

RULE F5

Period during which injury pension was payable

Rule F5 explains how a firefighter who retired with an injury pension and then returns to firefighting can make payments to count the break in employment as pensionable service. Schedule 6 Part I explains the terms of payment.

Eligibility

There are special provisions for a person returning to firefighting after being retired on injury grounds. He or she can elect to make payments to the fire and rescue authority to count as pensionable service the period for which the injury pension was paid.

Rule F5(1) says that to be eligible to do this you must –

- have retired from a fire and rescue authority and become entitled to an injury pension (under Rule B4 of the FPS before 1 April 2006 or under the Firefighters' Compensation Scheme on and from that date), and
- have had that pension terminated on the grounds that you have recovered from your disability to the extent that you could again undertake firefighting duties, and
- within one month of the pension being terminated have returned to serve as a regular firefighter with your former fire and rescue authority
 - where the injury award was made on or after 1 April 2006, under an offer of re-employment made under Rule K1A(2)(b), or
 - where the injury award was made before 1 April 2006 where you presented yourself for employment under Rule K1(4) as it stood before amendment on 1 April 2006.

What may count as pensionable service

If you undertake to pay the required amount (see below) you can reckon as pensionable service the whole period during which you were entitled to the injury pension. This is described in Rule F5(1) as “the pension period”.

Cost

Rule F5(2) states that the required amount is the total of the pension contributions (excluding any additional and further contributions you may have elected to pay for widow's pension on service before 1 April 1972) which you would have paid for the pension period if you had continued to serve in the rank or role you held immediately before your retirement.

Effect of part-time service

The annual pensionable pay used for assessing the payment due in accordance with the table in Schedule 6 Part I, paragraph 2 must be the rate the firefighter would have received if whole-time. This applies even if the firefighter held a part-time contract before retirement or after retirement. The period for which the injury pension was paid would be treated as whole-time service.

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Rule F5 (continued)

Terms of payment

If you wish to take up the option, Rule F5(1)(c) requires you to give your undertaking to make the payment within 6 months of resuming service as a regular firefighter. The fire and rescue authority can extend this period at their discretion.

Paragraph 1 of Schedule 6 Part I states that the amount you are required to pay should be paid in regular instalments over the lesser of –

- 5 years
- the remainder of your service to normal pension age.

The fire and rescue authority can deduct the instalments from your pay or by some other agreed method. If you wish you can pay your authority the whole amount in a single lump sum or, at any time, pay any balance remaining by lump sum.

If, before having completed payment you retire in circumstance where the only award to which you are entitled is a refund of contributions then any outstanding balance is treated as having been paid. The same would apply if you were to die before completing payment.

If, before having completed payment you become entitled to an award **other** than a refund of contributions, the fire and rescue authority may deduct the outstanding balance from payments of that award.

Example

Examples of the assessment of the required amount are given on page F5-Example 1.

Useful reference source

- FSC 30/2004: introduction of pension provisions for part-time regular firefighters

Points To Note

1. If you were entitled to an injury award but not receiving it for any period because the amount of DWP benefits you were entitled to were greater than the pension otherwise payable, you would still be able to treat that period as pensionable service under this Rule, subject to the payment of the required amount.
2. Pension provisions for part-time regular firefighters were introduced from 13 September 2004.
3. A large part of F5 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".

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Rule F5 (continued)

Points To Note continued

4. On 21 November 2005, "compulsory retirement age" which was 55 for all ranks up to Station Officer and 60 for all ranks above, was replaced by "normal pension age" which is age 55 for all roles. Schedule 6 Part I Paragraph 1 requires, in some circumstances, payment of regular instalments to normal pension age. Before 21 November 2005, the reference was to compulsory retirement age.
5. With effect from 1 April 2006, Rule B4 (injury award) was removed from the FPS and, together with other injury provisions, transferred to the Firefighters' Compensation Scheme. Nevertheless Rule F5 covers the period of payment of an injury award whether under the FPS or the Firefighters' Compensation Scheme.
6. Also amended with effect from 1 April 2006 are the terms of review of ill-health and injury pensions. Where an award was made to a firefighter before 1 April 2006, the review provisions under Part K as they stood before 1 April 2006 will continue to apply (under Transitional Provision Rule 3 of the Firefighters' Pension Scheme (Amendment) (England) Order 2006. If the award was made on or after 1 April 2006 the amended review provisions of the substituted Rule K1, new Rule K1A, and Part 9 of the Firefighters' Compensation Scheme will apply.

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Example of assessment of payment required to reckon as pensionable a period during which an injury award was payable

Example A

A firefighter retires with entitlement to an ill-health award and an injury award. He subsequently recovers his health and both his ill-health pension and injury pension are cancelled. He resumes employment with his fire and rescue authority as a regular firefighter within one month of the cancellation. He had been in receipt of his injury award for 2 years 54 days (784 days). Had he remained in employment the pay appropriate to his rank during that period would have been £21,000 a year for the first 194 days, £21,400 a year for the next 365 days, and £21,875 a year for the last 225 days immediately before rejoining his authority.

If he is prepared to undertake to pay a sum equal to the pension contributions he would have paid had he remained employed as a regular firefighter throughout the period that he was receiving his injury pension, he can count that period as pensionable service. The payment should be made in accordance with "Terms of Payment" in the explanation of Rule F5.

Formula: (11% of total notional pensionable pay) less (1p x number of weeks injury pension paid before 1 April 2006)

Sum to be paid by firefighter to count previous service as pensionable:

	11% x 194/365 x £21,000.00 =	£1,227.78	
plus	11% x 365/365 x £21,400.00 =	£2,354.00	
plus	11% x 225/365 x £21,875.00 =	<u>£1,483.30</u>	= £5,065.08
less	1p x 112 (784/7 weeks)		= £ 1.12
therefore sum due			= <u>£5,063.96</u>
