

# **FIREFIGHTERS PENSION SCHEMES (2015, 2006, 1992)**

## **Employer Discretions Policy**

### **Joining East Sussex Fire & Rescue Service**

#### **How much will it cost and when will it be deducted?**

You will pay between 11% and 14.5% (FPS 2015), between 8.5% and 12.5% (NFPS/FPS 2006) or 11% and 17% (FPS 1992) of the monthly pensionable pay you receive. This will be deducted on your regular pay day. The rate you pay depends on the band you fall into.

Assessment of pay bandings takes place on an annual basis each April following the reassessment of the national bandings.

Certain reductions in pensionable pay, as defined in the regulations, during a period of leave (for example but not restricted to, child related leave, reserved forces service leave or sick leave) will be disregarded when making this assessment. The CFO in consultation with the Assistant Director Resources/Treasurer may consider other circumstances when this may apply, as and when they arise.

Your pension contributions will however be reassessed during the course of the year if you change role, or your role is re-graded. Your contributions may also be reassessed if there is another significant change to your salary during the course of the year. If your contribution rate changes as a result, your contributions will be adjusted at the point at which the change occurs.

If you are a part time or retained firefighter your rate will be based on the whole-time pay for your role although you will only pay contributions on the pay you actually earn.

#### **What elements of my pay are pensionable?**

Pension contributions must be paid on all elements of your pay as determined in relation to your role, in line with the regulations, other than any temporary allowances or emoluments. This also includes amounts paid for Continual Professional Development.

Only sums that are liable for income tax may be specified as pensionable.

**I was a member of another Fire & Rescue Service, without a break in service, can I combine my scheme membership?**

If you have transferred from another Fire & Rescue Service in England and have not had a break in service, meaning you have remained in the same pension scheme, your service should transfer automatically.

If you have benefits in different schemes (including firefighters' pension schemes in other parts of the UK) you can choose to transfer these benefits into the FPS 2015. You will need to obtain a "transfer value" of these benefits and dependent upon the type of former scheme as to whether this would buy you pension or service, details of which would be sent to you after the information has been received.

If you do have benefits in other schemes you can look into this option by contacting the Pension Scheme Administrator who will arrange for you to receive this information.

**Can I transfer my previous pension into the FPS 2015, NFPS/FPS (2006) or FPS (1992)?**

The FPS (1992) has been a "closed" scheme since April 2006 and the FPS (2006) has been a "closed" scheme since April 2015; you cannot therefore transfer your benefits into either of those schemes.

You are able to transfer previous pension into the FPS 2015. Your request to transfer must be made within 12 months of starting scheme membership.

The CFO in consultation with the Assistant Director Resources/Treasurer will consider an extension on a case by case basis if it is clear that you were unable to meet the normal time period due to circumstances beyond your control.

**What date is used to calculate a cash equivalent transfer value?**

The date of calculation (known as 'guarantee date') for the FPS 2015 is set out in the Government Actuaries Department (GAD) transfer guidance.

The 'Transfer of Benefits' pack can be obtained by contacting the Pension Scheme Administrator.

## **During your employment with East Sussex Fire & Rescue Service**

### **Can I purchase additional membership?**

**This is only available to protected and tapered protected members of the FPS (1992) and NFPS/FPS (2006).**

If you are a current member of either the FPS 1992 or FPS 2006, and will not be able to accrue 30 years' pensionable service by age 55 in the FPS 1992 or 40 years' pensionable service by age 60, in the FPS 2006, you can purchase additional service by the payment of additional contributions. The additional contributions would be based on factors provided by the Government Actuaries Department (GAD).

To pay additional contributions, you must choose to do so, (called "making an election" at least 2 years before normal pension age (55 in the FPS 1992 or 60 in the FPS 2006).

The FPS 2006 also allows you to purchase additional membership by lump sum. If you choose to pay by lump sum you must make your election to do so within 12 months of first becoming a member.

You will be required to undergo a satisfactory medical at your own expense.

### **Can I stop making additional contributions if I can no longer afford it?**

**This will only apply to you if you are a protected or tapered protected member of the FPS (1992) and NFPS/FPS (2006).**

You will be expected to complete your contract to purchase additional membership, unless you can provide evidence of financial hardship. The CFO in consultation with the Assistant Director Resources/Treasurer will consider your circumstances on a case by case basis to decide whether or not you can stop making your additional contributions.

If you are allowed to stop making additional contributions and want to restart paying your additional contributions again, then this must be within 6 months of originally stopping the payment of additional contributions.

The CFO in consultation with the Assistant Director Resources/Treasurer will consider each request on a case by case basis.

## **Can I purchase additional Pension?**

The FPS 2015 operates a scheme where you can purchase additional pension for your retirement (but East Sussex Fire and Rescue Service will not share the cost of this). You can pay additional contributions to purchase up to £6,565 of additional pension. Any additional pension you purchase is payable each year in retirement and is payable on top of your normal FPS 2015 benefits.

If at any point it appears that you will exceed this limit East Sussex Fire and Rescue Service will cancel your election to pay for additional pension.

Any additional pension contributions that are less than £10 per month would require agreement from the CFO in consultation with the Assistant Director Resources/Treasurer.

You can also pay for additional pension by lump sum.

Any additional contributions are taken from your pay, which you will receive tax relief on.

## **Can I pay contributions following an authorised leave of absence on reduced or no pay?**

You can choose to pay contributions for the whole or part of the period of your absence and keep your full benefits in respect of the period you have paid.

For the period to count towards your scheme membership you must pay both the employee and employer contributions that would have been paid if you had been at work. If you choose to do this you must inform East Sussex Fire & Rescue Service, in writing, within 6 months of your return to work. This may be paid by lump sum or deduction from your salary.

If you are a protected or tapered protected member of the FPS 2006 and/or FPS 1992 the 6 month time limit may be extended if it is clear that you were unable to meet the normal time period due to circumstances beyond your control.

The 6 month time limit may be extended if it is clear that you were unable to meet the normal time period due to circumstances beyond your control.

You can request an extension from the CFO who will consider each request in consultation with the Assistant Director Resources/Treasurer on a case by case basis. If the extension is approved he/she will forward your request together with his/her agreement to pension services.

**Can I pay contributions if I have had a period of unpaid additional maternity or adoption leave?**

If you are a protected or tapered protected member of the FPS 2006 or FPS 1992 you can choose to pay contributions for the period of your unpaid additional maternity or adoption leave.

If you are a member of the FPS 2015 you can choose to pay contributions for the period of your unpaid additional maternity, paternity (until April 2016), and adoption and shared parental leave.

For the period to count towards your scheme membership you must choose to do this within 30 days of either a) the day on which you return to work, or b) if you do not return to work, the day you cease to be employed. This may be paid by lump sum or deduction from your salary.

If you are a protected or tapered protected member of the FPS 2006 and/or FPS 1992 the 30 day time limit may be extended if it is clear that you were unable to meet the normal time period due to circumstances beyond your control.

You can request an extension from the CFO who will consider each request in consultation with the Assistant Director Resources/Treasurer on a case by case basis. If the extension is approved he/she will forward your request together with their agreement to pension services.

**If I die without giving notice of my decision to pay contributions for my unpaid additional maternity or adoption absence within the time limit can these contributions be deducted from my death grant?**

If this were to happen, the Fire & Rescue Service would deduct the contributions from the death grant, but only in cases where there was a financial gain to a spouse, civil partner, nominated partner or children's beneficiary.

**If I am in the reserve forces and on leave of absence, how will contributions be deducted from my reserve forces pay?**

Your membership of the pension scheme continues throughout your reserve forces leave of absence. Contributions will still be paid on your reserve forces pay.

### **If I opt out of the pension scheme, would I be able to re-join without having to undergo a medical?**

Should you choose to opt out of the FPS 1992 and FPS 2006, as these are now closed schemes, there is no option for you to re-join however if you are a protected or taper protected member you would have the option to join the FPS 2006. If you do not have protection, then you would have the option to join the FPS 2015.

If you opt out of the FPS 2006 and are a protected or taper protected member and wish to re-join, this option is available. If you do not have protection, then you would have the option to join the FPS 2015.

If you chose to opt out of the pension scheme after the first three months, you will be taken out with effect from the first day of the first pay period following the date on which your option to opt out is exercised, unless a later pay period is considered appropriate.

When re-joining the FPS 2006 or FPS 2015 it is deemed that if you are fit for service then you are fit to join the pension scheme and there will be no requirement for you to undergo a medical.

You will be opted into the scheme with effect from the beginning of the first pay period following the date of your option, unless a later date is considered appropriate.

Should you be thinking of opting out of either pension scheme, you may wish to seek independent financial advice before making a decision.

### **Can I allocate part of my pension to provide for a dependant?**

Subject to a satisfactory medical, at your own expense, you may allocate up to one third of your pension entitlement to a spouse, civil partner or nominated partner in the FPS 2006.

Or,

You may ask the CFO to allocate up to one third of your pension entitlement to any other person who is substantially dependant on you. The CFO in consultation with the Assistant Director Resources/Treasurer will consider each request on a case by case basis.

For further information and the relevant Allocation form please contact the Pension Scheme Administrator.

### **Will I receive an annual benefit statement each year?**

During your employment you will receive an annual benefit statement (ABS) setting out your estimated projected pension benefits as at the 31<sup>st</sup> March of

each year. This will be sent out by the Pension Scheme Administrator by September of that year.

### **Leaving your employment with East Sussex Fire & Rescue Service**

#### **If I have had a period of unpaid leave and do not return to work, what date is used as my last day of service?**

Should you decide to not return to work following a period of unpaid leave, your last day for pension purposes will be the same as your official date of leaving East Sussex Fire & Rescue Service. The period of unpaid leave will show on your pension's record as a break in service.

#### **If I leave employment, can I transfer my pension to another pension provider? If so is there a time limit to do so and will there be a cost?**

If you leave your employment with the Fire & Rescue Service with 3 or more months service, but are not eligible for immediate payment of a pension because you are not old enough, as an alternative to deferring the payment of your pension benefits you can ask for your pension rights be transferred to another pension provider.

The Fire & Rescue Service has chosen not to set a time limit by which you must ask for a transfer, and there will be no cost to you for the Pension Scheme Administrator to provide this information to your new provider.

It should be noted that you are under no obligation to transfer once you have requested to investigate a transfer out of the scheme. It is recommended that if you are not sure of your options that you seek independent financial advice.

#### **What happens if I leave or retire before I have completed repayments for previous service?**

If you are repaying by regular instalments, an amount for previous service and subsequently leave or retire the Fire & Rescue Service will ask you to pay any outstanding monies. If you are retiring, this amount will be deducted from your commuted lump sum (This is called commutation).

#### **If I leave can I request early payment of my deferred pension benefits?**

##### **FPS 1992**

There is no option under the FPS to apply for early payment of your deferred pension benefits.

##### **FPS 2006**

The Fire & Rescue Service would not normally approve early access to your deferred benefits, unless through the grounds of ill health.

However there may be exceptional or compassionate grounds where this may be considered and each case will be considered on a case by case basis and depending on the circumstances of the case by the CFO in consultation with the Assistant Director Resources/Treasurer.

### **FPS 2015**

If you wish, you can give written notice to the Fire & Rescue Service, via the Pension Scheme Administrator, that you would like to receive your deferred pension at or after age 55 and before deferred pension age (which is the same as your state pension age, with a minimum of 65). In these circumstances, however, the pension would be subject to an early retirement reduction based on factors provided by the Scheme actuary.

### **Can I take partial retirement?**

Under the FPS 2015 there is an option for "partial retirement" once you have reached age 55 if you wish to draw your pension but continue your employment as a firefighter without a break and build up additional pension.

Your FPS 2015 pension would be paid (subject to an early payment reduction if you have not reached age 60). A new pension record would be set up and you will build up a pension based on your continuing membership. This second pension will become payable, on similar terms to your first pension, when you retire.

The date on which you take "partial retirement" is subject to appropriate notice to the Fire & Rescue Service and agreement by the CFO in consultation with the Assistant Director Resources/Treasurer.

### **Can I commute (known as giving up) more than two and a quarter times my pension for a lump sum?**

In the FPS 1992 to be eligible to commute (give up) your pension for a lump sum more than two and a quarter times your pension, you must;

- Have retired with 30 years' service;
- Have been awarded an ill health retirement;
- Have retired at normal retirement age

The Fire & Rescue Service will not automatically allow you to commute for a lump sum more than two and a quarter times your pension in other circumstances.

Each case will be considered on a case by case basis depending on the circumstances of the case and must be supported by a business case. It would also be subject to approval by the CFO in consultation with the Assistant Director Resources/Treasurer.



**If my employer initiates my retirement on the grounds of the efficiency of the service will I be entitled to payment of my pension?**

If you are retired on the grounds of business efficiency and are aged between 55 and 60 in the FPS 2006 (if you are a protected or taper protected member) or FPS 2015, you will receive unreduced pension benefits.

A retirement under business efficiency may have a cost attached to it and therefore must be supported by a business case. It would be subject to approval by the CFO in consultation with the Assistant Director Resources/Treasurer.

**If I am referred to the Independent Qualified Medical Practitioner (IQMP) but choose not to submit myself to an examination can I still be certified as being permanently disabled?**

If you have been referred to the IQMP through the sickness absence policy, but you 'wilfully' or 'neglectfully' fail to attend for examination where applicable, the Fire & Rescue Service would not grant access to your pension on the grounds of ill health, as there would not be sufficient evidence of permanent disablement.

You must note however that your contract of employment may still be terminated.

**Will my pension be reduced if I contributed to my condition by my own default?**

The Fire & Rescue Service have the right to reduce the level of an ill-health pension to not less than half of the full amount where a firefighter has contributed to their condition by their own default.

The CFO in consultation with the Assistant Director Resources/Treasurer will consider each ill health retirement where this has been considered to be the case, on a case by case basis.

**If I am in the reserve forces and I am on leave of absence and I am permanently disabled during my forces period, will I be entitled to my firefighter's pension?**

Should you be certified as being permanently disabled at the end of your reserve forces period an ill-health award would be payable.

To be eligible to an ill health pension, you must have at least 2 years' pensionable service.

In all other cases, an ill health gratuity would be payable.

In a case where the permanent disablement was caused by an injury received during your forces period, the Fire & Rescue Service may, in exceptional circumstances, if the armed forces are making payment of an injury pension,

choose to pay you a pension at the rate of 1/12<sup>th</sup> of your average pensionable pay, rather than an injury gratuity.

Each case will be considered on a case by case basis.

### **If my pension is small, can I take it as a lump sum?**

If upon retirement your pension is deemed to be small under the HM Revenue and Customs limits (less than 1% of your Life Time Allowance (LTA)), the Fire & Rescue Service would look to pay your pension in full (this is known as "commutation") and make payment as a one off lump sum. No further payments would then be made under the pension scheme for you or your spouse.

The Pension Scheme Administrator would automatically provide you with further details upon retirement if this was applicable to you. Please note that consideration would be taken of any other pensions payable to you.

### **When and how is my pension payable?**

Your pension is payable monthly, in advance if you are a member of the FPS 1992, or, in arrears if you are a member of the FPS 2006 and FPS 2015, in accordance with the pension regulations.

If your pension is less than £100 per annum, your pension will be payable in advance each year. The first payment will be made at the point of retirement, followed by subsequent payments each April following pension increase, where applicable.

The Fire & Rescue Service have the right to delay or suspend payment, should they ever require confirmation that you continue to be eligible for payment.

### **What supporting documents are needed, before payment of mine or my dependant's pension benefit is made?**

If a payment is due to you or your dependant, under either the FPS 1992, FPS 2006 or FPS 2015, a request will be made to see any certificates or legal documents (for example, Birth, Marriage or Death Certificate) to support making payment.

### **What happens if I become incapable of managing my own affairs?**

Should you become incapable of managing your own affairs, in the first instance the Pension Scheme Administrator would ask to see Power of Attorney documents. Should this document not be available then consent would need to be sought from the CFO in consultation with the Assistant Director

Resources/Treasurer to make payment of your benefits to the person providing your care, or such other person as they may determine.

### **Adjustments to your pension following ill health**

The FPS 1992, FPS 2006 & FPS 2015 have two tiers of ill-health provision.

- The Lower Tier pension is payable where you are certified as being permanently disabled for the performance of the duties of your role as a firefighter.
- The Higher Tier pension is payable where, additionally, you are also certified as being permanently disabled from duties for any other 'regular employment'.

'Regular employment' means employment over 30 hours a week on average over a 12 month period.

A 'Lower Tier' ill health pension is only payable if you have at least 3 months service.

A 'Higher Tier' ill health pension is only payable if you have at least 5 years' service.

### **If new medical evidence is presented will my entitlement be reassessed?**

Should any further medical evidence be presented, whether that be to show improvement or worsening of a condition, the Fire & Rescue Service reserve the right to reassess your entitlement to an ill health pension.

### **Can I appeal against the decision made by the Fire & Rescue Service on an issue of a medical nature?**

You must appeal any decision made by the Fire & Rescue Service of permanent disablement within:

- 14 days of notification if you are a member of the FPS 1992
- 28 days of notification if you are a member of the FPS 2006 and FPS 2015

The Fire & Rescue Service does not normally agree to an extension to the time limit for an appeal against their decision.

However, there may be exceptional or compassionate grounds where this may be considered by the CFO in consultation with the Assistant Director Resources/Treasurer and if so each case would be considered on a case by case basis depending on the circumstances.

If it is agreed that the time limit will be extended, this will be by no more than 6 months from the date of notification.

**If I am certified as being permanently disabled, will my entitlement be reassessed?**

An ill health award payable before State Pensionable Age (SPA) and for less than 10 years must be subject to review as set out by recommendation of the Independent Qualified Medical Practitioner (IQMP).

As part of the review the IQMP will assess:

For those retired from active service:

- Whether you have become capable of carrying out any duty appropriate to the role from which you were certified as being permanently disabled; or
- In cases of a higher tier ill health, whether you have become capable of carrying out any regular employment.

For those who had their deferred benefits brought into pay early:

- Whether you have become capable of undertaking any regular employment.

Careful consideration will be taken of the IQMP's recommendation and depending on the outcome of this review the Fire & Rescue Service will adjust your entitlement accordingly, and will look to seek recovery of any overpayment.

**Following a review if I am found to be capable of carrying out the duties appropriate to the role I was found to be permanently disabled from, would I be offered employment in that role?**

If the IQMP recommends that you are now capable of carrying out the duties of your previous role, there is no automatic entitlement to be offered employment by the Fire & Rescue Service.

Each case will be referred to the CFO for consideration in consultation with the Assistant Director Resources/Treasurer and will depend on the circumstances at the time.

**If my appeal goes to the Medical Appeal Board, does the Fire & Rescue Service pay for this?**

The Fire & Rescue' Service would not expect you to pay the cost for referral to the Medical Appeal Board.

However, if your claim is found to be "frivolous, vexatious or manifestly ill-founded", or if you withdraw your appeal within days of the interview, or medical examination, and a cost is incurred the Fire & Rescue Service would look to seek recover this cost from you.

<b>Loss of pension rights as a result of fraudulent activity, dismissal or conviction of certain offences.</b>
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**If I am dismissed from the Fire & Rescue Service, can I request early payment of my deferred pension benefits?**

If you are dismissed from the Fire & Rescue Service you will be entitled to a deferred pension payable:

- at age 60, if you are a member of the FPS 1992
- at age 65, if you are a member of the FPS 2006
- State Pension Age, with a minimum of 65, if you are a member of the FPS 2015

You will not be entitled to early payment of your benefits.

However there may be exceptional or compassionate grounds where this may be considered by the CFO in consultation with the Assistant Director Resources/Treasurer. Any such case would be considered on a case by case basis and would depend on the circumstances of the case.

**Are my pension benefits affected if I am convicted of an offence?**

If you are convicted of one of the following offences:

- Treason; or
- One or more offence under the Official Secrets Act 1911-1989 for which a prison sentence of at least 10 years is to be served.

The Fire & Rescue Service will, in exceptional circumstances, seek to reduce in whole or part the value of your pension benefits where it is considered appropriate.

Each case will be referred to the CFO for consideration and considered on a case by case basis in consultation with the Assistant Director Resources/Treasurer depending on the circumstances of the case.

**Can payment be reinstated following whole or partial withdrawal?**

If the Fire & Rescue Service has reduced in whole or part your pension, they may, in exceptional or compassionate circumstances, reinstate payment to you or for the benefit of any dependant.

Each case will be referred to the CFO for consideration and considered on a case by case basis in consultation with the Assistant Director Resources/Treasurer depending on the circumstances of the case.

### **Are my pension benefits affected if I am convicted of a fraudulent offence?**

If you leave your employment with the Fire & Rescue Service due to a fraudulent offence, theft or negligence or, if you commit an offence by conducting an act (or an omission) as a result of which you are injured or become ill, for the purpose of obtaining an award, for you or another person, the Fire & Rescue Service will, in exceptional circumstances, seek to reduce the value of your pension benefits.

Each case will be referred to the CFO for consideration and considered on a case by case basis in consultation with the Assistant Director Resources/Treasurer depending on the circumstances of the case.

### **Re-employment following retirement from East Sussex Fire & Rescue Service**

#### **Do I still receive my pension if I am re-employed by the Fire & Rescue Service?**

In the FPS 1992 or 2006, your annual pension may be adjusted or suspended throughout your re-employment with the Fire & Rescue Service, or if you are re-employed in any other capacity by East Sussex Fire & Rescue Service. The reduction is on a £ for £ basis. This is to make sure that you are not receiving any more than the value of pay you would have received when you left your former employment.

### **Following your divorce**

#### **If my Ex-spouse's pension is small, can they take it as a lump sum?**

If your ex-spouse's pension is deemed to be small under the HM Revenue and Customs limits (less than 1% of your Life Time Allowance (LTA)), the Fire & Rescue Service would pay their pension in full (this is known as "commutation" and make payment as a one off lump sum. No further payments would then be made under the pension scheme.

The Pension Scheme Administrator would automatically provide them with further details upon payment if this was applicable. Please note that consideration would be taken of any other pension credit payable to them.

**If my ex-spouse dies and a post-retirement death grant is payable, who will it be payable to?**

Under the FPS:

There is no provision to make a nomination; therefore payment will be made to their estate. It is therefore recommended that they make provision in their will.

Under the FPS 2006 and FPS 2015:

Where it is clear, having taken account all circumstances, payment is made in accordance with their nomination. If no nomination has been made, then payment is made to their estate.

Where there is doubt this will be referred to the CFO for consideration in consultation with the Assistant Director Resources/Treasurer or grant of probate will be obtained.

**FPS 2006 & FPS 2015 -Death Grant Nomination form**

The Death Grant Nomination form can be obtained by contacting the Pension Scheme Administrator.

<b>Following your death</b>
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**If an overpayment of my pension occurs due to late notification of my death, what happens?**

The Fire & Rescue Service would look to seek recovery of any overpayment of £100 or more.

**If my spouse cohabits or remarries following my death will their pension stop?**

If you are a member of the FPS then surviving spouses or civil partner's pension entitlement will cease upon remarriage.

If you are a member of the NFPS or FPS 2015 the pension will not cease upon cohabitation or remarriage.

**If my spouse's marriage or civil partnership subsequently terminates, will they be able to reinstate their pension?**

The Fire & Rescue Service would not automatically reinstate a spouse's pension.

Each case will be referred to the CFO for consideration and considered on a case by case basis in consultation with the Assistant Director Resources/Treasurer depending on the circumstances of the case.

**If I was paid a gratuity, other than an injury gratuity, how will this be paid to my spouse?**

Payment of a gratuity would normally be paid as a single lump sum from the first anniversary of your death.

However, there may be extenuating circumstances, where the CFO in consultation with the Assistant Director Resources/Treasurer would consider for payment to be made by instalments, following a request by your surviving spouse.

**If I am living apart from my spouse at the time of my death, will this affect what is payable?**

In you are living apart at the time of your death your spouse would be entitled to a benefit payable at the rate of 1/160<sup>th</sup> of your average pensionable pay at the date of death (which is known as a requisite benefit). Unless they have remained financially dependent on you, whereby, a higher benefit may be payable.

The Fire & Rescue Service may increase the amount payable, in extenuating or compassionate circumstances. This would be considered by the CFO in consultation with the Assistant Director Resources/Treasurer on a case by case basis depending on the circumstances of the case.

**Is there provision to make payment to a dependent relative, following my death?**

The Fire & Rescue Service does not normally approve payment to a dependent relative, other than that set out by the pension scheme.

However, there may be exceptional or compassionate grounds where this may be considered by the CFO in consultation with the Assistant Director Resources/



Treasurer. Each case would be considered on a case by case basis depending on the circumstances of the case.

**If I have made a nomination for payment of my death grant, can I be assured this is who it will be paid to?**

If you are a member of FPS 1992:

There is no provision to make a nomination; therefore payment will be made to your spouse, or civil partner. It is therefore recommended that if you are not married, or in a civil partnership, that you make provision in your will.

If you are a member of the FPS 2006 and FPS 2015:

Where it is clear, having taken account of all circumstances, payment is made in accordance with your nomination. If no nomination has been made, then payment is made to your spouse, nominated partner or civil partner.

Where there is doubt this will be referred to the CFO for consideration in consultation with the Assistant Director Resources/Treasurer or grant of probate will be obtained.

**FPS 2006 & FPS 2015 -Death Grant Nomination form**

The Death Grant Nomination form can be obtained by contacting the Pension Scheme Administrator.

**If there is a death grant payable following my death that is less than the amount specified in the Administration of Estates (Small Payments) Act 1965, who is the amount payable to?**

If a death grant payment is due under either the FPS 1992 or FPS 2006 that is less than the amount specified under the above Act, (which is currently £5,000), there would be a requirement for the Legal Personal Representative to complete a Form of Indemnity, before payment would be made. The Form of Indemnity would be provided by the Pension Scheme Administrator.

In all other cases, unless there is a nomination in place, a Grant of Probate would be required.

**If my spouse is convicted of my manslaughter, will they still be entitled to payment of their spouse's benefit?**

If your spouse is convicted of your manslaughter, the Fire & Rescue Service will, in exceptional circumstances, seek to reduce the value of their spouse's pension benefits to an amount considered appropriate.

Each case will be referred to the CFO for consideration in consultation with the Assistant Director Resources/Treasurer and this will depend on the circumstances of the case.

**If there is a death grant payable, will this be paid to them?**

If the recipient of your death grant has been convicted of your murder or manslaughter, your death grant will not be paid to them.

**If my spouse or child has made a false declaration to claim a dependant's benefit will the payment be suspended and recovered?**

If your surviving partner and/or child made a false declaration, or deliberately suppressed a material fact in connection to the benefit awarded, the Fire & Rescue Service will suspend payment of the pension and would seek to recover any overpayment.

**If my death grant was not paid and their conviction was quashed on appeal, can payment now be made?**

If a death grant has not been paid due to these circumstances, and the conviction has subsequently been quashed, the case will be referred to the CFO in consultation with the Assistant Director Resources/Treasurer.

**If my child is under 18 who will the pension be paid to?**

If your child is under the age of 18, and is due payment of a child's pension, this will be paid to their legal guardian.

If there is no surviving parent, then supporting guardianship documentation will be required.

**If my child is permanently disabled will their pension be payable for life?**

Should you die and leave a permanently disabled child, the Fire & Rescue Service will determine the eligibility of their pension at this point. The Pension Scheme Administrator will ascertain through your child's GP, whether their condition requires reassessing and at what intervals.

If it is found that your child is no longer deemed as being permanently disabled the Fire & Rescue Service would cease payment of the child's pension.

However there may be exceptional or compassionate grounds where this may be considered, and agreed to by the CFO in consultation with the Assistant Director Resources/Treasurer. Each case would be considered on a case by case basis depending on the circumstances of the case

**If at the time of my death, my child is left with no surviving parents who would their child's pension be payable to?**

Should you die and your child be left with no surviving parents, the Fire & Rescue Service would make payment to their legal guardian. The Pension Scheme Administrator would require evidence of guardianship.

It is therefore recommended that you seek legal advice and make provision for this in your will.

**If my child is 17 or over and decides to take a break in full time education, would payment of their child's pension continue?**

The Fire & Rescue Service would cease payment if your child is 17 or over and they are no longer in full time education.

**If they then returned to full time education, would their pension be reinstated?**

The Fire & Rescue Service would not automatically reinstate a child's pension.

Each case would be referred to the CFO for consideration in consultation with the Assistant Director Resources/Treasurer. Each case would be considered on a case by case basis depending on the circumstances of the case.

**If payment of my child's pension is at a flat rate following my death, is there provision for this to be increased?**

The Fire & Rescue Service would not automatically increase the flat rate entitlement to your child upon your death, in the event that there are no surviving parents.

However, there may be exceptional or compassionate grounds where this may be considered, by the CFO in consultation with the Assistant Director Resources/Treasurer. Each case would be considered on a case by case basis depending on the circumstances of the case.

**If an adjustment needs to be made to my child's pension as there is a further eligible child or it subsequently appears that they are not eligible, will the amount be adjusted?**

If a child to whom no payment has been made or a child born after your death becomes eligible to a child's pension benefit, the Fire & Rescue Service will adjust the payments being made and recover any overpayment accordingly from the existing child.

**If my child is convicted of my manslaughter or murder, will they still be entitled to payment of their pension benefit?**

If your child is convicted of your manslaughter, the Fire & Rescue Service will, in exceptional circumstances, seek to reduce the value of their pension benefits to an amount considered appropriate.

If your child is convicted of your murder, the Fire & Rescue Service must seek to withhold the value of their spouse's pension benefits.

Each case will be referred to the CFO for consideration in consultation with the Assistant Director Resources/Treasurer. Each case would be considered on a case by case basis depending on the circumstances of the case.