

Application to temporary employment connected with fire services

Rule A4 explains how some provisions of the FPS may apply to those who have ceased to perform the duties of a regular firefighter but who are on temporary “central service”.

How the FPS applies to someone in a temporary employment connected with fire and rescue services

Rule A4 explains that if you have ceased to perform the duties of a regular firefighter but have taken up one of the following temporary employments in accordance with arrangements made by a Secretary of State –

- an instructor at the central training institution or a training centre
- a temporary inspector or assistant inspector
- a temporary instructor for training members of the armed forces in firefighting

- a temporary instructor or adviser on firefighting outside the UK

then you can be treated as if you are still a regular firefighter and an employee of a fire and rescue authority for certain provisions of the FPS.

For this purpose –

- the Secretary of State becomes your “fire and rescue authority”
- references to employment with a fire and rescue authority are treated as references to your employment
- references to a regular firefighter’s duties are treated as references to your duties, and
- you are treated as if your pay and role were the same as if you had gone on serving as a regular firefighter.

Certain Rules of the FPS are disregarded, however. These are –

Rule A14 Compulsory retirement on grounds of efficiency

Rule A15 Compulsory retirement on grounds of disablement

Rule L2 Expenses and receipts of fire and rescue authorities.

(L2 was deleted with effect from 1 April 2006. Part LA, which was introduced on the same day, now deals with financial issues.)

Right of appeal

If you were covered by Rule A4(2)(d) when you left the fire and rescue service (temporary instructor or adviser for firefighting outside the UK) and you are dissatisfied with your award, you should give notice of appeal to the Secretary of State who would set up an appeal tribunal to hear your appeal (see explanation of Rule H3). The same arrangements would apply if your widow(er), civil partner, or a dependant were dissatisfied with an award payable in respect of your service.

Application to temporary employment connected with fire services**Rule A4 (continued)****Points To Note**

1. From 1 April 2006, with the introduction of new funding arrangements (see Part LA) if you take up a short term appointment of this kind it is most likely that you will be regarded as “on loan” from your parent authority. In this case –
 - you will not be covered by Rule A4
 - your parent authority will remain your fire and rescue authority
 - your fire and rescue authority will continue to pay your salary and allowances as appropriate and claim reimbursement from the Department, of your gross salary and allowances, together with an amount representing an employer’s pension contribution.
2. Before the introduction of the new funding arrangements, the provisions of Rule A4 would apply as set out in "Points to Note" in an earlier version of this Commentary, i.e. as follows –
 - (a) In normal circumstances appointments of this nature will be for a limited period of 2 to 3 years. At the end of this period you would be expected to return to your "parent" fire and rescue authority to resume duties as a regular firefighter. As your appointment is on the basis that you are expected to return to your parent authority you would not be expected to retire while on this form of “central service”. If the question of retirement arises you would be expected to return to your parent authority before any decision on retirement is reached so that your parent authority will be the authority paying your pension.
 - (b) At the end of your period of central service you normally transfer back to your parent authority. On your return, a net transfer value is usually paid to your authority by the Department.
 - (c) The fact that a transfer value takes place has no detrimental effect on the length of service you can count while you are on central service or upon your return. You continue to count each day you serve towards your pensionable service.
 - (d) Your pensionable pay while you are on central service is your pay as determined in relation to your role on central service. Pensionable pay is the rate of pay on which you pay pension contributions, and which would be taken into account in calculating your pension if you retired shortly after returning to your authority. When pensions are calculated, the assessment is based on average pensionable pay over the year up to and including the last day of service. Or, if it would produce a higher figure, the average pensionable pay over one of the previous 2 years can be substituted. So if you retire within 3 years of your period of central service there is a possibility that the pensionable pay received during central service would be used in your pension calculation. Similarly, if you were to become permanently disabled or to die while on central service, pensionable pay received in that service could be used for your own, or your widow(er)’s, civil partner’s, or dependants’ awards.
 - (e) Awards are only likely to arise where a person dies during a period of central service. In this situation the Secretary of State, as your “fire and rescue authority” becomes liable for payment of the awards. It is usual in these circumstances for the parent authority to take on all the pension arrangements and for the Department to reimburse that authority for the cost of any awards paid on its behalf."