



General

It will be necessary to establish whether you are permanently disabled for the purpose of the same awards listed at A9-1.

It may also be necessary to establish whether a child is disabled, for the purpose of:

* a child's allowance or gratuity (D5(3), (4), and (7)).

What is disablement?

Disablement is incapacity through physical or mental infirmity for the performance of duty.

A child is disabled if unable to earn a living because of physical or mental infirmity.

What is permanent disablement?

You (or a child) are permanently disabled if, at the time in question, your disablement is considered likely to be permanent.

This depends on the medical evidence available at the time (see "Questions which must be referred to a medical practitioner", H1-1).

Date of disablement

If you retire before you are disabled and the date on which you became disabled cannot be established, that date will be taken as the date when you made your claim of disablement to your fire authority.

② Degree of disablement

This means the extent to which your earning capacity has been affected by your injury. The link with earnings is necessary because injury pensions are based on a system of "minimum income guarantees" designed to bring your total income in retirement up to a certain level. The table on A10-2 shows how the "income guarantee" would be fixed in each case.

How is degree of disablement assessed?

See explanation on A10-2 and 3.

**COMPULSORY RETIREMENT
ON ACCOUNT OF AGE**

Compulsory retirement age

Compulsory retirement ages are laid down for all whole-time members of brigades who may be required to engage in fire fighting.

The ages of compulsory retirement are set out below.

Rank	Age of compulsory retirement
Station Officers or below	55
Assistant Divisional Officer or above	60

Note:

If you are required to retire on your birthday, your last day of service must be the previous day. Your birthday will be your first day of retirement (see A16-1).

Effect of compulsory retirement age

- * If you complete at least 25 years' service before your compulsory retirement age:
 - you will be entitled to an ordinary pension on your retirement (see B1-1).
- * If you cannot complete at least 25 years' service before your retirement age:
 - you will be entitled to a short service award if you retire on attaining your retirement age (see B2-1),
 - you will be entitled to a deferred pension if you retire voluntarily before your retirement age (see B5-1), and
 - if you retire on grounds of permanent disablement you will be entitled to an ill-health award. If it is an ill-health pension, it must not exceed the ordinary or short service pension you would have got had you served on to your retirement age (see "How much is the pension?", B3-2).
- * If you retire on attaining your retirement age:
 - you will be entitled to commute up to 1/4 of any ordinary, short service, ill-health or deferred pension to which you may be entitled (see B7-2).

Postponement of compulsory retirement age

Your compulsory retirement age may be postponed for a further period:

- * if your fire authority think it would be in the interests of efficiency.

You may apply for an extension of service, or in some cases you may be invited to stay on.



**COMPULSORY RETIREMENT
ON GROUNDS OF DISABLEMENT**

Who is affected?

A regular firefighter,

What is the effect?



If your fire authority consider that you are permanently disabled (see A10-1), they may:
* require you to retire on whatever date they choose.

This decision may only be taken on medical advice (see H1-1) and you have a right to appeal to a medical referee against the medical advice (see H2-1).

If the medical referee decides that you are not permanently disabled your retirement will be void (but see POINTS TO NOTE 1 below).

POINTS TO NOTE

1. The employers' side of the National Joint Council agreed at a meeting on 11 July 1983 that in the case of an appeal against retirement on grounds of permanent disablement, retirement should be held in abeyance until the appeal was decided. In the circumstances the following two points would not normally arise.
2. If your retirement is void, you will be entitled to your pay during the period concerned, and required to pay the appropriate rate of pension contributions.
3. If you appeal against your retirement on grounds of disablement, your fire authority may delay your retirement, or withhold payment of your ill-health award, until your appeal is decided (see under "Result of the hearing", H2-2).



Who is eligible?

In the first place, you must be a regular firefighter, have completed 25 years' pensionable service and have reached age 50, to be eligible for an ordinary pension.

If you are a chief officer, or in Scotland a firemaster, you need the consent of your fire authority:

- * to retire with an entitlement to an ordinary pension before age 55.

POINTS TO NOTE

- If you are thinking of transferring to other employment:
 - once your ordinary pension comes into payment, no transfer value can be paid (see F9(4)),
 - if a transfer value is paid for you (before your ordinary pension comes into payment) your pension will cease to be payable (F9(9)).
- If you retire with 25 years' service or more, but are not eligible for an ordinary pension because you have not fulfilled the other conditions, you are likely to be entitled to a deferred pension under B5.

How much is the pension?

The sums are set out in Examples 1 and 2. The basis of the calculations is explained here.



A firefighter's basic ordinary pension is at least 1/2 and not more than 2/3rds of average pensionable pay (APP).
It equals:
1/60th of APP for each year of service up to 20, plus
2/60ths of APP for each year of service over 20, with a maximum of 40/60ths of APP.
(Each day counts as 1/365th of a year even in a leap year).

Reductions

- * Your basic ordinary pension may be reduced:
 - because you have commuted or allocated part of it (see B7 and B9)
 - to uprate any service not fully paid up for widow's and children's benefit (see B.Gen-5),
 - at state pensionable age, if you have "modified" or "participating" service relating to certain state benefits (see B.Gen-2).

Pensions increase (PI)

- * Your basic pension will be increased:
 - when you qualify for PI (see ANNEX 1).

POINTS TO NOTE

1. Your minimum ordinary pension will be 30/60ths (1/2) of your APP, because you must complete 25 years' service to qualify.
2. **0** Your maximum ordinary pension of 40/60ths (2/3rds) of your APP will be earned in 30 years. If you serve longer you cannot earn more 60ths, but your APP may increase to make your pension bigger.
3. In deciding when to retire you will need to consider how your pension would be affected by:
 - likely future pay increases,
 - likely future increases in the retail price index (which affects pensions increase),
 - when you will qualify for pensions increase,
 - how much you may commute, and
 - your age in relation to the commutation factors, as well as your personal circumstances.

When is the pension paid?

Your pension will normally start when you retire (see L3-1).

POINTS TO NOTE

- 0** 1. You will not qualify for pensions increase until you are 55, unless you are also permanently unfit for regular full-time work of any kind (see "When is the pension paid?", "POINTS TO NOTE 1" on page B5-3 and "Who is eligible for increases?" ANNEX 1-2).

Who is eligible?

You must

- * be a regular firefighter, or be treated as one, and
- * be permanently disabled, and
- * retire on account of your disablement, to be eligible for an ill-health award.

Gratuity. Your ill-health award will be a gratuity if:
* you have less than 2 years' service, and
* you were not disabled through a qualifying injury.

Pension. Your ill-health award will be a pension if:
* you have at least 2 years' service, or
* you were disabled through a qualifying injury.

POINTS TO NOTE

1. You will not be eligible for an ill-health award if you retire on some other ground and later find you are permanently disabled, even if it is clear that you were so disabled when you left. This is because an ill-health pension is meant to compensate you for having to retire for medical reasons when you would not otherwise have done so.
2. If you are permanently disabled through a qualifying injury you will also be eligible for an injury award under B4.
3. You are disabled if you are unable to carry out the duties of your rank, because of physical or mental infirmity (see A10(2)).
4. You are permanently disabled if at the time in question your disablement is considered likely to be permanent. This depends on the medical evidence available at the time (see A10(1)).
5. Entitlement to an award on grounds of disablement is decided in the first place by your fire authority having considered the medical advice of at least one qualified medical practitioner (usually that of the brigade medical officer).
6. If you are dissatisfied with any decision based on medical evidence, you may appeal to a medical referee appointed by the Secretary of State (usually the Home Secretary or the Secretary of State for Scotland). In some cases an appeal may be made to the Crown Court (Sheriff Court in Scotland), but not to question medical evidence (see Part H).
7. Your fire authority may check from time to time if you are still disabled. K1 and K2 deal with what happens if you become fit enough to rejoin the fire service.

How much is the gratuity?

The sums are set out in Examples 2 and 3. The basis of the calculations is explained here.

An ill-health gratuity is never less than:

- your total pension contributions, or
- 1/12 of average pensionable pay for each year of service if you have served for at least 1 year, provided you retire before the beginning of the tax year in which you would reach state pensionable age (65 for a man, 60 for a woman).

* If you retire with an ill-health gratuity after the beginning of the tax year in which you would reach state pensionable age (unlikely), your gratuity will be reduced to take account of your entitlement to a guaranteed minimum pension (GMP) under J1(2). The Government Actuary will calculate the cash value of your GMP and this amount will be deducted from your gratuity (see B2-1 and ANNEX 4-2).

How much is the pension?

The sums are set out in Examples 1 and 4 to 7. The basis of the calculations is explained here. A firefighter's basic ill-health pension is never less than 1/60th of average pensionable pay (APP) and never more than 40/60ths (2/3rds) of APP, or what could have been earned by compulsory retirement age.

* The principle is that you count as many 60ths of APP towards your basic ill-health pension as you would for an ordinary pension:

- 1/60th of APP for each year of service up to 20, plus
- 2/60ths of APP for each year of service over 20.

* In addition you count extra 60ths of APP ("ill-health enhancement") if you have 5 years' service or more.

Your basic ill-health pension is:

<u>length of pensionable service (1)</u>	<u>No of 60ths of APP counting for pension (2)</u>
less than 5 years	1 for each year (but never less than 1/60th)
5 - 10 years	2 for each year.
10 - 13 years	20
more than 13 years	7 and 1 for each year up to 20 and 2 for each year over 20

- (1) each day counts as 1/365th of a year even in a leap year.
- (2) never more than 40/60ths of APP, or what you could have earned by your compulsory retirement age.

Reductions

- * Your basic ill-health pension may be reduced:
- because you have commuted or allocated part of it (see B7 and B9),
 - to uprate any service not fully paid up for widow's and children's benefit (see BGen-5).
 - at state pensionable age, if you have "modified" or "participating" service relating to certain state benefits (see BGen-2 and 3).

Pensions increase (PI)

- * Your basic ill-health pension will be increased by PI (see ANNEX 1).

When is the award paid?

Your gratuity will be paid, or your pension start when you retire (see L3-1).

B4 - Examples 1 to 4 and
B3 - Example 1

Who is eligible?

You must:

- * have ceased to serve as a regular firefighter, and
- * be permanently disabled as a result of a qualifying injury to be eligible for an injury award.

Gratuity The injury award will consist of a gratuity, and sometimes also an injury pension.

Pension An injury pension is payable if certain social security (DSS) benefits payable in respect of your injury, when added to 3/4 of any other pension to which you are entitled under the FPS, fall short of a "minimum income guarantee". This "minimum income guarantee" depends on:

- how long you have served (your pensionable service),
- how seriously you are disabled (your degree of disablement), and
- your average pensionable pay (APP).

* You will see, under "Amount of Pension", B4-2, how an injury pension would "top up" other benefits to meet the minimum income guarantee in each case.

POINTS TO NOTE

1. "Disablement" and "permanent" are defined in A10 (see A10-1).
2. A "qualifying injury" is defined in A9 (see A9-1).
3. You are treated as disabled as a result of an injury, if the injury either caused or substantially contributed to the infirmity which constituted your disablement (see A11-1).
4. If you are permanently disabled as a result of a qualifying injury you will be entitled to an injury award whether you ceased to serve on account of your injury or for some other reason. (In rare cases the effect of an injury may not come to light until several years later) (see "POINTS TO NOTE 2", H2-3).
5. Entitlement to an award on grounds of disablement as a result of a qualifying injury is decided by your fire authority having considered the medical advice of at least one qualified medical practitioner (usually that of the brigade medical officer).
6. If you are dissatisfied with any decision based on medical evidence, you may appeal to a medical referee appointed by the Secretary of State (usually the Home Secretary or the Secretary of State for Scotland). In some cases an appeal may be made to the Crown Court (Sheriff Court in Scotland), but not to question medical evidence (see PART H).



INJURY AWARD

7. Your fire authority will check from time to time that you are still disabled. K2 deals with what happens if the degree of your disablement changes but you remain disabled for duty.

How much is the gratuity and pension?



The sums are set out in Examples 1 to 4 and also B3-Example 1. The basis of the calculations is explained here. The amount of an injury award (both gratuity and pension) depends on your "degree of disablement".

* "Degree of disablement" is defined in A10(3) (see page A10-2). The doctor will advise on the extent of your disablement according to your loss of earning capacity, as follows:

<u>Loss of earning capacity</u>	<u>Degree of Disablement</u>
25% or less	Slight
More than 25% up to 50%	Minor
More than 50% up to 75%	Major
More than 75%	Severe



* If you are well qualified to work in other fields, it is possible that your general earning capacity may not be reduced by your injury. You would, however, still be entitled to the gratuity and pension payable on slight disablement.

Amount of pension



To work out how much your injury pension would be, you need to know:

- * Your minimum income guarantee, which depends on your pensionable service, your degree of disablement and your APP,
 - * The amount of any other pension to which you are entitled under the FPS for the same pensionable service, and
 - * The amount of social security (DSS) benefits which need to be taken into account.
- Your injury pension will be an amount which, when added to 3/4 of your other pension and the DSS benefits, will equal your minimum income guarantee.



If 3/4 of your other pension and the DSS benefits together equal or exceed your minimum income guarantee, no injury pension will be payable.

Amount of gratuity



<u>Degree of disablement</u>	<u>Gratuity as a percentage of APP</u>
Slight	12.5%
Minor	25%
Major	37.5%
Severe	50%



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Minimum income guarantee
(as a percentage of APP)

Degree of disablement	Years of pensionable service			
	Less than 5	5 to less than 15	15 to less than 25	25 or more
Slight	15%	30%	45%	60%
Minor	40%	50%	60%	70%
Major	65%	70%	75%	80%
Severe	85%	85%	85%	85%

Other pension

② Your other pension will usually be an ill-health pension, but it could be an ordinary, short service, or deferred pension if you retired with such a pension before the effect of your injury came to light. Where there is another pension to be taken into account, the amount of that pension is taken before adding pensions increase to it, or reducing it for widow's benefit, commutation or allocation. As only 3/4 of the other pension is taken into account, any amount you may commute will be ignored, and if you do not commute, or commute less than 1/4 of your pension, you will have the benefit of extra income.

Social security (DSS) benefits

- * It is important that you claim any relevant DSS benefits, because the FPS requires your fire authority to take account of any such benefits to which you are entitled whether you claim them or not (in other words you are not allowed to "opt" to get all your injury benefit from the FPS and none from DSS). Your fire authority may obtain this information from DSS if you do not provide it yourself.
- * It is important that you tell your fire authority when you become entitled to a new DSS benefit, or cease to be entitled to one. This will avoid your fire authority having to recover overpayments from you, or paying you late in respect of underpayments.
- * DSS benefits are deducted from your prospective injury pension at the scale at which they were payable when you left the fire service.

The DSS benefits which need to be taken into account include any of the following benefits (or parts of such benefit) to which you may be entitled under the Social Security Act 1975:

Benefits
in respect of
industrial injury

- a. Disablement pension, payable under section 57 of the Social Security Act 1975, because of the same injury for which your injury pension is paid (see "POINTS TO NOTE 3", B4-4):

- together with any increase in the relevant part



INJURY AWARD

- (i) unemployment supplement (under section 58),
 - (ii) special hardship (under section 60),
 - (iii) dependants (under section 64 or 66), or
 - (iv) hospital treatment (under section 62).
- (Each of these increases is treated as a separate benefit in working out the rate at which it has to be deducted).



b. Reduced earnings allowance, payable under section 59A, because of the same injury for which your injury pension is paid.
Disablement gratuity, payable under section 57 (see "POINTS TO NOTE 4", below).

Benefits
not depending on
industrial injury

- c. Until the first day when you are capable of working again:
 - i. Sickness benefit, payable under section 14:
 - together with any earnings-related supplement,
 - ii. Invalidity pension, payable under section 15,
 - iii. Severe disablement allowance, payable under section 36.
- (Each of the benefits under c. is treated as a separate benefit in working out the rate at which it has to be deducted). (See "POINTS TO NOTE 5", B4-5).



Pensions increase (PI)
 * Your basic injury pension will be increased:
 - when you qualify for PI (see ANNEX 1-6).

POINTS TO NOTE

1. You may not commute or allocate part of your injury pension (see B7(1) and B9(1)).
2. Your injury pension will not be reduced to uprate service for widow's benefit (under Part VIII of Schedule 2), nor at state pensionable age (under Part VII of Schedule 2).
3. Certain DSS benefits in respect of an industrial injury ceased for new claimants in October 1986, but references are still needed for those already receiving them who will continue to do so.
4. Disablement gratuities under section 57(5) of the Social Security Act 1975 ceased to have effect for future claims in October 1986, but a reference is needed for those who have already claimed them.
 * The annuity equivalent of a disablement gratuity which has been awarded should continue to be deducted from an injury pension as explained in Fire Service Circular Nos. 23/1982 and 11/1985 and their Scottish Office equivalents.

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5. DSS benefits which do not depend on an industrial injury are not specifically linked to the same injury for which your injury pension is payable, which might be difficult to establish. But it is likely that they will be paid in respect of the same injury when you first retire.
 - * If you become fit enough to work again (although not as a firefighter) these DSS benefits would not be deducted if you qualified for them again:
 - You get the benefit of the doubt that they might become payable for a separate disability.
 - * If you became fit enough to rejoin the fire service, your injury pension would be cancelled under K1(3), and if you later qualified again for an injury pension, your circumstances on ceasing to serve for the second time would determine the amount of your injury pension and the deductions to be made from it.

 6. Most of the other DSS benefits to be deducted, which are payable under the Social Security Act 1975, were previously payable under earlier national insurance legislation including the National Insurance (Industrial Injuries) Act 1965, which was quoted in the 1973 Scheme.

 7. DSS benefits and the circumstances in which they are payable are set out in NI leaflets which you can get from your local DSS office. NI6 deals with "Industrial injuries disablement benefit". NI.16, 16A and 252 deal with sickness benefit, invalidity pension and severe disablement allowance.
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When is the
award paid?

see L3-1.

When may your ill-health and injury pensions be cancelled?

If you are receiving an ill-health pension under B3, and you have not yet reached the time when (if you had continued to serve) you would have:

- attained age 50 and completed 25 years' service, or
- reached the age of compulsory retirement for your rank,

if you recover your health, your fire authority may:

- * cancel your ill-health pension (except any secured portion payable at state pensionable age (see ANNEX 2-11, 12, 13)), and
- * cancel any injury pension to which you may be entitled under B4,

but only if they:

- * offer you the chance to rejoin the brigade in your old rank.

POINTS TO NOTE

1. Your fire authority will only consider this course if they are prepared to reinstate you, and if they think it possible that you may have recovered your health sufficiently to resume firefighting duties.
2. They may consider this course at such intervals as they think fit.
3. All the arrangements under Part H, for your medical examination and rights of appeal, will apply.
4. If you resume service in your former brigade (in your old rank) within one month of the cancellation of your entitlement, payment will be restored for that period.
5. The broad purposes of your ill-health pension are:
 - to compensate you for the interruption of your career, and (once you reach the age when you could have retired with a pension)
 - to take the place of a retirement pension.

That is why:

- a. once you have reached the age at which you could have retired with a pension:
 - your ill-health pension may no longer be cancelled.
- b. if you have not reached that age, and your ill-health pension is is cancelled:
 - if you resume duty, you will be able to count the service you counted when you retired with your ill-health pension towards any subsequent benefit entitlement, subject to:
 - i. a reduced commutation right, if you had already commuted part of your ill-health pension (see B7(10)), and
 - ii. the possibility of a reduction of pension at state pensionable age to balance any secured portion of your ill-health pension which comes into payment then (Schedule 2, Part VII para 4).