

# Discretions in the Firefighters' Compensation Scheme

## Firefighters' Pension Schemes before 1 March 1992

If a person is entitled to benefits under any saved provision of –

- The Fire Brigade Pensions Act 1925
- The Firemen's Pension Scheme 1948
- The Firemen's Pension Scheme 1952
- The Firemen's Pension Scheme 1956
- The Firemen's Pension Scheme 1964
- The Firemen's Pension Scheme 1966
- The Firemen's Pension Scheme 1971
- The Firemen's Pension Scheme 1973

the Fire and Rescue Authority shall assess and pay those benefits in accordance with the relevant provisions.

In the event that the Fire and Rescue Authority may be required to exercise a discretionary power in respect of any of the above schemes it will do so in accordance with the discretionary power and the policy made under a current successor in the Firefighters' Pension Scheme or Compensation Scheme. If there is no such parallel discretionary provision, it will be considered at the appropriate level as set out in the Statement of Authorised Delegations, having regard to the circumstances of the case.

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## The Firefighters' Compensation Scheme 2006

### **Part 1, Rule 11, paragraphs (5) and (6): Determining pensionable pay in certain cases (retained firefighters).**

Where the Fire and Rescue Authority are unable to determine the period of a person's service from their records and do not hold records of that person's pay for any period and the necessary documents cannot be obtained from the person, the Authority may estimate the person's pensionable pay from records they hold and may in particular estimate this on the basis of the average of recent pay data for retained firefighters at the same station or stations as that at which the person was based for the relevant period.

### **Part 2, Rule 3, paragraph 6: Discretion to reduce compensation for death or permanent incapacity while on duty if the firefighter's serious and culpable negligence or misconduct contributed to the circumstances in which the injury was sustained.**

The Fire and Rescue Authority may consider using the powers contained in Part 2, Rule 3, paragraph 6 of the Firefighters' Compensation Scheme (England) Order 2006 to reduce the amount or sum referred to in paragraph 2 or 4 by such amount as they consider appropriate where the firefighter's serious and culpable negligence or misconduct contributed in any material respect to the circumstances in which the injury was sustained, if they feel it appropriate according to the circumstances of any case which falls within the terms of Part 2, Rule 3.

### **Part 2, Rule 3, paragraph 10: Discretion to accept the status of an unmarried partner (other than a civil partner) where the firefighter and partner had been in a relationship for less than 2 years.**

Although eligibility normally depends upon a relationship having continued for at least two years, the Fire and Rescue Authority has discretion to make a payment in the event of a shorter period.

### **Part 2, Rule 4: Discretion to commute small compensatory pension for a lump sum.**

If it is considered appropriate and the total amount of any pension(s) payable to a person – who has attained State pensionable age – under the provisions of

- Part 2, Rule 1 of the Firefighters' Compensation Scheme Order (England) Order 2006,
- Rule 1A1 of the Firemen's Pension Scheme Order 1992,
- Part 6, Rule 1 of the Firefighters' Pension Scheme (England) Order 2006,
- Regulation 105 of the Firefighters' Pension Scheme (England) Regulations 2014
- the Pensions (Increase) Act 1971

does not exceed the commutation limit for the purposes of Part 1 of Schedule 29 to the Finance Act 2004 (lump sum rule), the Fire and Rescue Authority can commute the pension(s) to a lump sum in accordance with factors prepared by the Scheme Actuary.

**Part 3, Rule 2, paragraph 2 (b) and (c): Discretion to pay augmented award to spouse or civil partner where specific conditions of eligibility are not met.**

Where a person who is or has been a firefighter dies from the effects of a qualifying injury or infirmity of mind or body occasioned by a qualifying injury where the injury was received in the execution of duties performed in circumstances where there was an intrinsic likelihood of the firefighter receiving a fatal injury, for the immediate purpose of saving the life of another person or of preventing loss of human life, an augmented award would be paid to the surviving spouse or civil partner.

According to the circumstances of an individual case, if the Fire and Rescue Authority are of the opinion that the above conditions may have been satisfied and that this Rule should apply, or that it would be inequitable if this Rule were not to apply, they can consider paying an augmented award.

**Part 3, Rule 4, paragraphs 6 and 7: Discretion to increase, for such period as the Fire and Rescue Authority think fit, the level of spouse's or civil partner's special or augmented award where firefighter and spouse or civil partner were living apart at the date of death and the normal level of benefit is reduced under FCS rules.**

The Fire and Rescue Authority may consider, according to the circumstances of each individual case, increasing a surviving spouse's or civil partner's award for such period as the Authority think fit if the firefighter and spouse or civil partner were living separately at the date of death and the normal level of dependant's benefit is reduced accordingly in accordance with Part 3, Rule 4 of the Firefighters' Compensation Scheme (England) Order 2006.

**Part 3, Rule 5, paragraphs 1 and 2: Discretion to reinstate all or part of a spouse's or civil partner's special or augmented award for such period as the Authority think fit following the termination of award on marriage, remarriage, formation of a civil partnership or subsequent civil partnership.**

A person entitled to a pension under Part 3 of the Firefighters' Compensation Scheme (England) Order 2006 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 unless protected by the exclusions set out in Part 3, Rule 5(3). However, the Fire and Rescue Authority can permit the reinstatement of all or part of a spouse's or civil partner's special or augmented award for such period as the Authority think fit on the dissolution of the subsequent marriage or civil partnership, or if the other party to that marriage or civil partnership dies.

**Part 4, Rule 3, paragraph 5(c): Decision to cease payment of a child's special allowance where the Fire and Rescue Authority are satisfied that the child is no longer permanently disabled or the child's pension should not have been awarded.**

There is entitlement to a child's allowance for a child who is age 18 or over and who was dependent on the deceased at the date of death on grounds of permanent disablement. The Fire and Rescue Authority may decide how and when to periodically review entitlement. The award will cease to be payable if the Authority are satisfied that the child is no longer permanently disabled and not entitled to a child's special allowance under any of the other terms of eligibility.

**Part 5, Rule 1: Discretion to award an adult dependent relative's special pension for such period(s) as the Fire and Rescue Authority may determine.**

If the conditions of Part 5, Rule 1 of the Firefighters' Compensation Scheme (England) Order 2006 are met, the Fire and Rescue Authority may consider, according to the circumstances of an individual case, the payment of a dependent relative's special pension to an adult dependent relative not entitled to any other award in respect of the same firefighter. It would be calculated in accordance with Schedule 4, Part 1 of the Order.

**Part 5, Rule 2, paragraph 3: Discretion to award a dependent relative's gratuity.**

The Fire and Rescue Authority may consider the payment of a dependent relative's gratuity to a dependent relative not entitled to any other award in respect of the same firefighter according to the circumstances of an individual case. The gratuity or gratuities payable must not exceed the amount of the deceased's contributions.

**Part 5, Rule 3: Discretion, with the consent of the person entitled to the award, to commute for a lump sum a small pension awarded to a surviving spouse or civil partner.**

If the total amount of any pension payable to a surviving spouse or civil partner under Part 3 of the Firefighters' Compensation Scheme (England) Order 2006, together with any increase under the Pensions (Increase) Act 1971, does not exceed the commutation limit for the purposes of Part 2 of Schedule 29 to the Finance Act 2004 (lump sum death benefit rule), and

- (a) the firefighter died before age 75, and
- (b) the Fire and Rescue Authority are satisfied that there are sufficient reasons, and
- (c) the surviving spouse or civil partner consents,

the Authority may commute the whole of the pension for a lump sum in accordance with the guidance of the Scheme Actuary at the time when the pension first becomes payable.

**Part 5, Rule 4: Discretion, with the consent of the child, surviving parent or guardian, to commute for a lump sum a small pension awarded to a child.**

If a child is entitled to a special allowance under Part 4, Rule 1 of the Firefighters' Compensation Scheme (England) Order 2006, and

- (a) the Fire and Rescue Authority are satisfied that there are sufficient reasons, and
- (b) the surviving parent or the child's guardian or – if neither – the child him or herself consents,

the Fire and Rescue Authority may commute the pension for a lump sum in accordance with Part 2 of Schedule 4 and the guidance of the Scheme Actuary at the time when the pension first becomes payable.

**Part 6, Rule 3: Requirement to reconsider, at person's request, his/her claim to an award where the Fire and Rescue Authority do not admit the claim at all, or do not admit it to its full extent.**

If a person claims that they are entitled to an award or to any payment in respect of an award under the Firefighters' Compensation Scheme (England) Order 2006 and the Fire and Rescue Authority do not admit the claim at all or do not admit it to its full extent, in accordance with Part 6, Rule 1, paragraph 1, the Authority must reconsider the case if the person applies to them to do so. The "reconsideration" will be under the Internal Dispute Resolution Procedures as set up for use in the reconsideration of awards under the Firemen's Pension Scheme Order 1992, the Firefighters' Pension Scheme (England) Order 2006 and the Firefighters' Pension Scheme (England) Regulations 2014.

The Authority can decide who should be the Stage One and Stage Two decision makers.

(If the person's grievance lies in the content of the medical opinion upon which the Authority based their decision, the person should use the process set out in Part 6 Rule 2 "Appeal to Medical Appeal Board" of the Order.)

**Part 7, Rule 2 and Rule 4: Discretion to increase an award for a serviceman who, at the end of his/her forces period, is permanently disabled by a qualifying injury or injury received during his/her forces period.**

Should a serviceman be permanently disabled at the end of his/her forces period and the infirmity that occasioned his/her incapacity for the performance of duty was occasioned by an injury received during his/her forces period or by a qualifying injury, the Fire and Rescue Authority may consider paying or increasing any pension payable under the Firemen's Pension Scheme Order 1992, the Firefighters' Pension Scheme (England) Order 2006 and the Firefighters' Pension Scheme (England) Regulations 2014 in accordance with Part 7, Rule 2 and Rule 4 of the Firefighters' Compensation Scheme (England) Order 2006, having regard to the limitations in Schedule 6.

**Part 7, Rule 3 and Rule 4: Discretion to increase dependants' benefits under the Firefighters' Pension Scheme 1992 to the level of a flat-rate award if a serviceman dies from the effects of an injury received during his/her forces period or a qualifying injury.**

Should a serviceman –

- (a) die during his/her forces period, or
- (b) be permanently disabled at the end of that period, not since have been a firefighter, and die from the effects of an injury that occasioned his/her incapacity for the performance of duty or while in receipt of a pension,

the Fire and Rescue Authority may consider increasing any dependants' benefits as allowed under Part 7, Rule 3 and Rule 4 of the Firefighters' Compensation Scheme (England) Order 2006, having regard to the limitations in Schedule 6.

**Part 7A, Rules 2 and 4: Discretion to increase an award to a reservist who is permanently disabled as a result of an injury received during his/her forces period or as a result of a qualifying injury.**

If a person takes up employment with the Fire and Rescue Authority on or after 6 April 2006 or, having been employed before that date becomes a member of the Firefighters' Pension Scheme 2006 or the Firefighters' Pension Scheme 2015 and becomes a reservist, for the purposes of the Firefighters' Compensation Scheme 2006 he/she shall be treated as if they had continued to be a firefighter during the period of relevant service in the armed forces (the "forces period").

If at the end of the forces period or subsequently after resuming service as a firefighter the person is permanently disabled and the infirmity that occasioned his/her incapacity for the performance of duty was occasioned by an injury received during the forces period or by a qualifying injury, the Fire and Rescue Authority may, according to the circumstances of the case, consider increasing the amount of pension payable under the Firefighters' Pension Scheme 2006 or the Firefighters' Pension Scheme 2015, subject to the limitations of Schedule 7 of the Firefighters' Compensation Scheme (England) Order 2006.

**Part 7A, Rules 3 and 4: Discretion to increase dependants' benefits if a reservist dies from the effects of an injury received during his/her forces period or a qualifying injury.**

If a person takes up employment with the Fire and Rescue Authority on or after 6 April 2006 or, having been employed before that date becomes a member of the Firefighters' Pension Scheme 2006 and becomes a reservist, for the purposes of the Firefighters' Compensation Scheme 2006 he/she shall be treated as if they had continued to be a firefighter during the period of relevant service in the armed forces (the "forces period").

If the person dies during the forces period or is permanently disabled at the end of the forces period and dies from the effect of an injury that occasions incapacity for the performance of duty the Fire and Rescue Authority may, according to the circumstances of the case, consider increasing the amount of pension payable under the Firefighters' Pension Scheme 2006 or the Firefighters' Pension Scheme 2015, subject to the limitations of Schedule 7 of the Firefighters' Compensation Scheme (England) Order 2006.



**Part 8, Rule 1: Discretion to pay an injury award to or in respect of an employee of a Fire and Rescue Authority who is not a firefighter but who has to retire, or dies, as a result of an injury received without his/her own default while in attendance at a fire in the execution of duties as an employee of the Authority.**

If an employee who is not a firefighter suffers an injury without their own default –

- (a) while in attendance at a fire, and
- (b) in the execution of their duties as an employee of the Fire and Rescue Authority, and
- (c) has to retire in consequence of the injury

the Authority, having regard to the circumstances of the case, may grant such pension or gratuity under the Firefighters' Compensation Scheme (England) Order 2006 as the Authority think fit.

If in the circumstances outlined in (a) and (b) above, the person dies from the effect of the injury, either before or after retiring from the employment, the Authority, having regard to the circumstances of the case, may grant such pension, gratuity or allowance as they think fit to a surviving spouse, civil partner and/or child.

If granted, such awards would be subject to the terms and limits of Part 8, Rule 1 of the Firefighters' Compensation Scheme (England) Order 2006.

**Part 9, Rule 1, paragraph 1: Review of injury award – discretion to decide intervals at which a person's degree of disablement should be reviewed.**

If a Fire and Rescue Authority make an injury award they must periodically review whether or not the person's degree of disablement has substantially altered; if it has, the pension has to be reviewed. If the disability has ceased the pension must cease. The Authority has discretion to decide the intervals at which the entitlement is reviewed.

**Part 9, Rule 1, paragraph 3: Review of injury award – discretion, 5 years after an injury pension first becomes payable, to resolve that no further review of degree of disablement should take place.**

According to the circumstances of an individual case, the Fire and Rescue Authority may – at any time 5 years after an injury pension first becomes payable – determine that no further review of entitlement to the injury pension as required by Part 9, Rule 1, paragraph 1 should take place.

**Part 9, Rule 2: Discretion to reduce the level of an injury award to not less than half of the full amount where a person, who is permanently disabled, contributed to the infirmity by his/her own default.**

The Fire and Rescue Authority may consider using the powers contained in Part 9, Rule 2 of the Firefighters' Compensation Scheme (England) Order 2006 to reduce an injury award where a person is permanently disabled and has brought about or contributed to the infirmity by his/her own default if the Authority feel it appropriate according to the circumstances of any case which falls within the terms of Rule 2.

**Part 9, Rule 3: Discretion to withdraw the whole or part of a person's pension (other than a spouse's or civil partner's award) during any period of re-employment as a firefighter with a Fire and Rescue Authority.**

The Fire and Rescue Authority may withdraw the whole or part of any pension payable under the Firefighters' Compensation Scheme (England) Order 2006 (other than an award made to a spouse or civil partner) for any period during which the person entitled to it is employed as a firefighter by any Fire and Rescue Authority.

(The Authority could consider using the abatement principles for pensions paid under the Firemen's Pension Scheme Order 1992 and Firefighters' Pension Scheme (England) 2006, the abatement principle set out in Firefighters' Pension Scheme Circular 10/2009, and in HM Treasury guidance.)

**Part 9, Rule 4, paragraphs 1 to 3: Discretion to withdraw a pension in whole or in part, permanently or temporarily, on a person's conviction of certain offences.**

The Fire and Rescue Authority may consider using the powers contained in Part 9, Rule 4, paragraphs 1 to 3 of the Firefighters' Compensation Scheme (England) Order 2006 to withdraw a pension in whole or in part where a pensioner has been convicted of an offence if they feel it appropriate according to the circumstances of any case which falls within the terms of Rule 4 and subject to the certification of the Secretary of State where required.

**Part 9, Rule 4, paragraph 4: Discretion to restore at any time and to such extent as the Fire and Rescue Authority think fit, a pension withdrawn under Part 9, Rule 4, paragraphs 1 to 3, to the pensioner or to apply it for the benefit of any dependant of the pensioner.**

If the Fire and Rescue Authority withhold a pension in whole or in part, under Part 9, Rule 4, paragraphs 1 to 3 of the Firefighters' Compensation Scheme (England) Order 2006, according to the circumstances of the case they may determine, at such time as they think fit, to restore it to the pensioner or to apply it for the benefit of any dependant of the pensioner.

**Part 9, Rule 5: Discretion to decide to what extent an award should be forfeited by a person who has been convicted of an offence under section 34(6) of the Fire and Rescue Services Act 2004 (acts or omissions for the purposes of obtaining awards or other sums).**

If a person has been convicted of an offence under section 34(6) of the Fire and Rescue Services Act 2004 (acts or omissions for purposes of obtaining awards or other sums), according to the circumstances of the case the Fire and Rescue Authority may determine under Part 9, Rule 5 of the Firefighters' Compensation Scheme (England) Order 2006 that he/she should forfeit the whole or part of an award or sum obtained under the Firefighters' Compensation Scheme (England) Order 2006.

**Part 10, Rule 2, paragraph 1: Determination of intervals at which instalments of an injury pension or allowance should be paid.**

Injury awards must be paid in advance but the Fire and Rescue Authority can determine the intervals at which payments will be made.

**Part 10, Rule 2, paragraph 1: Discretion to delay payment of an award to the extent necessary for determining any questions of the Fire and Rescue Authority's liability.**

The Fire and Rescue Authority can use their power under Part 10, Rule 2, paragraph 1 of the Firefighters' Compensation Scheme (England) Order 2006 to delay payment of an award to the extent necessary for determining any question as to the Authority's liability.

**Part 10, Rule 2, paragraph 7: Discretion to pay a gratuity in instalments, rather than as a lump sum, of such reasonable amounts and over such reasonable period as the Fire and Rescue Authority think fit.**

The Fire and Rescue Authority can decide whether to pay a gratuity as a lump sum or in instalments.

**Schedule 5, paragraph 1(2): Discretion to extend the 14-day time limit in which a person must lodge a medical appeal, to a period not exceeding 6 months from the date of issue of the medical opinion to the person, provided the Fire and Rescue Authority are of the opinion that the person's failure to lodge the appeal within 14 days was not due to his/her own default.**

The Fire and Rescue Authority can permit the extension of the 14-day time limit (to a maximum of six months) in which a person must lodge an appeal to a Board of Medical Referees.

(It could be worth, in any case, considering extending the period to 28 days to be in line with time limit for lodging an appeal to such a Board under the Firefighters' Pension Schemes.)

**Schedule 5, paragraph 5(5): Discretion to decide the Fire and Rescue Authority's representation at Medical Appeal Board interview.**

The Fire and Rescue Authority can decide who should represent the Authority at a Medical Appeal Board interview at the time that the date of the interview is set.

**Schedule 5, paragraph 6(1): Discretion to decide whether or not to submit written evidence or a written statement to Medical Appeal Board.**

The Fire and Rescue Authority can decide whether or not to submit written evidence or a written statement to a Medical Appeal Board.

**Schedule 5, paragraph 9(2): Discretion, where Medical Appeal Board decide that a person's appeal was "frivolous, vexatious or manifestly ill-founded" to require the appellant to pay the Fire and Rescue Authority such sum as the Authority think fit, not exceeding the fees and allowances of the specialist member of the Board.**

If the Medical Appeal Board decides an appeal in favour of the Fire and Rescue Authority and reports that in its opinion the appeal lodged by the appellant was frivolous, vexatious or manifestly ill-founded, the Authority can require the appellant to pay the Authority such sum as is equal to, but not greater than, the total amount of fees and allowances as determined by the Secretary of State payable to the specialist member of the Board appointed under Schedule 5, paragraph 3(2).

**Schedule 5, paragraph 9(3): Discretion, where appellant gives notice to the Medical Appeal Board, withdrawing the appeal within 21 working days before the date appointed for interview or medical examination, to require the appellant to pay such sum as the Fire and Rescue Authority think fit, not exceeding the Board's total fees and allowances.**

If the appellant gives notice to the Medical Appeal Board of withdrawing an appeal within 21 working days prior to the date appointed for an interview or medical examination by the Board, the Fire and Rescue Authority may require the appellant to pay such sum as is equal to, but not greater than, the Board's fees and allowances as determined by the Secretary of State under Schedule 5, paragraph 8 of the Firefighters' Compensation Scheme (England) Order 2006.

# Firefighters' Compensation Scheme

## Authorised Delegations

**Key (illustrative) – each Authority to determine appropriate level of decision making.**

A: The Fire and Rescue Authority or appropriate Committee under delegated powers.

B: The relevant Director of the Fire and Rescue Authority under delegated powers and in accordance with the policy statements set out in XXXX.

C: The relevant Manager of the Fire and Rescue Authority (Human Resources, Finance or Payroll), or by XXXX as the provider of pension administration services to the Authority. This would be under delegated powers and in accordance with:

- the policy statements set out in XXXX
- the direction of the Fire and Rescue Authority for an individual case (Level A)
- the direction of a relevant Director (Level B).

Where a decision/action has to be taken at Levels B or C in respect of a person who would normally be the decision-maker at that Level, the Level at which the decision/action will be taken will be “A”.

Where a decision/action has to be taken at Level C, the allocation of responsibilities and duties is set out in XXXX

## FIREFIGHTERS' COMPENSATION SCHEME 2006

| Provision of Firefighter's Compensation Scheme (England) Order 2006 (as amended)   | Level of decision |   |   | Review date |
|--|-------------------|---|---|-------------|
|  | A                 | B | C |             |
| <b>Part 1, Rule 11, paragraphs (5) and (6):</b> Determining pensionable pay in certain cases.  |                   |   |   |             |
| <b>Part 2, Rule 3, paragraph 6:</b> Discretion to reduce compensation if firefighter's serious and culpable negligence or misconduct contributed to the circumstances in which the injury was sustained.   |                   |   |   |             |
| <b>Part 2, Rule 3, paragraph 10:</b> Discretion to accept status of unmarried partner where in relationship for less than 2 years.   |                   |   |   |             |
| <b>Part 2, Rule 4:</b> Discretion to commute small compensatory pension for a lump sum.  |                   |   |   |             |
| <b>Part 3, Rule 2, paragraph 2(b) and (c):</b> Discretion to pay augmented award to spouse or civil partner where specific conditions of eligibility are not met.  |                   |   |   |             |
| <b>Part 3, Rule 4, paragraphs 6 and 7:</b> Discretion to increase special or augmented award where firefighter and spouse or civil partner were living apart at date of death and normal level of benefit would be reduced.  |                   |   |   |             |
| <b>Part 3, Rule 5, paragraphs 1 and 2:</b> Discretion to reinstate spouse's or civil partner's special or augmented award following termination of award on marriage, remarriage, formation of a civil partnership or subsequent civil partnership.  |                   |   |   |             |
| <b>Part 4, Rule 3, paragraph 5(c):</b> Decision to cease payment of child's special allowance where Fire and Rescue Authority are satisfied that child is no longer permanently disabled or where pension should not have been awarded.  |                   |   |   |             |
| <b>Part 5, Rule 1:</b> Discretion to award an adult dependent relative's special pension for such period(s) as the Fire and Rescue Authority may determine.  |                   |   |   |             |
| <b>Part 5, Rule 2, paragraph 3:</b> Discretion to award a dependent relative's gratuity.   |                   |   |   |             |
| <b>Part 5, Rule 3:</b> Discretion to commute for a lump sum a small pension awarded to a surviving spouse or civil partner.  |                   |   |   |             |
| <b>Part 5, Rule 4:</b> Discretion to commute for a lump sum a small pension awarded to a child.  |                   |   |   |             |
| <b>Part 6, Rule 3:</b> Requirement to consider claim to award where Fire and Rescue Authority do not admit claim at all, or to its full extent (Internal Dispute Resolution Procedures).   |                   |   |   |             |
| <b>Part 7, Rule 2 and Rule 4:</b> Discretion to increase award for serviceman who at end of forces period is permanently disabled by a qualifying injury received during the forces period.  |                   |   |   |             |
| <b>Part 7, Rules 3 and 4:</b> Discretion to increase dependants' benefits to the level of a flat-rate award if a servicemen dies from the effects of an injury received during his/her forces period or a qualifying injury.   |                   |   |   |             |
| <b>Part 7A, Rules 2 and 4:</b> Discretion to increase an award to a reservist who is permanently disabled as a result of an injury received during his/her forces period as a result of a qualifying injury.   |                   |   |   |             |
| <b>Part 7A, Rules 3 and 4:</b> Discretion to increase dependants' benefits if reservist dies from injury received during forces period or a qualifying injury.   |                   |   |   |             |
| <b>Part 8, Rule 1:</b> Discretion to pay an injury award to an employee of the Fire and Rescue Authority who is not a firefighter but who has to retire or dies as a result of an injury received without his/her own default while in attendance at a fire in the execution of duties as an employee. |                   |   |   |             |

| Provision of Firefighter's Compensation Scheme (England) Order 2006 (as amended)   | Level of decision |   |   | Review date |
|--|-------------------|---|---|-------------|
|  | A                 | B | C |             |
| <b>Part 9, Rule 1, paragraph 1:</b> Discretion to decide intervals at which a person's degree of disablement should be reviewed.   |                   |   |   |             |
| <b>Part 9, Rule 1, paragraph 3:</b> Discretion to resolve that no further review of degree of disablement should take place 5 years after an injury award first becomes payable.   |                   |   |   |             |
| <b>Part 9, Rule 2:</b> Discretion to reduce the level of an injury award where a person contributed to his/her infirmity by his/her own default.   |                   |   |   |             |
| <b>Part 9, Rule 3:</b> Discretion to withdraw firefighter's injury award during period of re-employment as a firefighter with a fire and rescue authority.   |                   |   |   |             |
| <b>Part 9, Rule 4, paragraphs 1 to 3:</b> Discretion to withdraw a pension on a person's conviction of certain offences.   |                   |   |   |             |
| <b>Part 9, Rule 4, paragraph 4:</b> Discretion to restore withdrawn pension or to apply it for the benefit of a dependant.   |                   |   |   |             |
| <b>Part 9 Rule 5:</b> Discretion to decide extent of forfeiture of pension where a person is convicted of an offence under section 34(6) of the Fire and Rescue Services Act 2004 (acts or omissions for the purposes of obtaining awards or other sums).  |                   |   |   |             |
| <b>Part 10, Rule 2, paragraph 1:</b> Determination of intervals at which instalments of an injury pension or allowance should be paid.   |                   |   |   |             |
| <b>Part 10, Rule 2, paragraph 1:</b> Discretion to delay payment of an award to the extent necessary of determining any questions of the Fire and Rescue Authority's liability.  |                   |   |   |             |
| <b>Part 10, Rule 2, paragraph 7:</b> Discretion to pay a gratuity in instalments rather than as a lump sum.  |                   |   |   |             |
| <b>Schedule 5, paragraph 1(2):</b> Discretion to extend 14-day time limit (to a period not exceeding 6 months) in which a person can lodge a medical appeal.   |                   |   |   |             |
| <b>Schedule 5, paragraph 5(5):</b> Discretion to decide Fire and Rescue Authority's representation at Medical Appeal Board interview.  |                   |   |   |             |
| <b>Schedule 5, paragraph 6(1):</b> Discretion to decide whether or not to submit written evidence or statement to Medical Appeal Board.  |                   |   |   |             |
| <b>Schedule 5, paragraph 9(2):</b> Discretion, where Medical Appeal Board decides an appeal in favour of 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 the authority a sum not exceeding the total amount of fees and allowances of the specialist member of the Board. |                   |   |   |             |
| <b>Schedule 5, paragraph 9(3):</b> Discretion to require appellant to pay the authority a sum not exceeding the total amount of fees and allowances payable to the Board where appellant withdraws appeal within 21 days before the appointed date.  |                   |   |   |             |