Notes
Please note there is no relevance to the colours used in places throughout this document, colours are used merely to signify that a different answer is available, a red answer is no more costly, extreme or logical than a green or blue answer.

Nor does it mean that as you go through the document that you should select all red, green or even blue answers as your preferred model answer. It is quiet logical and reasonable for you to end up with a document that has a mixture of red, green and blue answers.

Remember one answer may lead to another further on, for example if you want to suspend a pension for re-employment you'll need to remember that you reasonably would have to put it back into payment after the employment ends, but if you select not to suspend in the first place, then you do not need to put it back into payment - but you should make reference to that discretion being redundant when you get to it.

You can of course tweak any of the answers provided, and you are encouraged to do so. Answers should match your own decision structure and stance you wish to take on the issues, given your employee profile etc, but remember you can not simple say 'no' or simply say 'yes' – to avoid fettering the policy you should qualify what you are saying and provide an outline about the decision process that will be involved, if it requires ones.

You are reminded that this information is provided as an aid and is not provided as a definitive resource, you are advised to check your final policy with your own legal advisor to ensure it validity.

Neither SLCC Beds Branch, nor the author can assume responsibility for the information supplied, to the best of our knowledge, at the time it was provided, it was accurate and portrayed our understanding of the issues involved.

Local Government Pension Scheme 2014 (LGPS) - Employer Discretion Policy Statement

The new pension scheme rules, which apply from 1 April 2014, require each scheme employer within the LGPS to publish a statement with regards to how the employer will respond to discretionary aspects of the scheme rules and regulations.

This statement will be published on the The Parish Council website and will also be made freely available in other ways such as intranet sites, staff groups, trade unions and HR officers.

The date of this publication is:	30 June 2014
The effective date of this policy is:	1st April 2014
This is the formal employers policy in respect of the employer that is currently known as:	Blunham Parish Council
This policy applies to:	Prospective members, current contributory members and pensioner members of the Local Government Pension Scheme (LGPS), and their dependants.

Where quoted regulations* refer to:

The Local Government Pension Scheme Regulations 2013, or The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014.

*For certain employees/ers reference may also be contained to the following regulations:
- The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000
- The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (as amended)
- The Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011

This statement will be reviewed and may change from time to time. You should obtain the latest version of this document before making any decisions in respect of your retirement provisions as the situation may have changed.

You are advised to read this statement in conjunction with the information provided in respect of the benefits provided by the LGPS – the occupational pension scheme provided by Blunham Parish Council

This policy does not convey any form of contractual rights for LGPS/staff members. The policy will be reviewed and may be subject to change, only the version of the policy that is 'current' at the time at which an event occurs will be the one applied for the purposes of LGPS benefits or membership. This policy cannot, nor does it seek to, override the provision of the Local Government Pension Scheme Regulations (as amended), the Local Government (Discretionary Payments) as amended, and the Employment Rights Act.

The Parish Council will not use this policy for any ulterior motive, it will ensure that such discretions will be exercised reasonably and where a cost is incurred it will only be used when there is a future benefit to the employer for incurring the extra costs that may arise or be associated with the discretion. It will ensure that where exercised any discretions that incur additional costs, will be applied and recorded as appropriate.

In publishing this policy the scheme employer, The Parish Council, is required to pay due regard to the requirement that the formulated policy and its application and the extent to which the exercise of the discretions could lead to a serious loss of confidence in the public service.

Blunham Parish Council

Local Government Pension Scheme 2014 (LGPS) - Employer Policy Statement

Employer discretions required under: The Local Government Pension Scheme Regulations 2013 [prefix R]

The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 [prefix TP]

Regulation R16 (2)(e) & R16 (4)(d)
Whether, how much, and in what circumstances to contribute to a shared cost APC scheme.

The Scheme employer may resolve to fund in whole or in part any arrangement entered into by an active scheme member to pay additional pension contributions by way of regular contributions in accordance with Regulation 16(2)(e), or by way of a lump sum in accordance with Regulation 16(4)(d).

The Scheme employer may enter into an APC contract with a Scheme member who is contributing to the MAIN section of the Scheme in order to purchase additional pension of not more than the additional pension limit (£6,500 from 1st April 2014 subject to annual increase in line with the Pensions (Increase) Act 1971).

The amount of additional contribution to be paid is determined by reference to actuarial guidance issued by the Secretary of State.

Consideration needs to be given to the circumstances under which the Scheme employer may wish to use their discretion to fund in whole or in part an employee's Additional Pension Contributions.

The policy of The Parish Council is:

A request for the authority to fund an APC received from a current contributing member of the LGPS employee will be granted only with the consent of the Chief Executive in conjunction with the Leader of the Council and only if there is a clear demonstrable financial or operational advantage for the authority in doing so.

Or

~~That the Council will not generally, during its normal course of business ordinarily consider this discretion due to financial pressures it is currently facing, at a time when there is a need to make significant savings via the public sector spending revue.~~

Regulation R30(6)* & TP11(2)
Whether all or some benefits can be paid if an employee reduces their hours or grade (flexible retirement)

An active member who has attained the age of 55 or over and who with the agreement of their employer reduces their working hours or grade of employment may, with the further consent of their employer, elect to receive immediate payment of all or part of the retirement pension to which they would be entitled in respect of that employment as if that member were no longer an employee in local government service on the date of the reduction in hours or grade (adjusted by the amount shown as appropriate in actuarial guidance issued by the Secretary of State – separate policy required under Regulation 30(8)).

As part of the policy making decision the Scheme employer must consider whether, in addition to the benefits the member may have accrued prior to 1 April 2008 (which the member must draw), to permit the member to choose to draw all, part or none of the pension benefits they built up after 31 March 2008 and before 1 April 2014 and all, part of none of the pension benefits they built up after 1 April 2014.

Due consideration must be given to the financial implications of allowing an employee to draw all or part of their pension benefits earlier than their normal retirement age.

The policy of The Parish Council is:

~~*Anytown Parish/District Council has a flexible retirement policy that is reliant upon a sound business case being made for the granting of flexible retirement with immediate access to all or part of the member's benefits.*~~

~~*To this end Anytown Parish/District Council will consider requests on a case by case basis.*~~

~~*The following criteria will apply:-*~~

~~*There must be at least a 40% reduction in gross pay or contractual hours worked.*~~

Or

The Council will consider applications on a case by case basis taking into account all the relevant circumstances and its previously published retirement policy. Where consent is given to flexible retirement, the Council will not pay to waive reduction due to the accrued retirement benefits.

Or

~~*The Council will consider applications on a case by case basis taking into account all the relevant circumstances and its previously published retirement policy. Where consent is given to flexible retirement, the Council will waive any reduction due to the accrued retirement benefits.*~~

Regulation R30(8)*
Whether to waive, in whole or in part, actuarial reduction on benefits paid on flexible retirement. Whether to waive, in whole or in part, actuarial reduction on benefits which a member voluntarily draws before normal pension age.

Where a Scheme employer's policy under regulation 30(6) (flexible retirement) is to consent to the immediate release of benefits in respect of an active member who is aged 55 or over, those benefits must be adjusted by an amount shown as appropriate in actuarial guidance issued by the Secretary of State (commonly referred to as actuarial reduction or early payment reduction).

A Scheme employer (or former employer as the case may be) may agree to waive in whole or in part and at their own cost, any actuarial reduction that may be required by the Scheme Regulations.

Due consideration must be given to the financial implications of agreeing to waive in whole or in part any actuarial reduction.

The policy of The Parish Council is:

As a consequence of flexible retirement there may be a reduction to the benefit paid where the employee does so before the age of 65.

The value of any actuarial reductions will be applied. The Parish Council will not seek to fund the reductions applied.

Or

~~As a consequence of flexible retirement there may be a reduction to the benefit paid where the employee does so before the age of 65.~~

~~The value of any actuarial reductions will not be applied, instead Anytown Parish/District Council will seek to waive any reduction due.~~

TP Sch 2 para 2(2)
Whether to "switch on" the 85-year rule for a member voluntarily drawing benefits on or after age 55 and before age 60.

Where a scheme member retires or leaves employment and elects to draw their benefits at or after the age of 55 and before the age of 60 those benefits will be actuarially reduced unless their Scheme employer agrees to meet the full or part cost of those reductions as a result of the member otherwise being protected under the 85 year rule as set out in previous Regulations.

So as to avoid the member suffering the full reduction to their benefits the Scheme employer can 'switch on' the 85 year rule protections thereby allowing the member to receive fully or partly unreduced benefits but subject to the Scheme employer paying a strain (capital) cost to the Pension Fund

The policy of The Parish Council is:

As a consequence there may be a reduction to the benefit paid where the employees does so before the age of 60.

The value of any actuarial reductions will be applied. The Parish Council will not seek to fund the reductions applied.

Or

~~As a consequence of flexible retirement there may be a reduction to the benefit paid where the employee does so before the age of 65.~~

~~The value of any actuarial reductions will not be applied, instead Anytown Parish/District Council will seek~~ to waive ~~any reduction due.~~

TP Sch 2 para 2(3)
Whether to waive on compassionate grounds the actuarial reduction applied to benefits from pre 1/4/14 membership

where the employer has switched on the 85-year rule for a member voluntarily drawing benefits on or after age 55 and before age 60.

So as to avoid the member suffering the full reduction to their benefits the Scheme employer can 'switch on' the 85 year rule protections thereby allowing the member to receive fully or partly unreduced benefits but subject to the Scheme employer paying a strain (capital) cost to the Pension Fund

The policy of The Parish Council is:

~~That it will agree to adopt these discretions based on compassionate grounds.~~

~~It will further consider the definition of compassionate grounds to include, but not be restricted to:~~

~~Compelling domestic reasons which will affect the ability of the individual to continue with their present working arrangements~~

~~and/or~~

~~Reasons of ill health, which do not meet the current criteria for ill-health retirement.~~

~~Appropriate medical evidence, should be provided by the member, at the member's cost in support of such cases. Any medical evidence provided should be compiled by a suitably qualified occupational physician~~.

Or

Such applications will not normally be approved by The Parish Council. Applications may be approved in exceptional circumstances or where there is a sound business case for doing so.

Regulation R31
Whether to grant additional pension to an active member or within 6 months of ceasing to be an active member by reason of redundancy or business efficiency (by up to £6,500 p.a.)

A Scheme employer may resolve to award

(a) an active member, or
(b) a member who was an active member but dismissed by reason of redundancy, or business efficiency, or whose employment was terminated by mutual consent on grounds of business efficiency,

additional annual pension of, in total (including any additional pension purchased by the Scheme employer under Regulation 16), not more than the additional pension limit (£6,500 from 1st April 2014 subject to annual increase in line with the Pensions (Increase) Act 1971).

Any additional pension awarded is payable from the same date as any pension payable under other provisions of the Scheme Regulations from the account to which the additional pension is attached.

In the case of a member falling within sub-paragraph (b) above, the resolution to award additional pension must be made within 6 months of the date that the member's employment ended.

The policy of The Parish Council is:

~~It does not believe that a business case can be argued to adopt this policy in respect of recruitment or retention issues, as these can be successfully dealt with by other areas outside of the LGPS.~~

~~That it does not wish to adopt this policy in light of the requirement for the effective use of financial resources.~~

Or

That the Council will not generally, during its normal course of business ordinarily consider this discretion due to financial pressures at a time when there is a need to make significant savings via the public sector spending revue.

Employer discretions required under: The Local Government Pension Scheme Regulations 2007 (as amended) [prefix B]

Regulation B12
(This discretion will be spent entirely after 30th September 2014, and should be removed in any further published versions after this date.)

Whether, for a member leaving on the grounds of redundancy or business efficiency on or before 31st March 2014, to augment membership (by up to 10 years). The resolution to do so would have to be made within 6 months of the date of leaving.

The policy of The Parish Council is:

That it does not wish to adopt this policy in light of the requirement for the effective use of financial resources in the current financial climate/year 2014/2015.

It does not intend to review this discretion until the financial situation has improved sufficiently in real terms.

Regulation B30(2)*
Whether to grant application for early payment of deferred benefits on or after age 55 and before age 60
The policy of The Parish Council is:

That it does not wish to adopt this policy in light of the requirement for the effective use of financial resources in the current financial climate/year 2014/2015.

It does not intend to review this discretion until the financial situation has improved sufficiently in real terms

Or

~~The authority may agree to waive all or part of the actuarial reduction applied to deferred benefits paid early under B30 if there exists compelling compassionate circumstances to warrant such a waiver. The council will only consider doing so in cases where there is a clear financial or administrative advantage to the Authority.~~

~~Any decision to agree to waive all or part of the actuarial reduction will require will require the prior recommendation of the Chief Executive and the Leader of the council.~~

Regulation B30(5)*
Whether to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early under B30

That it will agree to adopt these discretions based on compassionate grounds.

It will further consider the definition of compassionate grounds to include, but not be restricted to:

Compelling domestic reasons which will affect the ability of the individual to continue with their present working arrangements

and/or

Reasons of ill health, which do not meet the current criteria for ill-health retirement.

Appropriate medical evidence, should be provided by the member, at the member's cost in support of such cases. Any medical evidence provided should be compiled by a suitably qualified occupational physician.

Or

~~That it does not wish to adopt this policy in light of the requirement for the effective use of financial resources in the current financial climate/year 2014/2015.~~

~~It does not intend to review this discretion until the financial situation has improved sufficiently in real terms.~~

Regulation B30A(3)*
Whether to grant an application for early payment of a suspended tier 3 ill health pension on or after age 55 and before age 60

That it will agree to adopt these discretions based on compassionate grounds.

It will further consider the definition of compassionate grounds to include, but not be restricted to:

Compelling domestic reasons which will affect the ability of the individual to continue with their present working arrangements

Appropriate medical evidence, should be provided by the member, at the member's cost in support of such cases. Any medical evidence provided should be compiled by a suitably qualified occupational physician.

Or

~~That it will agree NOT to adopt these discretions based on compassionate grounds, as it does not feel satisfied that a relevant and workable definition is in existence with the regulation in respect of what is to be seen as compassionate grounds.~~

Regulation B30A(5)*
Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early under B30A

The policy of The Parish Council is:

That it will agree to adopt these discretions based on compassionate grounds.

It will further consider the definition of *compassionate grounds to include, but not be restricted to:*

Compelling domestic reasons which will affect the ability of the individual to continue with their present working arrangements

and/or

Reasons of ill health, which do not meet the current criteria for ill-health retirement.

Appropriate medical evidence, should be provided by the member, at the member's cost in support of such cases. Any medical evidence provided should be compiled by a suitably qualified occupational physician.

Or

~~That it will agree NOT to adopt these discretions based on compassionate grounds, as it does not feel satisfied that a relevant and workable definition is in existence with the regulation in respect of what is to be seen as compassionate grounds.~~

Employer discretions required under: The Local Government Pension Scheme Regulations 1997 (as amended) [prefix L]

Regulation L31(2)
Grant application from a post 31.3.98. / pre 1.4.08. leaver for early payment of benefits on or after age 50/55 and before age 60

The policy of The Parish Council is:

That it does not wish to adopt this policy in light of the requirement for the effective use of financial resources in the current financial climate/year 2014/2015.

It does not intend to review this discretion until the financial situation has improved sufficiently in real terms.

Or

~~That in some exceptional circumstances the Council will consider the discretion. Consideration and approval of any case will be by the Chief Executive and Leader of the council.~~

Regulation L31(5)
Waive, on compassionate grounds, the actuarial reduction applied to benefits paid early for a post 31.3.98. / pre 1.4.08. leaver.

~~*That it will agree to adopt these discretions based on compassionate grounds.*~~

~~*It will further consider the definition of compassionate grounds to include, but not be restricted to:*~~

~~*Compelling domestic reasons which will affect the ability of the individual to continue with their present working arrangements*~~

~~*and/or*~~

~~*Reasons of ill health, which do not meet the current criteria for ill-health retirement.*~~

~~*Appropriate medical evidence, should be provided by the member, at the member's cost in support of such cases. Any medical evidence provided should be compiled by a suitably qualified occupational physician.*~~

Or

~~That it will agree NOT to adopt these discretions based on compassionate grounds, as it does not feel satisfied that a relevant and workable definition is in existence with the regulation in respect of what is to be seen as compassionate grounds.~~

Regulation L31(7A)
Optants out pre 1.4.08. employee optants out only to get benefits paid from NRD if employer agrees

The policy of The Parish Council is:

~~*That it does not wish to adopt this policy for all potential members in light of the requirement for the effective use of financial resources in the current financial climate/year 2014/2015.*~~

~~*However, it confirms that it will consider such requests from employees where there is no capital cost to the authority.*~~

Or

That it does wish to adopt this policy for all potential members.

However, it confirms that any positive outcomes for a member will subject to the relevant cost considerations, which will be made by the full council.

The Following Further Employer Discretions may be required for certain employers, for reasons of transparency, the position of The Parish Council is shown where relevant:

The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000]

Regulation 21(4)
How any surviving spouse's or civil partner's annual compensatory added years is to be apportioned where the deceased person is survived by more than one spouse or civil partner.

The policy of The Parish Council is:

~~*That any surviving spouse's annual compensatory added years payment deemed payable, will be divided equally amongst those eligible for payment, where the deceased person is survived by more than one spouse or civil partner.*~~

Or

That any benefits to be paid will be shared equally amongst the relevant parties/beneficiaries.

Regulation 25(2)
How it will decide to whom any children's annual compensatory added years payments are to be paid where children's pensions are not payable under the LGPS (because the employee had not joined the LGPS) and in such case how the annual added years will be apportioned amongst the eligible children

The policy of The Parish Council is:

~~*That any annual compensatory added years payment deemed payable, to a child will be divided equally amongst those children eligible for payment. Therefore any annual added years payments will be divided equally amongst any eligible children.*~~

Or

That any benefits to be paid will be shared equally amongst the relevant parties/beneficiaries.

Regulation 21(7)
Whether in respect of the spouse of a person who ceased employment before 1 April 1998 and where the spouses or civil partner remarries, enters into a new civil partnership or cohabits after 1 April 1998, the normal pension suspension rules should be disapplied i.e. whether the spouse's or civil partners annual compensatory added years payments should continue to be paid.

The policy of The Parish Council is:

~~Where relevant the spouse's or civil partner's annual compensatory added years payments will continue to be paid in respect of the spouse or civil partner of a person who ceased employment before 1 April 1998 and where the spouse or civil partner remarries, enters into a new civil partnership or cohabits after 1 April 1998.~~

Or

That the normal pension suspension rules will be disapplied.

Or

~~*That the authority has determined that the spouse's or civil partner's annual compensatory added years payments should continue to be paid in respect of the spouse or civil partner of a person who ceased employment before 1 April 1998 and where the spouse or civil partner remarries, enters into a new civil partnership or cohabits after 1 April 1998, then the spouses or civil partners annual CAY payments should continue.*~~

Regulation 21(5)
{If the decision in 21(7) is to apply suspension of benefits.}

…whether the spouses or civil partners pension should be reinstated after the end of the remarriage, new civil partnership or co habitation.

The policy of The Parish Council is:

As suspension of pensions will not be applied under Regulation 21(7) this discretion will not be relevant to the authority.

or

~~That it will not set up any mechanism to reduce/suspend a pension paid in such circumstances as it does not believe this to be a prudent use of funds given the~~

~~amounts that would be involved and the cost incurred in doing so.~~

Regulation 21(7)
Whether, in respect of the spouses or civil partner of a person who ceased employment before 1 April 1998 and where the spouses or civil partner remarries or cohabits or enters into a civil partnership on or after 1 April 1998 with another person who is also entitled to a spouses or civil partners annual compensatory added years (CAY) payment, the normal rules requiring one of them to forgoe payment whilst the period of marriage, civil partnership or co habitation lasts, should be disapplied i.e. whether the spouses or civil partners annual CAY payments should continue to be paid to both of them.

The policy of The Parish Council is:

~~Where relevant the spouse's or civil partner's annual compensatory added years payments will continue to be paid in respect of the spouse or civil partner of a person who ceased employment before 1 April 1998 and where the spouse or civil partner remarries, enters into a new civil partnership or cohabits after 1 April 1998.~~

Or

That the normal pension suspension rules will be disapplied.

Or

That the authority has determined that the ~~spouse's or civil partner's annual compensatory added years payments should continue to be paid in respect of the spouse or civil partner of a person who ceased employment before 1 April 1998 and where the spouse or civil partner remarries, enters into a new civil partnership or cohabits after 1 April 1998, then the spouses or civil partners annual CAY payments should continue.~~

Regulation 17
Whether to and to what extent to reduce or suspend the member's annual compensatory added years payment during any period of re-employment in local government.

The policy of The Parish Council is:

~~That as such payments are unlikely to have been made by the authority under the regulations, no attempt will be made to suspend such payments in the event of reemployment. This is rationale is further strengthened because it would seem to be disingenuous in light of the current flexible retirement policy to do so.~~

Or

That it will not set up any mechanism to reduce/suspend a pension paid in such circumstances as it does not believe this to be a prudent use of funds given the amounts that would be involved and the cost incurred in doing so.

Regulation 19
How to reduce the member's annual compensatory added years payment following the cessation of a period of re-employment.

The policy of The Parish Council is:

As suspension of pensions will not be applied this discretion will not be relevant to the authority.

Or

~~That it will not set up any mechanism to reduce/suspend a pension paid in such circumstances as it does not believe this to be a prudent use of funds given the amounts that would be involved and the cost incurred in doing so.~~
~~This discretion is therefore redundant to the authority.~~

The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (as amended)

Note: For the purposes of the above, 'local government' means employment with an employer who offers membership of the LGPS to its employees, regardless of whether or not the employee chooses to join the LGPS (except where the employer is an Admitted Body). Technically, an employee of an Admitted Body (i.e. a body that has applied to the administering authority to allow its employees to join the LGPS and has entered into a formal admission agreement) is only employed in 'local government' if he / she is a member of the LGPS.

Regulation 5
To base redundancy payments on an actual weeks pay where this exceeds the

statutory weeks pay limit.

The policy of The Parish Council is:

That it will base redundancy pay on actual pay where actual pay exceeds the statutory maximum under the Employment Rights Act 1996.

Or

~~That the authority will not generally increase statutory redundancy payments above statutory weekly pay limit~~

Regulation 6
To award lump sum compensation of up to 104 weeks pay in cases of redundancy, termination of employment on efficiency grounds, or cessation of a joint appointment.

The policy of The Parish Council is:

That the authority would not have sought to normally pay compensation under this Regulation except to ensure that an employee whose employment was terminated by reason of redundancy received, under Regulation 5 of the Compensation Regulations, and this Regulation, a total of up to 30 weeks pay calculated in accordance with the Statutory Redundancy Pay Table.

It should be Noted that: The effect of the authority's policy on the exercise of its discretions under Regulations 5 and 6 of the Compensation Regulations is that a person whose employment is terminated by reason of redundancy will be paid up to 30 weeks' pay calculated in accordance with the Statutory Redundancy Pay Table.

A person whose employment is terminated in the interests of the efficient exercise of the authority's functions, or where the other holder of a joint appointment leaves, will not normally be paid compensation under these Regulations.

Or

~~That the authority will not award lump sum compensation in cases of redundancy (except where obliged to by virtue of TUPE), termination of employment on efficiency grounds, or cessation of a joint appointment unless there are exceptional/compelling reasons to do so.~~

The Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011

Formulating and publishing a policy under the Injury Allowances Regulations 2011 Each LGPS employer is required to formulate, publish and keep under review the policy that it will apply in the exercise of its discretionary powers to make any award under the Injury Allowances Regulations.

Regulation 3(1)
Whether to grant an injury allowance following reduction in remuneration as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job.

The policy of The Parish Council is:

That the authority has, after due regard to the facility, determined not to adopt the discretionary powers in respect of the injury allowance regulations as it cannot be satisfied that such a policy would be workable, affordable and reasonable having regard to the foreseeable cost and the use of public funds.

This discretion is therefore redundant as no injury allowance would be payable.

Or

~~That injury allowances and the matters of values payable, eligibility and amounts payable after any reduction or suspensions, including matters of other benefit entitlement are set out in the authority's published policy on this matter.~~

~~*Or*~~

~~*That the Council will not ordinarily consider the discretion due to financial pressures at a time when there is a need to make significant savings in the public sector.*~~

Regulation 3(4) and 8
Amount of injury allowance following reduction in remuneration as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job.

The policy of The Parish Council is:

That the authority has, after due regard to the facility, determined not to adopt the discretionary powers in respect of the injury allowance regulations as it cannot be satisfied that such a policy would be *workable, affordable and reasonable having regard to the foreseeable cost and the use of public funds.*

This discretion is therefore redundant as no injury allowance would be payable.

Or

~~That injury allowances and the matters of values payable, eligibility and amounts payable after any reduction or suspensions, including matters of other benefit entitlement are set out in the authority's published policy on this matter.~~

Or

~~That the Council will not ordinarily consider the discretion due to financial pressures at a time when there is a need to make significant savings in the public sector.~~

Regulation 3(2)
Determine whether person continues to be entitled to an injury allowance awarded under regulation 3(1).

The policy of The Parish Council is:

That the authority has, after due regard to the facility, determined not to adopt the discretionary powers in respect of the injury allowance regulations as it cannot be satisfied that such a policy would be workable, affordable and reasonable having regard to the foreseeable cost and the use of public funds.

This discretion is therefore redundant as no injury allowance would be payable.

Or

~~That injury allowances and the matters of values payable, eligibility and amounts payable after any reduction or suspensions, including matters of other benefit entitlement are set out in the authority's published policy on this matter.~~

~~Or~~

~~That the Council will not ordinarily consider the discretion due to financial pressures at a time when there is a need to make significant savings in the public sector.~~

Regulation 4(1)
Whether to grant an injury allowance following cessation of employment as a result of permanent incapacity caused by sustaining an injury or contracting a disease in the course of carrying out duties of the job.

The policy of The Parish Council is:

That the authority has, after due regard to the facility, determined not to adopt the discretionary powers in respect of the injury allowance regulations as it cannot be satisfied that such a policy would be workable, affordable and reasonable having regard to the foreseeable cost and the use of public funds.

This discretion is therefore redundant as no injury allowance would be payable.

Or

~~That injury allowances and the matters of values payable, eligibility and amounts payable after any reduction or suspensions, including matters of other benefit entitlement are set out in the authority's published policy on this matter.~~

~~Or~~

~~That the Council will not ordinarily consider the discretion due to financial pressures at a time when there is a need to make significant savings in the public sector.~~

Regulation 4(3) and 8
Amount of injury allowance following cessation of employment as a result of permanent incapacity caused by sustaining an injury or contracting a disease in the course of carrying out duties of the job.

The policy of The Parish Council is:

That the authority has, after due regard to the facility, determined not to adopt the discretionary powers in respect of the injury allowance regulations as it cannot be satisfied that such a policy would be workable, affordable and reasonable having regard to the foreseeable cost and the use of public funds.

This discretion is therefore redundant as no injury allowance would be payable.

Or

~~That injury allowances and the matters of values payable, eligibility and amounts payable after any reduction or~~

~~suspensions, including matters of other benefit entitlement are set out in the authority's published policy on this matter.~~

~~*Or*~~

~~*That the Council will not ordinarily consider the discretion due to financial pressures at a time when there is a need to make significant savings in the public sector.*~~

Regulation 4(2)
Determine whether person continues to be entitled to an injury allowance awarded

The policy of The Parish Council is:

That the authority has, after due regard to the facility, determined not to adopt the discretionary powers in respect of the injury allowance regulations as it cannot be satisfied that such a policy would be workable, affordable and reasonable having regard to the foreseeable cost and the use of public funds.

This discretion is therefore redundant as no injury allowance would be payable.

Or

~~That injury allowances and the matters of values payable, eligibility and amounts payable after any reduction or suspensions, including matters of other benefit entitlement are set out in the authority's published policy on this matter.~~

~~*Or*~~

~~*That the Council will not ordinarily consider the discretion due to financial pressures at a time when there is a need to make significant savings in the public sector.*~~

Regulation 4(5)
Whether to suspend or discontinue injury allowance awarded under regulation 4(1) if person secures paid employment for not less than 30 hours per week for a period of not less than 12 months.

The policy of The Parish Council is:

That the authority has, after due regard to the facility, determined not to adopt the discretionary powers in respect of the injury allowance regulations as it cannot be satisfied that such a policy would be workable, affordable and reasonable having regard to the foreseeable cost and the use of public funds.

This discretion is therefore redundant as no injury allowance would be payable.

Or

~~That injury allowances and the matters of values payable, eligibility and amounts payable after any reduction or suspensions, including matters of other benefit entitlement are set out in the authority's published policy on this matter.~~

~~*Or*~~

~~*That the Council will not ordinarily consider the discretion due to financial pressures at a time when there is a need to make significant savings in the public sector.*~~

Regulation 6(1)
Whether to grant an injury allowance following cessation of employment with entitlement to immediate LGPS pension where a Regulation 3 payment was being made at date of cessation of employment but Regulation 4 does not apply.

The policy of The Parish Council is:

That the authority has, after due regard to the facility, determined not to adopt the discretionary powers in respect of the injury allowance regulations as it cannot be satisfied that such a policy would be workable, affordable and reasonable having regard to the foreseeable cost and the use of public funds.

This discretion is therefore redundant as no injury allowance would be payable.

Or

~~That injury allowances and the matters of values payable, eligibility and amounts payable after any reduction or suspensions, including matters of other benefit entitlement are set out in the authority's published policy on this matter.~~

~~*Or*~~

~~*That the Council will not ordinarily consider the discretion due to financial pressures at a time when there is a need to make significant savings in the public sector.*~~

Regulation 6(1)
Determine amount of any injury allowance

to be paid under regulation 6(1)

The policy of The Parish Council is:

That the authority has, after due regard to the facility, determined not to adopt the discretionary powers in respect of the injury allowance regulations as it cannot be satisfied that such a policy would be workable, affordable and reasonable having regard to the foreseeable cost and the use of public funds.

This discretion is therefore redundant as no injury allowance would be payable.

Or

~~That injury allowances and the matters of values payable, eligibility and amounts payable after any reduction or suspensions, including matters of other benefit entitlement are set out in the authority's published policy on this matter.~~

Or

~~That the Council will not ordinarily consider the discretion due to financial pressures at a time when there is a need to make significant savings in the public sector.~~

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Regulation 6(2)
Determine whether and when to cease payment of an injury allowance payable under regulation 6(1)

The policy of The Parish Council is:

That the authority has, after due regard to the facility, determined not to adopt the discretionary powers in respect of the injury allowance regulations as it cannot be satisfied that such a policy would be workable, affordable and reasonable having regard to the foreseeable cost and the use of public funds.

This discretion is therefore redundant as no injury allowance would be payable.

Or

~~That injury allowances and the matters of values payable, eligibility and amounts payable after any reduction or suspensions, including matters of other benefit entitlement are set out in the authority's published policy on this matter.~~

~~Or~~

~~That the Council will not ordinarily consider the discretion due to financial pressures at a time when there is a need to make significant savings in the public sector.~~

Regulation 7(1)
Whether to grant an injury allowance to the spouse, civil partner, nominated co-habiting partner or dependent of an employee who dies as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job.

The policy of The Parish Council is:

That the authority has, after due regard to the facility, determined not to adopt the discretionary powers in respect of the injury allowance regulations as it cannot be satisfied that such a policy would be workable, affordable and reasonable having regard to the foreseeable cost and the use of public funds.

This discretion is therefore redundant as no injury allowance would be payable.

Or

~~That injury allowances and the matters of values payable, eligibility and amounts payable after any reduction or suspensions, including matters of other benefit entitlement are set out in the authority's published policy on this matter.~~

~~Or~~

~~That the Council will not ordinarily consider the discretion due to financial pressures at a time when there is a need to make significant savings in the public sector.~~

Regulation 7(2) and 8
Determine amount of any injury allowance
The policy of The Parish Council is:

That the authority has, after due regard to the facility, determined not to adopt the discretionary powers in respect of the injury allowance regulations as it cannot be satisfied that such a policy would be workable, affordable and reasonable having regard to the foreseeable cost and the use of public funds.

This discretion is therefore redundant as no injury allowance would be payable.

Or

~~That injury allowances and the matters of values payable, eligibility and amounts payable after any reduction or suspensions, including matters of other benefit entitlement are set out in the authority's published policy on this matter.~~

~~*Or*~~

~~*That the Council will not ordinarily consider the discretion due to financial pressures at a time when there is a need to make significant savings in the public sector.*~~

Regulation 7(3)
Determine whether and when to cease payment of an injury allowance payable under regulation 7(1)

The policy of The Parish Council is:

That the authority has, after due regard to the facility, determined not to adopt the discretionary powers in respect of the injury allowance regulations as it cannot be satisfied that such a policy would be workable, affordable and reasonable having regard to the foreseeable cost and the use of public funds.

This discretion is therefore redundant as no injury allowance would be payable.

Or

~~That injury allowances and the matters of values payable, eligibility and amounts payable after any reduction or suspensions, including matters of other benefit entitlement are set out in the authority's published policy on this matter.~~

~~*Or*~~

~~*That the Council will not ordinarily consider the discretion due to financial pressures at a time when there is a need to make significant savings in the public sector.*~~

Further Employer Discretions (set out as best practice) – in accordance with the Local Government Pension Scheme Regulations 2013

R9(1) & (3) – Contributions
Where an active member changes employment or there is a material change which affects the member's pensionable pay during the course of a financial year, the Scheme employer may determine that a contribution rate from a different band (as set out in Regulation 9(2)) should be applied.

Where the Scheme employer makes such a determination it shall inform the member of the revised contribution rate and the date from which it is to be applied.

The policy of The Parish Council is:

~~*The authority, having taken due regard to the administrative functions required to ensure an effective and legitimate payroll function is present that fulfills all legal requirements, has determined that any variations to the rate of contribution will be applied from 1st of April each year following any re-assessment of bandings.*~~

~~*Any further assessment will only be carried out, during the year when the variance in the total annual remuneration is more than 25% of the existing total annual remuneration, and would be subject to the agreement of the Chief Executive in conjunction with the Leader of the Council.*~~

Or

That the authority will reassess the contribution band where an active member changes employment or a material change occurs during the course of the financial year. The authority will inform the member of the revised contribution rate and the date from which it is to be applied and from which contributions will be due.

R17(1) – Additional Voluntary Contributions
An active member may enter into arrangements to pay additional voluntary contributions (AVCs) or to contribute to a shared cost additional voluntary contribution arrangement (SCAVCs) in respect of an employment. The arrangement must be a scheme established between the appropriate administering authority and a body approved for the purposes of the Finance Act 2004, registered in accordance with that Act and administered in accordance with the Pensions Act 2004.

The Scheme employer needs to determine whether or not it will make contributions to such an arrangement on behalf of its active members.

The policy of The Parish Council is:

That it will not set up any Shared Cost Additional Voluntary Contribution (SCAVC) Arrangements as it does not believe this to be a prudent use of funds.

Or

~~That the Council will not generally, during its normal course of business ordinarily consider this discretion due to financial pressures it is currently facing, at a time when there is a need to make significant savings via the public sector spending revue.~~

R21(5) – Assumed Pensionable Pay

A Scheme employer needs to determine whether or not to include in the calculation of assumed pensionable pay, any 'regular lump sum payment' received by a Scheme member in the 12 months preceding the date that gave rise to the need for an assumed pensionable pay figure to be calculated.

The policy of The Parish Council is:

~~That it will take all reasonable and necessary steps to ensure that in individual cases, it will establish a fair, equitable and justifiable way to identify what the members likely pay would have been, had the absence not occurred, and in cases where this pay is to be used for future benefits, whether that level of pay would have been received every year to normal retirement age.~~

Or

That it will include any regular lump sum payments (other than payments made for detriment - as permitted under Regulation 20, Paragraph 2(g) of the 2014 LGPS Regulations.) as permitted by the Regulations in the calculation of assumed pensionable pay.

Or

~~The authority may decide, based on a case by case review, not include in the calculation of APP any "regular lump sum payment" received by a Scheme member in the 12 months preceding the date that gives rise to the need for an APP figure to be calculated.~~

R22 - Merging of Deferred Member Pension Accounts with Active Member Pension Accounts

A deferred member's pension account is automatically aggregated with their active member's pension account unless the member elects within the first 12 months of the new active member's pension account being opened to retain their deferred member's pension account.

A Scheme employer can, at their discretion, extend the 12 month election period.

The policy of The Parish Council is:

~~That the 12 months deadline would not be extended, however, extenuating circumstances may apply and this may include one or more of the following:~~

~~Where evidence exists that an election was made within 12 months but the administering authority did not receive this~~

~~Where evidence exists that the member was not aware of the 12 month limit due to maladministration~~

~~Where there has been an administrative error on the part of the employer, its contractor, or the scheme administrator~~

~~Where one or all of the above exist, the Chief Executive in conjunction with the Leader of the Council, may extend the period in question.~~

Or

That the authority will not normally extend the 12 month period to elect to retain separate benefits unless in exceptional circumstances.

Or

~~That the authority will only allow an extension to the 12-month period to separate previous LGPS service where it can be reasonably shown where there is evidence of significant administrative delays or errors / omissions by the employer or the administering authority. Any decision to allow an extension to transfer benefits will require the recommendation of the Chief Executive and the Leader of the council~~

R74 Adjudication

Each Scheme employer must appoint a person ("the adjudicator") to consider applications from any person whose rights or liabilities under the Scheme are affected by:

(a) a decision under regulation 72 (first instance decisions); or

(b) any other act or omission by a Scheme employer or administering authority,

and to make a decision on such applications.

Responsibility for determinations under this **first stage of the Internal Disputes Resolution** Procedure (IDRP) rests with "the adjudicator" as named below by the Scheme employer:

The Parish Council's 'Adjudicator's' details are:

Name: TBC
Job Title:
Full Address:
Post Code:
Tel No:
Fax No:
Email Address:

Regulation R100(6) –Transfers of Pension Rights into the LGPS

A request from an active member to transfer previously attained pension rights into the LGPS
must be made in writing to the administering authority and the Scheme employer before the expiry of the period of 12 months beginning with the date on which the employee first became an active member in an employment (or such longer period as the Scheme employer and administering authority may allow).

The policy of The Parish Council is:

~~That the 12 months deadline would not be extended, however, extenuating circumstances may apply and this may include one or more of the following:~~

~~Where evidence exists that an election was made within 12 months but the administering authority did not receive this~~

~~Where evidence exists that the member was not aware of the 12 month limit due to maladministration~~

~~Where there has been an administrative error on the part of the employer, its contractor, or the scheme administrator~~

~~Where one or all of the above exist the Chief Executive in conjunction with the Leader of the Council, may extend the period in question.~~

Or

That the authority will not normally extend the 12 month period to elect to retain separate benefits unless in exceptional circumstances.

Or

~~That the authority will only allow an extension to the 12-month period to transfer benefits where it can be reasonably shown where there is evidence of significant administrative delays or errors / omissions by the employer or the administering authority. Any decision to allow an extension to transfer benefits will require the recommendation of the Chief Executive and the Leader of the council~~

Councillor Members

Discretions to be exercised on and after 1 April 2014 in relation to active councillor members, councillor members who ceased active membership on or after 1 April 1998 and any other scheme members who ceased active membership between 1 April 1998 and 31 March 2008

Regulation 106 of the Local Government Pension Scheme Regulations 1997 Scheme employers are required to have a policy in relation to two specific discretions.

Whether to grant applications for the early payment of pension benefits on or after age 50 and before age 60 [regulation 31(2) of the LGPS Regulations 1997],

The policy of The Parish Council is:

~~That in some exceptional circumstances the authority will exercise the discretion. Consideration and approval of any case will be by the Chief Executive and the Leader of the council.~~

Or

That the Council will not generally, during its normal course of business ordinarily consider this discretion due to financial pressures it is currently facing, at a time when there is a need to make significant savings via the public sector spending revue.

and

Whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to benefits which are paid before age 65 [regulation 31(5) of the LGPS Regulations 1997]

The policy of The Parish Council is:

~~That in some exceptional circumstances the authority will exercise the discretion. Consideration and approval of any case will be by the Chief Executive and the Leader of the council.~~

Or

That the Council will not generally, during its normal course of business ordinarily consider this discretion due to financial pressures it is currently facing, at a time when there is a need to make significant savings via the public sector spending revue.