



Firefighter Pension Scheme Age Discrimination remedy factsheet Ill health retirements between 1 April 2015 and 31 March 2022

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Ill health eligibility

When you retired under ill-health you will have been assessed for eligibility to receive an ill health pension under the scheme you were in at the time of retirement. The table below provides a summary of eligibility for the ill-health awards in each scheme.

Scheme	Lower Tier	Higher Tier	Permanency
FPS 1992	Awarded where an IQMP ¹ finds you incapable of performing the role of a firefighter.	Awarded where an IQMP finds you incapable at the time of assessment of undertaking regular employment.	Whether the disablement will continue to normal retirement age.
FPS 2006	Awarded where an IQMP finds you incapable of performing the role of a firefighter.	Awarded where an IQMP finds you incapable of undertaking regular employment.	Whether the disablement will continue to normal retirement age.
FPS 2015	Awarded where an IQMP finds you incapable of performing role of a firefighter.	Awarded where an IQMP finds you permanently incapable of undertaking regular employment. ²	Incapacity will continue until normal pension age.

Ill-health pension awards – what is the difference?

Each ill-health award is calculated differently depending on the scheme it is awarded from.

Lower tier

An award for a lower tier ill-health pension entitles a member of the FPS 1992, FPS 2006, or FPS 2015 to immediate payment of their pension benefits accrued to date of leaving with no further enhancement.

Higher tier enhancement

For a member who is awarded a higher tier pension, their entitlement accrued under the relevant scheme is enhanced as follows:

FPS 1992

Enhanced according to length of service.

Further details can be found in the [ill health retirement](#) section.

FPS 2006

Enhanced by half of the prospective service to normal pension age (60).

Further information can be found in the [ill health retirement](#) section.

¹ Independent Qualified Medical Practitioner

² "Regular employment" means employment (inside and/or outside the Fire and Rescue Service) for at least 30 hours a week on average over a period of not less than 12 consecutive months beginning with the date on which the issue of the person's capacity for employment arises.

FPS 2015

Enhanced by multiplying the lower tier pension by the assumed period of pensionable service (service to age 60) and by 2%.

Further information can be found in the [ill health retirement](#) section.

Eligibility in the alternative scheme and re-assessments

Members who retired on ill-health will need to be provided with a choice of benefits in the alternative scheme based on their eligibility for an ill-health award.

FPS 2015

Members who were assessed under FPS 2015 at the time of retirement and were found eligible to receive a lower tier pension will be automatically entitled to receive at least a lower tier ill health pension in their alternative legacy scheme (FPS 1992 or FPS 2006). If your original legacy scheme was FPS 2006, no re-assessment is required, as the eligibility requirements are the same therefore you are eligible to receive equivalent lower tier benefits in FPS 2006. If your original legacy scheme was FPS 1992, a re-assessment is required to establish whether you qualify for higher tier benefits under FPS 1992.

Members who were assessed under FPS 2015 at the time of retirement and were found eligible to receive a higher tier pension will be automatically entitled to receive a higher tier ill health pension in their legacy scheme (FPS 1992 or FPS 2006). There is no requirement for a re-assessment.

FPS 2006

Members who were assessed under FPS 2006 at the time of retirement are automatically entitled to equivalent benefits in FPS 2015 as the eligibility criteria is the same. There is no requirement for a re-assessment.

FPS 1992

Members who were assessed under FPS 1992 and were found eligible to receive a lower tier pension have no automatic rights to an equivalent pension under FPS 2015. A re-assessment is necessary to establish whether there is an ill health entitlement under FPS 2015.

Members who were assessed under FPS 1992 and were found eligible to receive a higher tier pension are automatically entitled to a lower tier pension under FPS 2015. A re-assessment is necessary to establish whether there is an ill health entitlement to a higher tier pension under FPS 2015.

Who conducts the re-assessment?

The re-assessment will be conducted by an Independent Qualified Medical Practitioner (IQMP). Ideally, this will be the same IQMP who conducted your original entitlement to an ill health pension.

What to expect of an assessment

The IQMP will be asked to assess you against the ill health criteria of the alternative scheme. They will be asked to base their assessment on your health at the time of the original determination, not your health now.

By consenting to the re-assessment, it is important to note that: -

- You are not being asked to make a choice about any benefits.
- You are not bound by the results of the re-assessment.
- The re-assessment cannot be used for the purposes of anything else, such as an ill-health review.

The outcome of the re-assessment **cannot** be a negative one: you are already eligible for the benefits which are being paid to you and nothing will reduce the level of those pension benefits currently in payment.

The only outcome may be that you are also eligible for ill health benefits in your alternative scheme, which, in some circumstances, may provide a higher level of benefit than those which are currently in payment.

It will be your decision whether to accept alternative benefits. You do not have to choose the alternative benefits, even if they are higher.

What if I don't consent to a re-assessment?

There is no statutory deadline for an ill-health re-assessment. However, if you do not consent to a re-assessment, you cannot automatically be deemed as eligible to ill health benefits in your alternative scheme. Therefore, your choice in the alternative scheme will be restricted.

Can I appeal a re-assessment decision?

Yes, you can appeal the IQMP's decision under the ordinary rules of the scheme. Before appealing you may want to consider whether the benefits paid under the alternative scheme would be higher than those that are currently in payment.

Your choice

It is a requirement of the regulations that everyone who retired to pension between 1 April 2015 and 31 March 2022, is provided with a choice between their legacy (FPS 1992 or FPS 2006) and the reformed scheme (FPS 2015). This applies equally to members who remained protected in their legacy scheme.

The legislation requires this choice to be provided to members in the form of a Remediable Service Statement, known as an RSS.

You do not have to choose the alternative benefits, even if they are higher. Once you have made your choice, you cannot revisit it.

Choices for taper members

The remedy legislation requires that once remedied, members cannot keep 'mixed benefits'³ within the remedy period (1 April 2015 to 31 March 2022) and must make a choice of either all legacy or all reformed benefits for the whole period.

- Taper members who retired on ill-health retirement **before** they moved to FPS 2015, will be given an alternative benefit choice in FPS 2015.
- Taper members who retired on ill-health retirement **after** they moved to FPS 2015 will have 'mixed benefits' in payment. These members will be given two choices of a pension under either the relevant legacy scheme or FPS 2015.

What if I don't make a choice

Once you are provided with your RSS you have up to 12 months from the date of issue to make a choice. If by the end of the 12 months you have not made a choice, then your Fire and Rescue Authority in their capacity as scheme manager can make a choice on your behalf.

When will you receive an RSS?

The regulations require everyone to have received an RSS by 31 March 2025.

However, there may be reasons, such as waiting for a response from a member or waiting for an assessment, where this cannot be met.

Ill-health retirement on or after 1 October 2023

This factsheet applies only to members who were awarded ill-health retirement between 1 April 2015 and 31 March 2022 and have a pension in payment.

If you have been awarded ill-health retirement on or after 1 April 2022 your eligibility to an ill-health pension will have been assessed correctly under the scheme rules at the time. There is no requirement for any re-assessment of such cases.

This factsheet has been prepared by LGA to give some guidance on the rules of the pension scheme using the regulations as they stand in January 2024; however, they should be used only as an informal view of the interpretation of the firefighters' pension scheme as only a court can provide a definitive interpretation of legislation. This factsheet should not be interpreted as legal advice.

Please address any queries on the content of this factsheet to bluelight.pensions@local.gov.uk

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³ Mixed benefits are where there is membership in both a legacy scheme (FPS 1992 or FPS 2006) and FPS 2015 during the remedy period (1 April 2015 to 31 March 2022) and that these benefits are in payment.