



Information

Guide to combining pension scheme service in the Firefighters' Pension Schemes 1992, 2006, and 2015

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Introduction

The guidance set out in this booklet applies to all kinds of leaving and re-joining the firefighters' pension schemes regardless of employment status.

It has been designed to assist administrators in determining the actions to be taken when members have periods of pensionable service which can be linked.

This is an informal guide only, developed with the help of the communications group and the technical group and should not be treated as a complete and authoritative statement of the law. Readers may wish, or will need, to take their own legal advice on the interpretation of legislation. No responsibility whatsoever will be assumed by the LGA for any direct or consequential loss, financial or otherwise, damage or inconvenience, or any other obligation or liability incurred by readers relying on information contained in the bulletins.

While every attempt is made to ensure the accuracy of this document, it would be helpful if readers could bring any perceived errors or omissions to the attention of the LGA Bluelight team by emailing bluelight.pensions@local.gov.uk.

Basic principles

- 1. Each contract of employment with the Fire and Rescue Authority (FRA) must have a corresponding pension record** [[Regulation 30 \(2\)](#)].
- 2. Concurrent scheme employments cannot be linked together.** If a firefighter has several employments and they are running parallel to each other e.g. a retained and a whole-time post, it is not possible to link these benefits [[Regulation 30 \(2\)](#)].
- 3. A concurrent scheme employment can reduce or remove a gap in service.** A member is not on a gap in service while they are also in service which is:
 - Pensionable under an existing FPS scheme or
 - An existing public body scheme.

So a member who has ongoing service in one of the FPS schemes and joins the FPS 2015 under another employment can link to a deferred benefit (DB) from previous service as though the gap between the two periods of service is less than five years [[Schedule 2 Part 2](#)].

- 4. Consecutive scheme employments can be linked together.** Under the FPS 2015, it is mandatory to link pensionable employments under the FPS 2015 with a less than five-year gap [[Regulation 49](#)].
- 5. Pension Credit benefits can't be linked to any other benefits.**

6. **Protections under the scheme are applied to the member and not the employment¹.**
7. **Once benefits are in payment any protections and final salary links are lost on subsequent re-employment.**

¹ This interpretation of how the protections should be applied was agreed with Home Office's (DCLG at the time) solicitors at outset of the scheme in 2015. However, there is no legislative guidance to this effect within the Regulations. It has been agreed by the Home Office that despite this the original guidance should be adhered to.

Regulations

The Firefighters' Pension Schemes (England) regulations can be found on www.fpsregs.org.

- [FPS 1992 Regulations](#)
- [FPS 2006 Regulations](#)
- [FPS 2015 Regulations](#)

Definitions

An explanation of terms used within this document.

Connected Scheme

A statutory scheme eligible to be connected to FPS 2015 under the terms of the 2013 Act i.e. (FPS 1992 and FPS 2006).

FPS 1992 – Firefighters' Pension Scheme 1992

FPS 2006 – Firefighters' Pension Scheme 2006

FPS 2015 – Firefighters' Pension Scheme 2015

Protected Member

~~A protected member is somebody who is protected by legislation to stay in the existing final salary scheme (FPS 1992, FPS 2006 standard member or FPS 2006 special member), and so will not move into FPS 2015.~~

A protected member is somebody who was protected by law to stay in their existing legacy scheme (FPS 1992 or FPS 2006) and will not move into the reformed scheme (FPS 2015) until 1 April 2022.

Special member

A special member is a retained firefighter who was employed between 1 July 2000 and 5 April 2006, was unable to join FPS 1992, and made an election to join FPS 2006 during the 2014 options exercise. More information can be found in the [special members training guide](#).

Standard member

A standard member is a member of FPS 2006 who is not a special member.

Taper-protected member

A taper-protected member is somebody who is not protected by ~~legislation-law~~ to stay in their ~~ir final salary-legacy~~ scheme (FPS 1992, ~~FPS 2006 standard member~~ or

FPS 2006 ~~special member~~), and so will move into the reformed scheme (FPS 2015) at some point between 24 May 2015 and 31 March 2022², depending on their age.

Transitional member

A transitional member is somebody who has service in both ~~the a legacy final~~ scheme (FPS 1992, ~~FPS 2006 standard member~~ or FPS 2006 ~~special member~~) and the ~~CARE-reformed~~ scheme (FPS 2015).

Unprotected member

~~An unprotected member is somebody who is not protected by legislation to stay in the final salary scheme (FPS 1992, FPS 2006 standard member or FPS 2006 special member), and so was compulsorily moved into FPS 2015 on 1 April 2015.~~

An unprotected member is somebody who was not protected by law to stay in their legacy scheme (FPS 1992 or FPS 2006) and so moved into the reformed scheme (FPS 2015) on 1 April 2015.

² [[Schedule 2, Part 4](#)]

Pure FPS 2015 scheme membership

How to link membership in the Firefighters' Pension Scheme 2015 when taking up a new employment.

If a scheme member has an existing FPS 2015 deferred pension account on taking up a new employment the member will re-join the FPS 2015 [[Regulation 37 \(2\)](#)].

The existing pension account **must** be re-opened providing the gap in service is less than five years. Or if the gap is greater than five years, but another active period of concurrent FPS membership or public service membership means that there is no gap or that the gap is less than five years. (See [Basic rules](#) point 3).

The revaluation for a deferred member is cancelled and the previous CARE pension account must be **re-calculated using the average weekly earnings index** - the recalculation basis for the active pension accounts in CARE. This principle is to be applied even if the member is joining a new FRA.

Multiple deferred pension accounts

If a member has more than one deferred FPS 2015 pension account, the member can elect which account they would like to re-open [[Regulation 49\(3\)](#)].

If the member fails to make an election the FRA must decide which deferred pension account should be re-opened [[Regulation 49\(4\)](#)].

Leaving a contract of employment with less than three months service and member has another on-going active pension account

For a scheme member with less than three months' service and another on-going active pension account the value of the pension account that they are leaving with less than three months' service is added to their existing account [[Regulation 37 \(3\)](#)].

This is the only time that concurrent scheme service will be linked together.

There is no entitlement to a refund under these circumstances.

This would only apply if a member resigns from a post with less than three months service. Opting out within three months will still trigger a payroll refund.

FPS 1992 – FPS 2015 membership

Re-joining the FPS with connected deferred FPS 1992 benefits – for unprotected and tapered members

If an FPS member has a deferred FPS 1992 record and joins the FPS with:

- a gap in service of less than five years and,
- their benefits are unprotected or their taper date has passed,
- the member will join the FPS 2015 and,
- the FPS 1992 record will remain deferred - see [treatment of the FPS 1992 deferred record](#).

Treatment of the FPS 1992 deferred record

The FPS 1992 DB remains deferred but maintains a link to the final pensionable pay (FPP) on date of leaving or retirement, at which point the benefit is recalculated based on the FPP.

There is no clear instruction within the scheme rules to specify what action should be taken if the benefit calculated using FPP at date of leaving gives a lower benefit than the original DB plus pensions increase (PI).

The Public Service Pensions Act 2013, which is the over-riding legislation, says it must not be materially less [[Schedule 7, Rule 1\(3\)](#)]:

(3)The amount of the earnings that are to be regarded as derived from the old scheme service must not be materially less than the amount of the earnings that would have been the person's pensionable earnings derived from that service had the new scheme service been old scheme service.

'Earnings' for this purpose is defined widely by reference to 'any remuneration or profit derived from an employment'

and

'pensionable earnings' is defined similarly widely as 'the earnings by reference to which a pension or other benefits under the scheme are calculated'.

There is no suggestion that these definitions are comparable with revalued pensionable earnings and / or final salary, and therefore it cannot be concluded that PI should be taken into account in the calculation.

General administrative points

If the FPS 1992 DB is held with another FRA, it should move to the new scheme's administrator when the member re-joins the FPS.

The final salary link becomes an entitlement on leaving /retiring – there is no annual allowance implication in the meantime.

If the scheme member wished to continue working past age 60 the FPS 1992 DB would be put into payment at **age 60** using the FPP definition at this point. Once these benefits have been put into payment there are no provisions for any further recalculation of the FPP at the point the member retires from the FPS 2015.

Re-joining the FPS with connected deferred FPS 1992 benefits – for protected and yet to taper members

If an FPS 2015 member has a deferred FPS 1992 record and joins the FPS 2015 with:

- a gap in service of less than five years and are protected or,
- they would not have passed their taper date if they had remained in the FPS 1992,

They would have re-joined FPS 1992 if the scheme had still been open. However, as it is closed, the member must join **FPS 2006** and their FPS 1992 record remains deferred with a retirement age of 60.

However, the taper date that applies is the one applicable to the FPS 1992 benefits, it is **not** recalculated with reference to the FPS 2006 taper dates.

Re-joining the FPS after a gap of five years with previous FPS 1992 benefits

If a member re-joins the FPS with a gap of more than five years and has no other public service scheme membership, they join FPS 2015 and the FPS 1992 benefits remain deferred with a retirement age of 60.

FPS 2006 standard – FPS 2015 membership

Re-joining the FPS with connected deferred FPS 2006 benefits – for unprotected and tapered members

If an FPS member has a deferred FPS 2006 record and joins the FPS with:

- a gap in service of less than five years and,
- their benefits are unprotected or their taper date has passed,

The member joins FPS 2015.

The FPS 2006 record can be re-opened, and the record is linked to the FPS 2015 record.

The final salary link is re-activated, the member will become an FPS 2015 member with **connected FPS 2006** benefits, and the retirement age becomes 60.

On leaving FPS 2015 the deferred benefits are re-calculated using the rate of pay at the date of leaving the FPS 2015 if it is higher than the rate of pay originally used to determine the deferred FPS 2006 benefit [[Schedule 2, Part 3c, Paragraph 32\(3\)](#)]

Re-joining the FPS with connected deferred FPS 2006 benefits – for protected and yet to taper members.

If an FPS member has a deferred FPS 2006 record and joins the FPS with:

- a gap in service of less than five years and are protected or,
- they would not have passed their taper date if they had remained in the FPS 2006

The member will join the FPS 2006 until they reach their taper date (if applicable).

The deferred FPS 2006 and the on-going FPS 2006 benefits are not automatically linked, and the member will need to elect to link their benefits before they taper into the FPS 2015. Once a member has tapered into the FPS 2015 this option will no longer be available to them.

If the member tapers into FPS 2015 their FPS 2006 service will cease to accrue, and they will become transitional members of the FPS 2015 with connected FPS 2006 benefits.

Re-joining the FPS after a gap of five years with previous FPS 2006 benefits

If a member re-joins the FPS 2006 with a gap of more than five years and has no other public service scheme membership the member joins the FPS 2015 and the FPS 2006 benefits remain deferred with a retirement age of 65.

FPS 2006 special – FPS 2015 membership

Re-joining the FPS with connected deferred ~~modified~~ FPS 2006 special membership for unprotected and tapered members

If an FPS member has a deferred ~~modified~~ FPS 2006 special member record and joins the FPS with:

- a gap in service of less than five years and,
- their benefits are unprotected or their taper date has passed,

The member joins FPS 2015.

The ~~modified~~ FPS 2006 special member record is re-opened.

The final salary link is re-activated, the member will become an FPS 2015 member with **connected ~~modified~~ FPS 2006 special member** benefits, and the retirement age becomes 55.

Re-joining the FPS with connected deferred ~~modified~~ FPS 2006 special membership for members who are protected or yet to taper

If an FPS member has a deferred ~~modified~~ FPS 2006 special member record and joins the FPS with:

- a gap in service of less than five years and are protected or,
- they would not have passed their taper date if they had remained in the ~~modified~~ FPS 2006.

The member would have re-joined the ~~modified section~~ of the FPS 2006 as a special member if the scheme had still been open. However, as it is closed, the member must join **FPS 2006** as a **standard member** until their taper date (if applicable).

Once they have tapered their ~~modified~~ FPS 2006 special member record is re-opened, the final salary link is re-activated, and the retirement age becomes the active one of 55

However, the taper date that applies is the one applicable to the FPS 1992 benefits, it is **not** recalculated with reference to the FPS 2006 taper dates.

Re-joining the FPS after a gap of five years with previous ~~modified~~ FPS 2006 special member benefits

If a member re-joins the FPS with a gap of more than five years and has no other public service scheme membership, the member joins FPS 2015 and the ~~modified~~ FPS 2006 special benefits remain deferred with a retirement age of 60.

FPS 2006 members with multiple records

Protected members

Protected FPS 2006 members who re-join with a previous deferred pension can **elect** to link their records together [[Part 3, Paragraph 4\(1\)](#)].

This can be done at any point during the subsequent period of employment and it applies equally to deferred benefits held with other FRAs or in the case of re-employment with the same FRA.

The issues for the member to consider when linking deferred records are whether:

- they are re-employed on a lower rate of pay,
- they are re-employed on a higher rate of pay **but**,
- the cumulative PI applied to the deferred 2006 pension is greater than the value of the benefits calculated on the higher pay.

Unprotected and transition members

If a member has already transitioned into FPS 2015 when they enquire about electing to combine a deferred FPS 2006 benefit with an active FPS 2006 connected benefit, they are not eligible to elect to join their benefits together [[Part 3, Paragraph 4\(4\)](#)].

Connected Members

However, if the member was a connected member of FPS 2006 i.e. they had a deferred FPS 2015 account with an attaching FPS 2006 deferred benefit and they re-join FPS 2015 with a gap of less than five years, the deferred pension account is re-opened and the FPS 2006 deferred benefits are re-activated [[Part 3, Paragraph 4\(5\)](#)].

Re-joining for members with transitional benefits

i.e. [Transitional members](#) with connected 1992/2006 [standard](#) /2006 [modified-special](#) benefits who have left FPS 2015 and are re-joining the FPS 2015 with a gap in service of less than five years.

FPS 2015 with connected FPS 1992 benefits

Scheme members who transitioned into the FPS 2015 on 1 April 2015, or who have subsequently transitioned, become “active members of the FPS 2015 with **connected** FPS 1992 benefits” [\[Regulation 57 \(1\)\]](#).

When an FPS 2015 member with connected FPS 1992 benefits leaves the FPS 2015 their active pension account will become a deferred pension account and a deferred benefit will be calculated for the connected FPS 1992 service based on the final pensionable pay at date of leaving - see [treatment of the FPS 1992 deferred record](#).

If a deferred FPS 2015 member with connected FPS 1992 benefits re-joins the FPS 2015 with a gap of less than five years:

- the deferred CARE pension account will be re-activated - this means that the previous deferred CARE revaluation will need to be recalculated on the active index basis of Average Weekly Earnings (AWE).
- the final salary deferred pension will be re-calculated on the final pensionable pay at the subsequent date of leaving.

FPS 2015 with connected FPS 2006 benefits

Scheme members who transitioned into the FPS 2015 on 1 April 2015, or who have subsequently transitioned, become “active members of the FPS 2015 with **connected** FPS 2006 benefits” [\[Regulation 57 \(1\)\]](#).

When an FPS 2015 member with connected FPS 2006 benefits leaves the FPS 2015 their active pension account will become a deferred pension account and a deferred benefit will be calculated for the connected FPS 2006 service based on the final pensionable pay at date of leaving.

If a deferred FPS 2015 member with connected FPS 2006 benefits re-joins the FPS 2015 with a gap of less than five years:

- the deferred CARE pension account will be re-activated - this means that the previous deferred CARE revaluation will need to be recalculated on the active index basis (AWE).
- the final salary deferred pension is re-opened and the benefits calculated on the final pensionable pay at the subsequent date of leaving.

FPS 2015 with connected ~~modified~~ FPS 2006 special member benefits

Special members who transitioned into the FPS 2015 on 1 April 2015, or who have subsequently transitioned, become “active members of the FPS 2015 with **connected** FPS 2006 benefits” [[Regulation 57 \(1\)](#)].

When an FPS 2015 member with connected FPS 2006 special membership leaves the FPS 2015 their active pension account will become a deferred pension account and a deferred benefit will be calculated for the connected FPS 2006 special membership based on the final pensionable pay at date of leaving.

If a deferred FPS 2015 member with connected FPS 2006 special membership re-joins the FPS 2015 with a gap of less than five years:

- the deferred CARE pension account will be re-activated – this means that the previous deferred CARE revaluation will need to be recalculated on the active index basis (AWE).
- the final salary deferred pension is re-opened and the benefits calculated on the final pensionable pay at the subsequent date of leaving.

Multiple leaving and re-joining

The principles detailed above for transitional members would be the same if the member left and re-joined FPS 2015 **multiple times**. Each time the deferred pension account would be re-activated, and the final salary benefits re-calculated on the latest FPP on leaving.

Note

The transfer of benefits from FPS 1992 or FPS 2006 into FPS 2015 is not allowed under the regulations governing the transfers of club and non-club transfers.

[Paragraph 45 of Schedule 2, Part 3D](#) confirms that you cannot transfer final salary benefits (i.e. FPS 1992 and FPS 2006) under the club arrangement into a care scheme. They must go into a final salary scheme.

Equally FPS 2006 benefits cannot be transferred under a non-club arrangement. The regulations confirm that a transfer may not be made from a connected scheme.

Therefore, as both FPS 1992 and FPS 2006 are connected schemes of FPS 2015 scheme, a transfer cannot be made into FPS 2015 scheme under the non-club arrangements.

Appendix 1: Linking table

A Quick Guide to Fire Linking Criteria				
Scheme	Re-joins FPS 2015 less than 5 year gap	Re-joins FPS 2015 more than a 5 year gap	Re-joins FPS 2006	Comments
Deferred FPS 2015 account	Mandatory to link benefits	DB remains fixed in previous scheme, regardless of scheme.		Re-activating FPS 2015 benefits, means the revaluation rate changes from CPI back to AWE and pension payable from age 60
Deferred FPS 2006	FPS 2006 DB re-opened and connected to active FPS 2015 pension account. Becomes FPS 2015 member with connected 2006 benefits.		Member is entitled to elect to join benefits together.	FPS 2006 DB becomes payable from age 60 again.
Deferred FPS 1992	DB remains in place but will be recalculated with final pay link at date of leaving FPS 2015			There is no clear instruction within the scheme rules to specify what action should be taken if the benefit calculated using FPP at date of leaving gives a lower benefit than the

				original DB plus pensions increase (PI).
Deferred FPS 2015/2006 transitional member (with connected FPS 2006 benefits)	Deferred FPS 2015 account is re-opened to be used as active account going forward. Connected FPS 2006 DB reopened.			Multiple opening and closing of the FPS 2015 accounts with connected FPS 1992/2006/2006 modified <u>special</u> benefits will mean that the processes associated with linking can be actioned numerous times on an individual's pension record.
Deferred FPS 2015/1992 transitional member (with connected FPS 1992 benefits).	Deferred FPS 2015 account is re-opened to be used as active account going forward. 1992 DB remains in place but will be recalculated with FPP at date of leaving FPS 2015			
General Rules				
Each Contract of Employment must have a corresponding pension record	Concurrent memberships can't be linked		Consecutive memberships can be linked	

If member leaves FPS 2015 with less than 3 months service, a refund is not allowed if there is another active FPS pension account that the account they are leaving can be linked to.

If a member has GAP in service between a DB and a new active role. Even if the gap in service is greater than 5 years any on going public service **concurrent** membership **could** either negate or reduce the GAP to less than 5 years in order that the new active role can be linked to the previous DB

Pension Credit members can't be linked to any other benefits

Once benefits are in payment any protections and final salary links are lost on subsequent re-employment