) *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. [Regulation 12(5)]*
The opting-in date will take effect from the beginning of the first pay period following the date on which the option is exercised. (For information – the pay period is 2 weeks in advance and 2 weeks in arrears of the monthly pay date)

Opting out after the first three months (Regulation 16)
An optant-out ceases to be in pensionable service with effect from the first day of the first pay period following the date on which the option is exercised. If the scheme manager considers that day to be inappropriate, it may vary the date to the first day of any later pay period as the scheme manager does consider appropriate. [Regulation 16(2)(b)]
The opting-out date will be the first day of the first pay period following the date on which the option is exercised.

Active membership (Regulation 19)
A person who is on unpaid authorised absence can count the period as active membership if the scheme manager permits them to be treated as an active member during that period.
HIWFRA agree to delegate the authority to the Chief Officer, in consultation with directors, to consider each case on an individual basis to determine whether the individual or HFRS pay the employer contributions (this is consistent with HIWFRA's response to **Regulation 111(4)**.

Establishment of pension accounts: general (Regulation 28)
The scheme manager must establish and maintain pension accounts for scheme members, but they may be kept in such form as the scheme manager considers appropriate. [Regulation 28(2)]

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Agreed

Closure and re-establishment of active member's account (Regulation 37)
If a member has more than two active member's account and ceases pensionable service with less than three months' qualifying service in respect of one account, that account must be closed and benefits aggregated with one of the others; the member may select which one. If the member fails to choose, the scheme manager has discretion to choose. [Regulation 37(3), (4) and(5)]
Agreed

Closure of deferred member's account after gap in pensionable service not exceeding five years. (Regulation 49)
If a deferred member re-enters pensionable employment after a gap of five years or less, the scheme manager must close the deferred member's account and re-establish the active member's account, transferring entries from the deferred account. If the person had more than one relevant deferred member's account, they must select – within three months of re-entering scheme employment - which one should close. If they fail to make a selection, the scheme manager must make the choice for them. [Regulation 49(3) and (4)
Agreed

Employer initiated retirement (Regulation 62)
An employer can determine that an active member age 55 or over but under age 60 who on the grounds of business efficiency is dismissed or has their employment terminated by mutual consent, can receive immediate payment of retirement pension without the early payment reduction. An employer may only use this discretion if the employer determines that a retirement pension awarded on this basis would assist the economical, effective and efficient management of its functions having taken account of the costs likely to be incurred in the particular case. [Regulation 62(1) and (2)]
HIWFRA will not normally grant early payment of benefits for business efficiency purposes or waive any actuarial reduction, except in exceptional circumstances, after considering the business case. Agreement must be given by the Chief Officer, in consultation with directors.

Exercise of partial retirement option (Regulation 63) ***(i.e. flexible retirement)***
An active member aged at least 55 who would be entitled to immediate payment of pension if they leave pensionable service and who claims payment of the pension, may opt to claim the whole of their accrued pension but continue in pensionable service. The person concerned must give appropriate notice to the scheme manager and the partial retirement option is taken to be exercised on a date agreed between the member and the scheme manager. [Regulation 63(5)]
Agreed

Review of ill-health award or early payment of retirement pension (Regulation 68)
The scheme manager must have a policy for reviewing, at such intervals as it considers appropriate, the award of ill-health pensions where the recipient is under deferred pension age and has been receiving the award for less than 10 years, and for reviewing the early payment of deferred pensions on ill-health grounds for so long as the recipient is below deferred pension age. [Regulation 68(1) and (2)]
Refer to the `**Firefighters Ill Health Retirement Policy and Injury Award Review**`.

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Consequences of review (Regulation 69)
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. [Regulation 69(3)]
Refer to the 'Firefighters Ill Health Retirement Policy and Injury Award Review'

Commencement of pensions (Regulation 70)
If a deferred member requests, and is entitled to, the early payment of retirement pension on grounds of ill-health, the scheme manager must determine the date of payment as being the date on which the person became incapable of undertaking regular employment because of infirmity of mind or body or, if that date cannot be ascertained, the date of the member's request for early payment. [Regulation 70(7)] *If a deferred member requests deferral of payment of a deferred pension beyond deferred pension age, or requests early payment with an early payment reduction before deferred pension age, the scheme manager will decide the payment date after the claim for payment has been made. [Regulation 70(8)]*
Agreed

Allocation election (Regulation 72)
The scheme manager must give consent for the allocation of a portion of pension to a dependant who is not the spouse, civil partner or cohabiting partner of an active or deferred member. (Consent can be withheld if the scheme manager is not satisfied that the person nominated is not substantially dependent of the active member.) [Reg.72(3)(b) and (4)]
A decision will be made by the Chief Officer, in consultation with directors. The person nominated must be substantially dependent on the member.

Adjustment of allocated benefit (Regulation 75)
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 amount may be adjusted in a manner determined by the scheme manager. [Regulation 75(1) and (2)]
Agreed

Meaning of "surviving partner" (Regulation 76)
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" – a continuous period of at least two years – at the date at which entitlement needs to be considered. The scheme manager has discretion to allow the person to qualify where the period is less than two years. [Regulation 76(1)(b)(v) and (2)]
The Chief Officer, in consultation with directors, will use his/her discretion in cases where the relationship is less than 2 years.

Person to whom lump sum death benefit payable (Regulation 95)
The scheme manager has absolute discretion as to the recipient of any lump sum death benefit payable. [Regulation 95]

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The Scheme Manager will use their discretion on who receives any lump sum death benefit where the matter does not appear straightforward.

Payment of pensions under Part 6 "Death Benefits" (Regulation 100)
If a child's pension is due in respect of an eligible child under age 18, the scheme manager will determine to whom it should be paid and will give directions to that person as to how the payment should be applied for the eligible child's benefit. [Regulation 100(2)]
Agreed

Surviving partner's pensions and eligible child's pensions: suspension and recovery (Regulation 101)
A scheme manager has the right to cease paying a surviving partner's pension and/or eligible child's pension and recover any payment made in respect of a pension where it appears to the scheme manager that the recipient made a false declaration, or deliberately suppressed a material fact in connection with the award. (This does not affect the scheme manager's right to recover a payment or overpayment under any other provision where the scheme manager considers it appropriate to do so.) [Regulation 101(2) and (3)]
Agreed

Provisional awards of eligible child's pensions: later adjustments (Regulation 102)
If children's pensions have been made to certain persons on the basis that they were eligible children 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 to adjust the amount of pensions as required in view of the facts as they subsequently appear. The adjustments may be made retrospectively. (This does not affect the scheme manager's right to recover a payment or overpayment under any other provision where the scheme manager considers it appropriate to do so.) [Regulation 102(2) and (3)]
Agreed

Adjustment of benefits to comply with FA 2004 where members die over 75 (Regulation 104)
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 to adjust the benefit payable to the person so that it would qualify under that section of the Act. [Regulation 104(1)(a) and (2)]
Agreed

Member contributions (Regulation 110)
Where there is a change in scheme employment or a material change which affects the member's pensionable pay in the course of a financial year and the revised amount falls into a different contribution rate band, the scheme manager must determine that this rate should be applied and inform the member of the new contribution rate and the date from which it is to be applied. [Regulation 110(5)] *When identifying the appropriate contribution rate, a reduction in pay in certain circumstances as listed in Regulation 110 are to be disregarded. In addition, the scheme*

manager can specify the circumstances in a particular case where a reduction in pensionable pay will be disregarded. [Regulation 110(7)(h)]
Regulation 110(5) - Any revision to the pension contribution rate will be noted on the individual`s pay slip and a note included on the `Movement Notification` sent to the individual. **Regulation 110(7)(h)** - For the purposes of calculating the correct contribution rate, under this regulation, any reduction in pensionable pay which occurs as a result of any of the following absences is to be disregarded (a) any statutory leave entitlement (b) child-related leave (c) authorised leave (d) sick leave (e) leave due to injury (f) reserve forces service leave (g) absence due to a trade dispute or (h) circumstances specified by the scheme manager in a particular case

Deduction and payment of contributions (Regulation 114)
Member contributions due under Regulation 110 may be deducted by the scheme employer from each instalment of pensionable pay as it becomes due, unless another method of payment has been agreed between the scheme manager and the member. [Regulation 114(1)] *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. [Regulations 114(2)]* *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 the scheme manager. [Regulation 114(3)]*
Regulation 114(1) – Pension contributions will normally be deducted, at source, on a monthly basis by Payroll Regulations 114(2) /114(3) - Agreed

Statement of entitlement (Regulation 135)
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 scheme manager has discretion, if it believes 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. [Regulation 135(4)]
Agreed

Request for acceptance of a transfer payment (Regulation 141)
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 the discretion to extend this period. [Regulation 141(3)]*

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The individual must request a transfer payment from a non-occupational pension scheme within the first 12 months of employment with HIWFRA. Exceptionally, this period may be extended by the Chief Officer, in consultation with directors.

Transfer statement (Regulation 142)
The scheme manager can require an active member to ask the scheme manager of a previous ***non-club pension scheme*** *to provide a statement of the amount of transferred pension that the member would be entitled to count provided that the transfer date falls within two months of the date of the statement. [Regulation 142(2)]*
Agreed

Club transfer value statement (Regulation 144)
The scheme manager can require an active member to ask the scheme manager of a ***previous club pension scheme*** *to provide a statement of the amount of transferred pension that the member would be entitled to count provided that the transfer date falls within two months of the date of the statement. [Regulation 144(2)]*
Agreed

Appeals and determinations concerning entries on the certificate (Regulation 148)
If a member is not satisfied with a certificate setting out the details in their pension account(s) as required under Regulation 146, they can require the scheme manager to deal with their disagreement under arrangements implemented by the scheme manager in accordance with the requirements of section 50 of the Pensions Act 1995 (resolution of disputes) and the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008. The scheme manager must have these arrangements in place. [Regulation 148(1)]
The agreed HIWFRA IDRP procedure will be followed.

Determinations by the scheme manager (Regulation 151)
It is the scheme manager that must determine whether a person is entitled to an award or to retain an award. [Regulation 151]
Agreed

Role of IQMP in determinations by the scheme manager (Regulation 152)
The scheme manager must select an Independent Qualified Medical Practitioner to provide a written opinion in respect of medical matters which may only be decided by having regard to such an opinion. [Regulation 152(1)] *If a person wilfully or negligently fails to submit to medical examination by the selected IQMP and the IQMP is unable to give an opinion on the basis of the medical evidence available, the scheme manager can make the determination based on such medical evidence as the scheme manager thinks fit, or without medical evidence. [Regulation 152(7)]*
Regulation 152(1) / **152(7)** – Agreed

Review of medical opinion (Regulation 153)
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. Regulation 153(1). *Upon receiving the IQMP's response the scheme manager must confirm or revise its original determination and advise the member accordingly. [Regulation 153(4) and (5)]*
Regulation 153(1) – The Senior HR Business partner and Head of Finance will consider the additional information and why it was not submitted previously and will decide whether the additional new information is substantial and should be referred to the IQMP (advice should be sought from the Occupational Health Department, as necessary) **Regulation 153(4) and (5)** - Agreed

Notice of appeal (Regulation 155)
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 appeal must be made within 28 days of the date on which the member receives the relevant documents under Regulation 154(4). If the appeal is not made within this time limit and the scheme manager is of the opinion that the person's failure to give notice within the required period was not due to the person's own default, the scheme manager has a discretion to extend the time limit for such period as the scheme manager considers appropriate, not exceeding six months from the date the Regulation 154(4) documents were supplied. [Regulation 155(2)]
Agreed

Reference of appeal to the board (Regulation 156 - See also Regulation 161)
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. [Regulation 156(8) to (12)]
Agreed

Procedure where appeal to be pursued (Regulation 157)
The scheme manager must decide which persons will attend the interview as its representatives. The scheme manager must also decide whether or not to submit written evidence or a written statement (and must decide a response to any written evidence or written statement from the appellant). [Regulation 157(6) to (9)]
A written statement/evidence must be provided by the appellant or their representative. Where appropriate, a written statement/evidence will be submitted by the Scheme Manager.

Expenses of each party (Regulation 161)
If the medical appeal board determines in favour of the scheme manager and states that in its opinion the appeal was frivolous, vexatious or manifestly ill-founded, the scheme

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manager can require the appellant to pay it such sum not exceeding the total amount of the fees and allowances payable to the board under Regulation 160(1) as the scheme manager considers appropriate. *[Regulation 161(2)] - If the appellant withdraws the appeal requesting cancellation, postponement or adjournment of the date appointed for interview and/or medical examination less than 22 working days before the date appointed, the scheme manager can require the member to pay it such sum not exceeding the total amount of the fees and allowances payable to the board under Regulation 160(1) as the scheme manager considers appropriate. [Regulation 161(3)(a)]* *If the appellant's acts or omissions cause the board to cancel, postpone or otherwise adjourn the date appointed or interview and/or medical examination less than 22 days before the date appointed, the scheme manager can require the member to pay it such sum not exceeding the total amount of the fees and allowances payable to the board under Regulation 160(1) as the scheme manager considers appropriate. [Regulation 161(3)(b)]*
Regulation 160(1) / 161(2) / 161(3)(a) / 161(3)(b) - Agreed

Appeals on other issues (Regulation 163)
If a member disagrees with a scheme manager's determination of award under Regulation 151 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 requirements which the scheme manager must have in place in accordance 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. [Regulation 163]
HIWFRA` agreed IDRP procedure will be followed

Commutation of small pensions (Regulation 167)
If the pension entitlement of a member of the scheme, or the pension entitlement of a member's beneficiary, does not exceed the small pensions commutation maximum the scheme manager may pay the entitlement as a lump sum. This would, however, be subject to the consent of the recipient and must comply with the commutation provisions that apply in the circumstances. [Regulation 167(3)]
Agreed

Payments for persons incapable of managing their affairs (Regulation 168)
If it appears to the scheme manager that a person other than an eligible child who is entitled to benefits under the scheme, is by reason of mental incapacity or otherwise, incapable of managing his or her affairs, the scheme manager may pay the benefits or any part of them to a person having the care of the person entitled, or such other person as the scheme manager may determine, to be applied for the benefit of the person entitled. If the scheme manager does not pay the benefits in this way, the scheme manager may apply them in such manner as it may determine for the benefit of the person entitled, or any beneficiaries of that person. [Regulation 168]
Agreed

Payments due in respect of deceased persons (Regulation 169)
If, when a person dies, the total amount due to that person's personal representatives under the scheme (including anything due at the person's death) does not exceed the limit specified in the Administration of Estates (Small Payments) Act 1965, the scheme manager can pay the whole or part of the amount due to the personal representatives or any person or persons appearing to the scheme manager to be beneficially entitled to the estate, without requiring the production of grant of probate or letters of administration. [Regulation 169]
Agreed

Forfeiture: offences committed by members, surviving partners or eligible children (Regulation 171)
If a member, surviving partner or eligible child is convicted of a relevant offence, the scheme manager can withhold pensions payable under the scheme to a member, any person in respect of the member, a surviving partner or an eligible child, to such extent and for such duration as it considers appropriate. "Relevant offence" is defined in this Regulation. The definition includes offences injurious to the State (including treason) or likely to lead to a serious loss of confidence in the public service. There are certain conditions set out in the Regulation, e.g. it is only the part of the pension that exceeds any guaranteed minimum pension that can be withheld. [Regulation 171(1), (2), (3) and (5).] *Where a pension is withheld, the scheme manager can at any time, and to such extent and for such duration as the manager thinks fit, apply the pension for the benefit of any dependant of the member or restore it to the member. [Regulation 171(4)]*
Any withholding of pension, under these circumstances, will be agreed by the Chief Officer, in liaison with directors. (Info only - http://www.kentpensionfund.co.uk/firefighter/firefighters-pension-scheme-1992-fps-1992/pensioner-member-receiving-a-pension/guaranteed-minimum-pension-gmp provides a useful explanation on `guaranteed minimum pension`)

Forfeiture of pensions: offences committed by other persons (Regulation 172)
If a surviving partner or eligible child is convicted of the murder of a scheme member from whose benefits their pension would be derived the scheme manager must withhold all of the survivor's or child's pension otherwise payable. 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 is an element, the scheme manager has discretion as to whether or not to withhold the pension to which they would otherwise be entitled. The amount withheld must only be that part of the pension which exceeds any guaranteed minimum pension. If the conviction is subsequently quashed, the pension must be restored with effect from the day after the date on which the member died. 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. *[Regulation 172(1) to (5)]*
Any withholding of pension, under these circumstances, will be agreed by the Chief Officer, in consultation with directors. Legal advice may be taken before reaching a decision.

Forfeiture of lump sum death benefit: offences committed by other persons (Regulation 173)
If a person is convicted of a relevant offence, i.e. the murder or manslaughter of the member, or any other offence of which 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. [Regulation 173]
A decision will be made by the Chief Officer, in consultation with directors. Legal advice may be taken before reaching a decision.

Forfeiture: relevant monetary obligations and relevant monetary losses (Regulation 174)
If a 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 it considers appropriate, withhold benefits payable to that person under the scheme. "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 withhold it if there is no dispute about the amount or, if there is, there is a court order or the award of an arbitrator. The monetary obligation must have been incurred to the employer 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 arising out of the person's criminal, negligent or fraudulent act or omission. The procedure is set out in Regulation 176. [Regulation 174]
Any withholding of pension, under these circumstances, will be agreed by the Chief Officer, in consultation with directors.

Set-off (Regulation 175)
A scheme manager has discretion to set off a "relevant monetary obligation" against a member's entitlement to benefits under the scheme, subject to certain conditions which are similar to those contained in Regulation 174 (Forfeiture). The procedure is set out in Regulation 176. [Regulation 175]
Any withholding of pension, under these circumstances, will be agreed by the Chief Officer, in consultation with directors.

Payment on behalf of members of lifetime allowance charge (Regulation 178)
At a scheme member's request the scheme manager may pay, on the member's behalf, any amount that is payable by way of the lifetime allowance charge under section 214 of the Finance Act 2004. The scheme manager may only comply with the request if the member pays the amount in question on or before the date on which the event occurs or the member authorises the deduction of the amount from a lump sum becoming payable to the member under the scheme at the same time as the event occurs. [Regulation 178]
This will be considered by the Chief Officer and directors on a case-by-case basis

Evidence of entitlement (Regulation 184)
The scheme manager can require any person who is in receipt of a pension or 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. [Regulation 184(1) and (2)]

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. [Regulation 184(3)]
Regulation 184(1) and (2) / Regulation 184(3) - Agreed

Amount of accrued added pension may not exceed overall limit of extra pension (Schedule 1 Part 1, Paragraph 4)
The total amount of accrued added pension must not exceed a certain limit. If it appears to the scheme manager that a member who has elected to make periodical contributions will exceed the limit the scheme manager may cancel the election (by written notice to the member). [Schedule 1 Part 1, Paragraph 4]
Agreed

Member's election to make periodical contributions for added pension (Schedule 1 Part 1, Paragraph 7)
If a scheme member wishes to make periodical payments for added pension, the scheme manager can set a minimum amount which must be paid. [Schedule 1 Part 1, Para 7(3)]
Agreed and the Scheme Manager will liaise with the IBC Employers Pensions Admin Team before a method of payment is agreed.

Periodical payments (Schedule 1 Part 2, Paragraph 8)
If a scheme member wants to make periodical payments for added pension, but does not want them to be deducted from pensionable pay, the scheme manager may agree another method of payment. [Schedule 1 Part 2, Paragraph 8 (3)]
Agreed.

Periodical payments during periods of assumed pensionable pay (Schedule 1 Part 2, Paragraph 10)
After a period of assumed pensionable pay or a period of reduced pay, the member may give written notice to the scheme manager authorising the employer to deduct the aggregate of payments – which would have been made but for the leave – from the member's pay during the period of six months from the end of the period of reduced pay. The scheme manager can extend this period of six months. [Schedule 1 Part 2, Paragraph 10(4)]
Agreed.

Meaning of "tapered protection closing date" (Schedule 2 Part 1, Paragraph 3)
***1992 Scheme** - The tapered protection closing dates for tapered protection members are given in the 1992 scheme tables in Schedule 2 Part 4. In most cases the appropriate closing date can be ascertained by reference to the band of dates in which the firefighter's birthday falls.* ***2006 Scheme** - The tapered protection date for a tapered protection member of FPS 2006 to whom paragraph 9(5) or 21 applies (members returning to pensionable service) is determined by the scheme manager. [Schedule 2 Part 1, Paragraph 3(3); Schedule 2 Part 2, Paragraph 9(5); and Schedule 2 Part 3, Paragraph 21]*
Agreed.

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Part 2 - The Firefighters Pension Scheme Discretionary Policies – 2006 and 1992

The Firefighters' Pension Scheme (England) Regs 2006 & 1992.

Scope

Part 2 applies to all firefighters who are members of 'The Firefighters' Pension Scheme (England) Regulations 2006 or 1992'**.**

Temporary Pay	• 1992 Scheme - (Amendment) (No.2) (England) Order 2013 • 1992 Scheme – SI 2013/1392 • 2006 Scheme – SI 2013/1393	HIWFRA has determined that temp. promotion, effected after 1 July 2013, will no longer be pensionable, however, APBs (Additional Pensionable Benefits) can accrue for those in the 1992 Pension Scheme who are on Temporary Promotion.	
Abatement	• 1992 Scheme -Reg. K4 • 2006 Scheme Reg. Part 9 Rule 3.	It is HIWFRA`s policy not to re-engage staff except in exceptional circumstances and only on a temporary basis for a maximum of 12 months. This excludes RDS roles where separate arrangements exist. The abatement of pension, on a £ for £ basis, will apply where earnings + pension in the new role exceed earnings in the previous role.	
Medical required for purchase of 60ths	• 1992 Scheme - Reg G6	No medical is required	
Ceasing purchase of 60ths on the grounds of Financial hardship	• 1992 Scheme Reg. G7 • 2006 Scheme Reg • Part 11 Rule 8 (1) & (2)	Will grant a request in accordance with the 2006 Regulations - any period of greater than 6 months will result in cancellation of the additional purchase election.	
Allow full 25% commutation where normally this would be 2.25 x annual pension	• 1992 Scheme(Amend.) (No.2)(England) Order 2013 • 1992 Scheme - SI 2013/1392 • 2006 Scheme – SI 2013/1393	If an employee is over 50 but below 55 years of age and has over 25 but less than 30 years' pensionable service, the lump sum must not be greater than 2.25 times the pension before commutation. For employees who meet one of the following criteria, the maximum commutation is 25% of pension: i) with an ill health pension; ii) with an age retirement based on 30	Discretion will be considered on a case-by-case basis. The cost to HIWFRA would not normally exceed any statutory or enhanced redundancy pay where relevant and should result in associated

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		years' pensionable service; iii) with a deferred pension, or iv) at or after normal pension age (55)	savings from the resultant decrease in salary costs.
Unpaid absence - employer contributions	• 1992 Scheme 2008 consolidation F2 (4) • 2006 Scheme - Reg. Pt 11, Rule 9, para.4(c)	**Illness and injury** – HIWFRA agree to delegate the authority to the Chief Officer, in consultation with the Head of Finance, to consider each case on an individual basis to determine whether the individual or the employer pay the employer contributions. **Trade dispute** - Members will be required to pay the employers contributions in accordance with regulation 117(3) in all cases of active member pension buy back involving trade dispute(s) (unless exceptionally agreed differently by the Chief Officer). **Authorised unpaid absence** - HIWFRA agree to delegate the authority to the Chief Officer, in consultation with the Head of Finance, to consider each case on an individual basis to determine whether the individual or the employer pay the employer contributions. For all cases, contributions must be paid within 6 months of the employer requesting the money and at the rate of pay applicable to the period of time. The employer will normally make the request for the monies within 6 months of the absence/dispute ending.	
Extension of time limits - transfer outs	• 1992 Scheme - Reg. F9 (5) • 2006- Scheme Reg. Pt 12, Rule 3	HIWFRA has chosen not to set a time limit by which you must ask to transfer your HIWFRA pension into another provider`s scheme. There will be no cost to you for HIWFRA providing this information to your new provider	
Incapacity	• 1992 Scheme K1 (1 -3) • 2006 Scheme - Reg. Part 9 Rule 1	Refer to the 'Firefighters Ill Health Retirement Policy and Injury Award Review Policy'.	
Ill Health / Injury Reviews	• 2006 scheme -Reg.Pt 8 Rule 3	Refer to the 'Firefighters Ill Health Retirement Policy and Injury Award Review Policy'.	
Ill Health / Injury Appeals	• 2006 Scheme - Reg. Part 8, Rule 4 • 1992 Scheme - Schedule 9 Part 1 Annex 2	Extensions to timescales for appeals will not normally be agreed. However, there may be exceptional or compassionate grounds and on these occasions a decision will be made on a case-by-case basis after seeking advice from the (Senior) HR Business Partner.	
Ill Health / Injury Appeals	• 1992 Scheme, Schedule 9 Part 1, Para. 8 • 2006 Scheme, Annex 2,	HIWFRA would not expect the individual to pay the cost for referral to the Medical Appeal Board. However, if their claim is found to be	

	• Para. 10	"frivolous, vexatious or manifestly ill founded" (in liaison with the (Senior) HR Business Partner and sometimes by taking legal advice or advice from Occupational Health), or if they withdraw their appeal within 21 days of the interview, or medical examination, and a cost is incurred HIWFRA will recover this cost from them.	
Repayment of Widow's pensions	• 1992 Scheme C9	Under the 1992 Scheme a person entitled to a widow's pension who marries, remarries, forms a civil partnership or a subsequent civil partnership is not entitled to receive any payment on account of the pension in respect of any subsequent period; but if the marriage or civil partnership is dissolved or the other party to it dies the fire and rescue authority may pay the whole or any part of then pension for such period after the dissolution or death as they think fit.	HIWFRA will determine on a case-by-case basis whether to re-instate a widow's pension upon the subsequent death of the latter spouse / civil partner or dissolution of that latter marriage /civil partnership
Payment of children's pensions	• 1992 Scheme - Reg.D(5) & (3)	HIWFRA would not automatically reinstate a child's pension to a child age 17 or over, where there has been a break in full time education. Each would be reviewed on a case-by-case basis	
Payment of children's pensions	• 1992 Scheme - Reg L5(1) • 2006 Scheme, Part 14, Rule 5	Should you die and your child be left with no surviving parents, HIWFRA may pay the benefits or any part of them to the person having the care of the child, or such other person as the Scheme Manager may determine, to be applied for the benefit of the child. If the Scheme Manger does not pay the benefits in this way, the Scheme Manager may apply them in such manner as they may determine for the benefit of the child.	
Payment of children's pensions	• 1992 Scheme, Reg. D5(4) (c) & 3(a) • 2006 Scheme,Part 4, Rule 7	Should you die and leave a permanently disabled child, HIWFRA will determine the eligibility of their pension at this point. HIWFRA will ascertain, through the child's GP, whether their condition requires reassessing and at what intervals. If the child is no longer assessed as being permanently disabled, HIWFRA would cease payment of the child's pension. There may be exceptional or compassionate grounds where this may be re-considered depending on the circumstances of the case	

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Spouse's Pension on living apart	• 1992 Scheme, Reg.C8 (6 & 7)	**1992 Scheme only** - If there is evidence that the individual is permanently separated from their spouse and living apart (although not legally divorced) at the time of their death, their spouse would be entitled to a benefit payable at the rate of 1/160th of their average pensionable pay at the date of death for each year of service after 1978 (which is known as a requisite benefit). If they have remained financially dependent on them, they may be entitled to a higher benefit. HIWFRA would review this on a case-by case basis.
Incapacity	• 1992 Scheme - Reg. K1A(2) • 2006 Scheme Part 9, Rule 3	If the IQMP recommends that the individual is now capable of carrying out the duties of their previous role, there is no automatic entitlement to be offered employment by HIWFRA. Each case will be referred to the Chief Fire Officer who will consult with directors before reaching a decision.
Trivial commutation	• 1992 Scheme Reg B8, E5 & E7 • 2006 Scheme Part 3, Rule 10	If, upon retirement, the individual`s pension is under the HMRC limits (less than 1% of the Life Time Allowance (LTA), HIWFRA will normally pay the pension in full, as a one-off lump sum. No further pension payments would be payable.
Dependent relative's gratuity (Reg. E3 FPS)	• 1992 Scheme Reg.E3	HIWFRA does not normally approve payment to a dependent relative, other than that set out by the pension scheme. There may be exceptional or compassionate grounds where this may be considered by the Chief Officer, in consultation with directors.
Overpayments on death of pensioner	• 2006 Scheme Reg Part 14, Rule 3	Where a person dies after receiving a payment, in advance, in respect of a pension or allowance, no claim for repayment shall be made. HIWFRA would normally seek recovery of any overpayment of £100+ for any period after the initial advance payment.
Normal retirement	• 1992 Scheme Reg. 1(2)(b)	**1992 Scheme** - To be eligible to retire under the 1992 Scheme, you must be: • aged 55 or over with at least 2 years' service, or • aged between 50 and 55, with at least 25 years' service. In both cases you must receive permission from the Chief Officer to retire.

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		2006 Scheme - To be eligible to retire under the 2006 Scheme, you must: • be aged 60 or over, with at least 3 months' service; or • aged between 55-60 In both cases you must receive permission from the Chief Officer to retire.	
Member initiated early retirement	• 2006 Scheme Reg. Part 3, Rule 5	Under the 2006 Scheme, agreed retirement between 55 and 60 is referred to as "member initiated retirement"; benefits will be actuarially reduced to take into account the fact that the benefits will be paid for a longer period.	
HFRS initiated early retirement	• 1992 Scheme - Reg. A14 • 2006 Scheme - Part 3, Rule 6	If the individual is retired on the grounds of efficiency of the service and is aged 50 with at least 25 years' service in the 1992 Scheme or aged 55 and over in the 2006 Scheme, they will have an automatic entitlement to payment of their pension benefits with no reductions.	
Survivor Pension	• 2006 Scheme Reg Part 4, Rule 1	If the retiree`s spouse is convicted of the retirees manslaughter, HIWFRA may seek to reduce the value of their spouse's pension benefits depending on the circumstances of the case.	
Family Friendly Leave (ext. of time limits to repay contributions).	• 1992 Scheme - Reg. G2A (3) • 2006 Scheme Part 11, • Rule 4	The individual can choose to pay contributions for the period of their unpaid family friendly leave. For the period to count towards scheme membership the individual must choose to do this within 30 days of either a) the day on which they return to work, or b) if they do not return to work, the day they cease to be Employed. Exceptionally the 30 day time limit may be extended by the Chief Officer, in consultation with directors.	
Maternity & Adoption Leave - (deduction from death grant)	**2006 Scheme, Reg Part 11, Rule 4**	**2006 scheme only -** Deduction of contributions in respect of unpaid additional maternity or adoption leave from the death grant, without giving notice within the election time limit	To be considered on a case-by-case basis
Ill Health Pension	• 1992 Scheme Reg K3(1)	Where a firefighter has wilfully contributed to their condition or knowingly disregards medical advice and contributes to their ill-health, HIWFRA may reduce the level of an ill-health pension to not less than half of the full amount. The Chief Officer, in consultation with	

		directors, will consider each ill health retirement on a case-by-case basis.
Purchase of previous service - outstanding contributions	• 1992 Scheme Reg Schedule 6 Part 1	If the individual is re-paying by regular instalments and there are outstanding payments at the time of retirement, this amount will be deducted from the commuted lump sum

Updates

Section	What's been updated and why	Date updated	Who updated

Likelihood v Impact scoring

APPENDIX C

			Impact				
			Negligible	Minor	Moderate	Major	Catastrophic
			1	2	3	4	5
Likelihood	Rare	1	1	2	3	4	5
	Unlikely	2	2	4	6	8	10
	Possible	3	3	6	9	12	15
	Likely	4	4	8	12	16	20
	Almost certain	5	5	10	15	20	25

Risk Register for Fire Pensions

Risk number	Date identified	Risk area	Risk description	Likelihood	Impact	Risk score	Control measure / mitigation	Likelihood after mitigation	Impact after mitigation	Risk score after mitigation	Risk owner
1	12/05/2017	Operations	Failure to administer the pension scheme in a proper and effective manner	2	3	6	a) Liaison with employer b) End of Year c) Employer web (UPM access) d) Fire Employer Group & Pensions Admin Group e) Fire Pension Board f) Management oversight and escalation to Rob Carr g) Diversification – we run a Shared Services arrangement h) Ability to call in temporary staff for peak workloads i) Business continuity plan	1	3	3	Scheme Manager
2	12/05/2017	Financial	Failure to pay the right amounts on time and in line with legislation	3	3	9	Pensions Services: - a) Testing software b) Internal and External Audits c) Standardisation of systems and processes d) All processes and calculation have a "doer" and a separate "checker" e) Monthly mortality screening for pensions in payment f) Declaration of Entitlement forms annually to pensioners and beneficiaries living overseas or upon mail being returned g) Participation in National Fraud Initiative reporting	2	3	6	Pension Administrator
3	12/05/2017	Funding	Failure to adequately account for fund pension contributions	2	4	8	a) Strong financial plan for HFRA b) Planned budget c) Aim to complete all Home Office returns on time	1	4	4	Scheme Manager

4	12/05/2017	Regulatory and Compliance	Failure to identify and interpret and implement legislation correctly	3	4	12	a) Scheme Advisory Board
							b) Local Government Association (LGA)
							c) Regional Fire Pension Officer Groups
							d) Fire Pension Board
							e) Employer Pension Manager as a dedicated resource liaising between
							  - Fire Employer Group & Pensions Admin Group, pulling together
							  - Key Accountabilities for IBC Pensions Admin Team, HR and Hampshire Pension Services
								1	4	4	Scheme Manager

5	08/10/2020	McCloud	Failure to adequately resource and successfully implement the McCloud remedy to all affected members within the timescales prescibed	4	4	16	a) Staff recruited specifically for McCloud tasks or to backfill positions so more experienced staff can be released for project b) Communications are developed in a timely manner c) Project is managed effectively with robust plans, reporting and escalation d) Key involvement from the Employer Pension Manager with both the Fire Technical Group and Fire Communications Working Group to ensure all information is received e) Work across departments to be co-ordinated from the Fire Employer Group	2	4	8	Scheme Manager

BEFORE MITIGATION

Likelihood		Impact: Negligible 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Rare	1					
Unlikely	2			1. Failure to administer the pension scheme in a proper and effective manner	3. Failure to adequately account for fund pension contributions	
Possible	3			2. Failure to pay the right amounts on time and in line with legislation	4. Failure to identify and interpret and implement legislation correctly	
Likely	4				5. Failure to adequately resource and successfully implement the McCloud remedy to all affected members within the timescales prescibed	
Almost certain	5					

AFTER MITIGATION

Likelihood		Impact: Negligible 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Rare	1			1. Failure to administer the pension scheme in a proper and effective manner	3. Failure to adequately account for fund pension contributions 4. Failure to identify and interpret and implement legislation correctly	
Unlikely	2			2. Failure to pay the right amounts on time and in line with legislation	5. Failure to adequately resource and successfully implement the McCloud remedy to all affected members within the timescales prescibed	
Possible	3					
Likely	4					
Almost certain	5					