

Rule F2 explains what can count as “current service”.

**What may count
as current
service**

If you are a regular firefighter or can be treated as one for this purpose while in a temporary employment connected with fire and rescue services (Rule A4(3)(a)) or while in permanent employment as an instructor (Rule A5(3)(a)) you can count the following periods of “current service” towards your total pensionable service –

- any period of service after 30 September 2004 as a regular firefighter in the employment of a fire and rescue authority, and
- any period of service after 31 March 1972 and before 1 October 2004 as a regular firefighter in a brigade, and
- any period of service you were entitled to reckon as pensionable service in a brigade immediately before 1 April 1972

Exclusions

Rule F1(1) and (2) state that you cannot count as pensionable service under the definition of “current service”–

- any period during which contributions under Rule G2 were not payable (because of an election to opt out of the FPS – see the explanation of Rule G3)
- any service before you last rejoined the fire (and rescue) service, if you did so on or after 1 April 1972 (but you may be able to count it under Rule F4)
- any period of absence as a result of sickness or injury which an independent qualified medical practitioner has certified as being due to your own misconduct
- any period of absence without pay unless Rule F2(3) to (6) applies – see below
- any period of maternity or adoption leave which would not count under Rule F2A

**Absence without
pay**

Rule F2(3) says that if you are absent from your employment without pay (excluding absence for maternity, paternity or adoption leave), you can give written notice to your fire and rescue authority that you wish all or part of the unpaid period to count as pensionable service. This notice must be given within 6 months of returning to duty after the period of absence.

If you give notice that you wish all or part of the period to count, Rule F2(4) requires that within 6 months of giving the notice you must pay to the authority:

- (a) the contributions you would have paid at the normal rate under Rule G2 (11%) based on the pay you would have received had the period of absence not been unpaid,
- (b) any contributions still due under Rule G4, i.e. any additional and further contributions you had elected to pay to increase widow’s benefits in respect of service before 1 April 1972 (unlikely to apply to any firefighter currently serving), and

Rule F2 (continued)

Absence without pay (continued) (c) the employer's contributions that would have been paid by the fire and rescue authority for the period of absence had it not been unpaid; the authority will notify you of this amount.

Also, any periodical contributions you may have elected to pay, under Rule G6, to “purchase” additional 60ths would have to be paid in respect of any absence without pay whether or not the absence is allowed to count as pensionable service.

Continuity of service If you have a period of pensionable service before and after maternity or adoption leave and have a gap in your service because you chose not to pay contributions under Rule G2A (which would allow certain unpaid periods of maternity or adoption leave to count as pensionable service) Rule F2(7) allows, nevertheless, the period before and after to be treated as continuous.

Firefighters' Pension Fund Sums received from firefighters in respect of Rule F2(3) and (4) and any contribution payable by the fire and rescue authority under Rule F2(5) shall be paid into the Firefighters' Pension Fund.

Archived pages The terms of being able to count a period of absence without pay changed with effect from 1 April 2006. In case reference has to be made to earlier provisions, the previous explanation of Rule F2(3) follows these pages as archived material.

Useful reference source • FSC 30/2004: counting of service during maternity, paternity and adoption leave

Points To Note

1. It is not possible to elect that a period of unpaid leave should reckon as pensionable service if, during that period, an election under Rule G3 not to contribute to the FPS was effective.
2. Maternity leave provisions were introduced into the FPS with effect from 13 September 2004 but have retrospective effect from 23 June 1994 – the date from which all occupational pension schemes had to make special provision for the counting of maternity leave. If a firefighter had a period of unpaid maternity leave before 23 June 1994 a fire authority would have the discretion to treat that unpaid leave as a period of absence from duty without pay and resolve under Rule F2(3) that the period should be allowed to reckon as pensionable service (in which case the firefighter would be liable to pay the authority the contributions that would have been payable by her at the normal rate on her pensionable pay at that time).

Rule F2 (continued)

Points To Note continued

3. A large part of F2 was amended with effect from 1 October 2004 by the Firefighters' Pension Scheme (Amendment) (England) Order 2005 but this was simply to reflect changes in terminology as a consequence of the Fire and Rescue Services Act 2004, e.g. the expression "brigade" ceased to exist and "fire service" and "fire authority" became "fire and rescue service" and "fire and rescue authority".
4. From 1 April 2006, the terms of being able to count a period of unpaid absence changed. Before 1 April 2006, whether or not the period could count was totally at the discretion of the fire and rescue authority. If the authority decided that the period should count, the firefighter had to pay employee's contributions on the pay he/she would have received if not on unpaid leave of absence. Since 1 April 2006 it is the firefighter that can decide if the period should count. If he/she decides it should, he/she must pay both the employee's and the employer's contributions for that period (unless the fire and rescue authority use their discretion to pay the employer's share.) See the archived page which follows.

Rule F2 Extract

Absence without pay

If you are absent from your employment without pay (excluding absence for maternity, paternity or adoption leave), under Rule F2(3) your fire and rescue authority may resolve that you should be able to count the period of absence as “current service” towards your total pensionable service.

If you are allowed to reckon service in this way then you must pay –

- your basic contributions at the standard rate (currently 11%), and
- any additional and further contributions you had elected to pay to increase widow’s benefits in respect of service before 1 April 1972 (unlikely to apply to any firefighter currently serving).

The fire and rescue authority can make the resolution at any time provided you are still serving as a firefighter of the authority. The contributions will be based on the pensionable pay you would have received during the period had you not been absent without pay.

Any periodical contributions you may have elected to pay, under Rule G6, to “purchase” additional 60ths would have to be paid in respect of any absence without pay whether or not the absence is allowed to count as pensionable service.