

RULE K2

Reassessment of injury pension

Rule K2 explains the power of a fire and rescue authority to adjust or terminate an injury pension.

This Rule was removed from the FPS with effect from 1 April 2006 when the Firefighters' Compensation Scheme was introduced.

The explanation of Rule K2 as it applied up to 31 March 2006 appears on the following pages as "archived" material.

RULE K2 ARCHIVED

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Rule K2 explains the power of a fire and rescue authority to adjust or terminate an injury pension.

Power to review injury pension

Unlike Rule K1 which allows a fire and rescue authority a discretion to review ill-health pensions, Rule K2 sets a requirement that they **must** review injury pensions.

The requirement as set out in Rule K2(1) is that the fire and rescue authority must consider whether your degree of disablement has changed at all. If they decide it has, your injury pension would be adjusted accordingly.

“Degree of disablement” is defined in Rule A10 and how it is used in the calculation of an injury award is explained in Rule B4. See the explanation of Rules A10 and B4.

Timing of review

Under Rule K2(1) the fire and rescue authority can hold these reviews at such intervals as they think appropriate to your case.

However, if they wish, under Rule K2(3) the fire and rescue authority can resolve that an injury pension should not be subject to review, once 5 years has elapsed since it first became payable.

Effect on entitlement to injury award

If, on review, the fire and rescue authority decide that your degree of disability has substantially altered, Rule K2(1) requires that your injury award should be reassessed accordingly.

If, on review, the fire and rescue authority decide that your disability has ceased and you are not also in receipt of an ordinary, ill-health or short-service pension, then under Rule K2(2) your injury pension would be terminated.

Points To Note

1. Rule K1 explains the terms which apply for review of an ill-health pension or a deferred pension paid early on health grounds. It is usually the case that a review under Rule K1 will be considered at the same time as a review under Rule K2.
2. When you were medically examined before retirement, the medical practitioner may have been asked to recommend a review after a certain period of retirement or it may be that your fire and rescue authority has a set policy for review. The fire and rescue authority does have the discretion to decide whether or not to follow the recommendation of the medical practitioner (this is not one of the questions contained in Rule H1 and so the recommendation would not be binding) but they should keep you informed of their decision.
3. The fire and rescue authority will conduct the review by deciding your entitlement to an award under Rule H1. If medical issues are involved, they must seek a medical opinion on which to base their decision, as required under Rule H1.

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Rule K2 (continued)

Points To Note continued

4. If you disagree with the fire and rescue authority's decision following the review the rights of appeal under Rule H2 "Appeal against opinion on a medical issue" or under Rule H3 "Appeal to Crown Court or Sheriff" apply to you where relevant. The terms and time limits for appeal are similar to those which apply when the award is first made. See the explanation of Rules H2 and H3 for further details.
5. The revision of your pension under Rule K2(1) cannot result in its cancellation unless Rule K2(2) applies (i.e. unless any other pension is terminated), because even though your degree of disablement may be "0%" it would fall into the category "slight" (25% disablement or less).
6. This Rule also applies to those who were not regular firefighters but who may be eligible to receive an injury pension under the FPS.