

Information

Special Members of the Firefighters' Pension Scheme 2006

Purpose

1. This factsheet has been prepared to provide a background to the introduction of special members of the Firefighters' Pension Scheme 2006 (FPS 2006).
2. The factsheet provides a summary of the first options exercise where eligible individuals could elect to become members of the scheme and an update on the second options exercise in which individuals will be able to elect to extend membership beyond 1 July 2000 to any employment as a retained firefighter prior to that date.

Background

3. The Firefighters' Pension Scheme 1992 (FPS 1992) applies only to regular firefighters and excludes firefighters employed as retained firefighters.
4. [Matthews v Kent and Medway Towns Fire Authority \[2006\] UKHL 8](#)¹ led to legislation allowing retained firefighters employed between 1 July 2000 and 5 April 2006 the right to be treated no less favourably than wholetime firefighters and allowed to join a pension scheme with retrospective effect to 1 July 2000.
5. [SI 2014/445](#) implemented regulations with effect from 1 April 2014 to introduce a new category of member 'special member' into the regulations of the FPS 2006.
6. While the benefits awarded to special members largely mirrored the benefits under the FPS 1992, the FPS 2006 was amended as the FPS 1992 was closed.

¹ <http://www.bailii.org/uk/cases/UKHL/2006/8.html>

Benefits payable

7. Benefits payable to FPS 2006 special members

Accrual rate of 1/45th

Actuarial commutation factors

Normal Retirement Age 55

Deferred benefit age of 60

Unmarried partner benefits

Options exercise (1)

8. The first options exercise was a time limited exercise that ran from 1 April 2014 to 30 September 2015.²
9. Fire and Rescue Authorities (FRAs) had to identify individuals who were eligible and use reasonable endeavours to notify existing and former employees who were entitled to join the scheme.
10. Eligible firefighters had to apply for a statement of service from the FRA.
11. The statement of service provided the amount of service that was available, and the options to pay contributions either via a lump sum at the time of election or by periodical contributions over ten years or until retirement date.
12. The regulations set out timescales for completion of each stage but allowed a discretion for the FRA to allow an extension to 30 September 2015 where it was not reasonably practicable to comply.
13. Eligible firefighters had to make a positive election in order to join the scheme as a special member by 30 September 2015³.
14. There are reported cases of individuals not being allowed to join the scheme because the deadlines were missed. These cases were dealt with via [Internal Resolution Dispute Procedures](#) (IDRP) and in some cases proceeded to the Pension Ombudsman⁴ (TPO). This position was commented on in [FPS Bulletin 3 - Nov/ Dec 2017](#) under '*backdated elections to the 2006 modified scheme (RDS)*'.

² Extended to 30 September 2015 by Part 11, Rule 6C, Paragraph 5B [SI 2015/590](#)

³ Other time limits applied in Wales

⁴ [TPO-22496](#)

Current position

15. Following the [European Court of Justice's decision in O'Brien v Ministry of Justice](#) which is a case concerning fee paid judges in the Judicial Pension Scheme,⁵ the UK Government have recognised the right for retained firefighters employed before 1 July 2000 to elect to become a special member from the start date of their employment.
16. This will necessitate a second options exercise, for which legal discussions have commenced between central government, the LGA on behalf of FRAs and trade union legal representatives to consider who is in scope and the details of the settlement exercise.
17. Regulations for England will be drafted and consulted on following the conclusion of the legal discussions. It is expected further regulations and consultations for the devolved governments will follow later. No timescales are known at this stage.

Guidance and resources

18. Bulletin articles referring to issues for 'Special Members – FPS 2006' can be found in the subject matter index held under [Bulletins](#) on the [FPS Regulations and Guidance](#) website.
19. A refresher workshop was held in 2018, slides are available on the [FPS 2006 special members events page](#).
20. The password protected page [Special members of FPS 2006](#) holds further resources.

This factsheet has been prepared by LGA to give some guidance on the rules of the pension scheme and associated case law using the regulations as they stand at October 2020, 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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