

SCHEDULE 1**FIREFIGHTERS' PENSION SCHEME 2015****APPLICABLE REGULATIONS: FIREFIGHTERS' PENSION SCHEME (ENGLAND) REGULATIONS 2014**

No.	Area	Regulation No.	Discretion	Policy Summary
1	Pensionable Pay	17	To determine that amounts paid for continued professional development ("CPD") are pensionable.	<p>The Scheme Manager has the discretion to decide if CPD payments should be treated as pensionable.</p> <p>The Scheme Manager will normally treat these as pensionable.</p>
2	Active Membership	19	To treat a member on unpaid authorised absence as an active member	<p>The Scheme Manager has the discretion to treat a member on unpaid authorised absence as an active member.</p> <p>The Scheme Manager will consider each case on its merits</p>
3	Closure of Active Member's Account and Aggregation	37(5)	To choose which active member's account the benefits from a closed account should be aggregated with where the member has more than one active member's account and, following closure of another active member's account, has not chosen which of the remaining active member's accounts the benefits from the closed account should be aggregated with.	<p>The Scheme Manager has the discretion to choose which active member's account the benefits from a closed account should be added to where the member has more than one active account and has not made this decision themselves.</p> <p>The Scheme Manager will consider each case on its merits</p>
4	Closure of Deferred Member's Account	49(4)	To select which deferred member's account to close where a deferred member with	<p>The Scheme Manager has the discretion to select which deferred member's account to</p>

	after Gap in Pensionable Service		more than one deferred member's account fails to select which account to close where the deferred member re-enters pensionable service after a gap not exceeding five years.	close where a deferred member with more than one deferred account and has not made this decision themselves. The Scheme Manager will consider each case on its merits
5	Employer Initiated Retirement	62	Where an employee aged 55 or over is dismissed by reason of business efficiency or where their employment is terminated by mutual consent on the grounds of business efficiency, to determine that a pension should be paid without the early payment reduction on the grounds that this would assist the economical, effective and efficient management of the employer's functions having taken account of the costs likely to be incurred in the particular case.	The Scheme Employer has the discretion to allow an employee who is aged 55 or over, who is dismissed on the grounds of business efficiency, or whose employment is terminated by mutual consent on the grounds of business efficiency, to receive an unreduced pension where it would assist the economical, effective and efficient management of the employer's functions having taken account of the costs likely to be incurred. HCC as Scheme Employer will consider each case on its merits and a business case will be required.
6	Allocation Election	72(3)(b)	To withhold consent to the allocation of part of an active or deferred member's pension to a beneficiary on the grounds that the person to whom the pension has been allocated is not substantially dependent on the active or deferred member	The Scheme Manager has the discretion to withhold all or some of a pension where the person to whom the pension has been allocated is not substantially dependent on the member. The Scheme Manager will consider each case on its merits
7	Adjustment of Allocated Benefit	75	To determine whether to adjust any allocated pension where the member dies after the age of 75 and certain conditions apply.	The Scheme Manager has the discretion to determine whether to adjust any pension where the member dies after the age of 75 and certain conditions apply.

				The Scheme Manager will consider each case on its merits
8	Meaning of “Surviving Partner”	76	To allow a shorter period than 2 years for the purposes of the definition of “long-term relationship.”	<p>The Scheme Manager has the discretion, when applying the 2014 Regulations, to allow a shorter period than 2 years for the purposes of the definition of “long-term relationship.”</p> <p>The Scheme Manager will consider each case on its merits</p>
9	Payment of Death Grant	95	To determine to whom to pay a death grant benefit.	<p>The Scheme Manager has the discretion to decide who a death grant should be paid to.</p> <p>If there is a valid nomination form, the death grant will normally be paid to the nominated person/s, but each case will be considered on its merits.</p> <p>Where there is no nomination form the death grant may be paid to the deceased member’s personal representative(s) or any person appearing to have been the member’s relative or dependant at any time.</p> <p>However, each case will be reviewed individually and any representations from someone with an interest will be considered and each case will be treated on its merits</p>
10	Payment of Eligible of Child’s Benefit	100	To determine to whom to pay an eligible child’s pension.	The Scheme Manager has the discretion to decide to whom to pay an eligible child’s pension, which must be applied for the benefit of the eligible child.

				The Scheme Manager will consider each case on its merits.
11	Suspension of Surviving Partner's and Eligible Child's Pensions	101	To decide to suspend a surviving partner's or eligible child's pension, and to recover any payments made, on the grounds that there appears to have been a false declaration or the deliberate suppression of a material fact.	<p>The Scheme Manager has the discretion to suspend a surviving partner's or eligible child's pension, and recover any payments.</p> <p>The Scheme Manager will consider each case on its merits.</p>
12	Adjustment of Eligible Child's Pension	102	To adjust the amount of eligible child's pension where it subsequently appears that a person being paid a pension was not an eligible child or that a further person is an eligible child.	<p>The Scheme Manager has the discretion to adjust the amount of child's pension where a person being paid a pension was not an eligible child or that a further person is an eligible child.</p> <p>The Scheme Manager will normally make an adjustment in such cases.</p>
13	Adjustment of Benefits to Comply with Finance Act 2004 where a member dies at over the Age of 75.	104	To adjust a benefit so that it qualifies as a dependants' scheme pension for the purposes of Section 167 of the Finance Act 2004.	<p>The Scheme Manager has the discretion to adjust a payment so that it qualifies as a dependants' scheme pension.</p> <p>The Scheme Manager will consider each case on its merits.</p>
14	Member Contributions	110	To specify additional circumstances to be disregarded where there is a reduction in pensionable pay.	<p>The Scheme Manager has the discretion to specify additional circumstances to be disregarded where there is a reduction in pensionable pay.</p> <p>The Scheme Manager will consider each case on its merits.</p>

15	Payment of Employer Contributions in Cases of Certain Absences	111	To require an active member to pay employer contributions where the active member has elected to pay contributions in respect of absence from work due to illness, injury, trade dispute or authorised unpaid absence.	<p>The Scheme Employer has the discretion to require an active member to pay employer contributions where the active member has elected to pay contributions in respect of absence from work due to illness, injury, trade dispute or authorised unpaid absence.</p> <p>The Scheme Manager will normally require employer contributions to be paid in the case of an absence related to a trade dispute. In the case of other types of absence each case will be considered on its merits.</p>
16	Statement of Entitlement on Transfer to another Scheme	135	To specify a guarantee date falling within 6 months of the date of application by a member for a statement of entitlement in relation to a request for a transfer payment to be made to another pension scheme.	<p>Where a request for a transfer out is made the Scheme Manager must provide a statement of entitlement and this must state the date by reference to which the entitlement is calculated (referred to in the 2015 Scheme as the “guarantee date”). The guarantee date must normally be within a period of 3 months beginning with the date of the member’s application and not more than 10 days ending with the date on which the member was given the statement. The Scheme Manager may extend the usual 3 month period to 6 months where, for reasons beyond the control of the Scheme Manager, information needed to complete the statement cannot be obtained within the 3 month period and it is reasonable to extend the 3 month period.</p> <p>The Scheme Manager will consider each case on its merits.</p>

17	Acceptance of Transfer in	141	To accept a transfer payment from another scheme	<p>The Scheme Manager has the discretion to accept a transfer payment from another scheme.</p> <p>The Scheme Manager will consider each case on its merits.</p>
18	Transfer Statement	142	To require a person making a request for acceptance of a transfer from another scheme to ask the manager of the other scheme to provide a statement of the amount of transferred pension.	<p>The Scheme Manager has the discretion to require a person making a request for a transfer from another scheme to ask the manager of the other scheme to provide a statement of the amount of transferred pension.</p> <p>The Scheme Manager will normally require such a statement to be provided.</p>
19	Club Transfer Value Statement	144	To require a person making a request for acceptance of a club transfer value payment from another club scheme to ask the manager of the other scheme to provide a statement of the amount of club transfer earned pension.	<p>The Scheme Manager has the discretion to require a person making a club transfer request to ask the manager of the other scheme to provide a statement of the amount of club transfer earned pension.</p> <p>The Scheme Manager will normally require such a statement to be provided.</p>
20	Notice of Appeal	155	To extend the time for giving notice of appeal against a determination of an issue of a medical nature.	<p>The Scheme Manager has the discretion to extend the time for giving notice of appeal against a determination of an issue of a medical nature.</p>

				The Scheme Manager will consider each case on its merits.
21	Procedure on Appeals	157	To appoint persons for the purpose of attending an interview of an appellant held by a board of medical referees in connection with an appeal on an issue of a medical nature.	<p>The Scheme Manager has the discretion to appoint someone to attend an interview of an appellant held by a board of medical referees in connection with an appeal on an issue of a medical nature.</p> <p>The Scheme Manager will normally do this.</p>
22	Recovery of Fees in Appeal Cases	161	<p>In a case where, in an appeal against a decision of a medical nature, the board of medical referees hearing the appeal decides in favour of the scheme manager and states that in its opinion the appeal was frivolous, vexatious or manifestly ill-founded, to require the appellant to pay all or part of the total fees and allowances payable to the board.</p> <p>In a case where, in an appeal against a decision of a medical nature:</p> <ul style="list-style-type: none"> - the appellant gives notice withdrawing the appeal less than 22 working days before the date fixed for an interview or medical examination by the board of medical referees hearing the appeal; or - the appellant's acts or omissions cause the board to cancel, postpone or adjourn the date fixed for an 	<p>The Scheme Manager has the discretion to require the appellant to pay all or part of the total fees and allowances payable to the board where, in an appeal against a decision of a medical nature, the board of medical referees decides in favour of the scheme manager and states that in its opinion the appeal was frivolous, vexatious or manifestly ill-founded.</p> <p>The Scheme Manager will normally do so, but will have regard to the facts of each case.</p> <p>The Scheme Manager has the discretion to require the appellant to pay all or part of the total fees and allowances payable to the medical appeal board where they;</p> <ul style="list-style-type: none"> - give less than 22 working days notice to withdrawing the appeal or - the appellant's acts or omissions cause the board to cancel, postpone or adjourn the date fixed for an interview or medical

			<p>interview or medical examination less than 22 working days before that date,</p> <p>in either case, to require the appellant to pay all or part of the total fees and allowances payable to the board.</p>	<p>examination less than 22 working days before that date,</p> <p>The Scheme Manager will normally do so, but will have regard to the facts of each case</p>
23	Commutation of Small Pensions	167	To pay a member, surviving partner or eligible child a lump sum representing the cash value of a pension where the person consents and the relevant requirements are met.	<p>The Scheme Manager has the discretion to pay a member, surviving partner or eligible child a lump sum representing the cash value of a pension where the person consents and the relevant requirements are met.</p> <p>The Scheme Manager will consider each case on its merits.</p>
24	Payment for Persons Incapable of Managing their Affairs	168	<p>In a case where a person entitled to a benefit is incapable of managing their affairs by reason of mental incapacity or otherwise:</p> <p>(a) to pay the benefit to a person having the care of the person entitled or to another person; or</p> <p>(a) to apply the award in such manner as the scheme manager thinks fit for the benefit of the person entitled or their beneficiaries.</p>	<p>The Scheme Manager has the discretion to pay a pension benefit to another person where the person entitled to the pension is not capable of managing their affairs e.g. a carer or person who can manage it for the person entitled to the pension.</p> <p>The Scheme Manager will consider each case on its merits.</p>
25	Payment Due in respect of Deceased Persons	169	To make a payment on the death of a person of an amount due to the person's personal representatives not exceeding the amount specified in an order under Section 6 of the Administration of Estates (Small Payments) Act 1965 to those personal representatives or to a person appearing to	The Scheme Manager has the discretion to make a payment (up to a statutory limit) to the personal representatives of a deceased member or to a person appearing to be entitled to the estate without requiring a grant of probate or letters of administration.

			be beneficially entitled to the estate without production of probate or letters of administration.	The Scheme Manager will normally do this, but will have regard to the facts of each case and reserves the right to require probate or letters of administration in any particular case.
26	Forfeiture	171	To determine whether and to what extent to withhold a pension where the person entitled to the pension has been of certain specified offences.	<p>The Scheme Manager has the discretion to withhold all or some of a pension where the person entitled to the pension has been convicted of certain specific offences.</p> <p>The Scheme Manager will consider each case on its merits.</p>
27	Forfeiture: Offences committed by other persons	172	To withhold a surviving partner's or child's pension payable in respect of a member where the person entitled has committed an offence (other than murder) involving the unlawful killing of the member.	<p>The Scheme Manager has the discretion to withhold all or some of a survivor's pension if the person entitled to receive the pension is convicted of the unlawful killing of the deceased firefighter (other than in cases of murder where withholding of pension is mandatory).</p> <p>The Scheme Manager will consider each case on its merits</p>
28	Forfeiture: Monetary Obligations and Losses	174	To withhold benefits where a member has incurred a relevant monetary obligation or incurred a relevant monetary loss.	<p>The Scheme Manager has the discretion to withhold benefits where a member has incurred a relevant monetary obligation or incurred a relevant monetary loss.</p> <p>The Scheme Manager will consider each case on its merits</p>
29	Set- Off	175	To set off a relevant monetary obligation	The Scheme Manager has the discretion to

			against a member's entitlement to benefits.	offset any monetary obligations against a member's entitlement to benefits. The Scheme Manager will consider each case on its merits
30	Evidence of Entitlement	184	To require a person in receipt of a pension or who may be entitled to a pension or lump sum to provide such evidence as may reasonably be required to establish the person's identity and continuing or future entitlement; and to withhold any amount payable where a person fails to comply.	The Scheme Manager has the discretion to withhold whole or part of a pension due to be paid where the person it should be paid to cannot or fails to provide information to prove their identity. The Scheme Manager will normally seek to do this.
31	Cancellation of Election to make Periodical Payments for Added Pension where Overall Limit will be exceeded	Schedule 1, Part 1, Para.4	To cancel an election to make periodical payments for added pension where it appears to the scheme manager that the overall limit of extra pension will be exceeded.	The Scheme Manager has the discretion to cancel an election to make periodical payments for added pension where the overall limit of extra pension will be exceeded. The Scheme Manager will consider each case on its merits
32	Member's Election to make Periodical Payments	Schedule 1, Part 2, Para.7	To determine the minimum amount to be paid in a periodical payment where a member elects to make periodical payments for added pension	The Scheme Manager has the discretion to determine the minimum amount to be paid in a periodical payment where a member elects to make periodical payments for added pension. The Scheme Manager will consider each case on its merits
33	Periodical Payments during Periods of Assumed Pensionable Pay	Schedule 1, Part 2, Para. 10	To allow a longer period than 6 months to give notice authorising deduction of aggregate payments	The Scheme Manager has the discretion to allow a longer period than 6 months to give notice authorising deduction of aggregate payments.

				The Scheme Manager will consider each case on its merits
--	--	--	--	--