

Mandatory Employer Policies

Local Government Pension Scheme Regulations 2013

Regulation	Description	Discretion Application
16(2)(e), 16(4)(d), and 16(6)	Funding of additional pension contributions	<p>The total amount of additional annual pension that a member can accrue is £7,579 (2023/2024 value). The Council will fund a shared cost additional pension contributions (SCAPC) contract on an individual basis and only where there is a clear operational or financial advantage to be gained by the Council by doing so. Strike action will not be funded.</p> <p>This discretion does not relate to cases where a member has a period of authorised unpaid leave of absence and elects within 30 days of return to work (or such a longer period as the Scheme employer may allow) to start an SCAPC contract to cover the amount of pension 'lost' during that period of absence. These cases are covered by regulation 15(5) which states that the Scheme employer must contribute two thirds of the cost of these contracts.</p>
30(6)	Granting Flexible Retirement	<p>The Council can determine whether to allow an active member, who has attained the age of 55 or over, who reduces their working hours or grade, to receive immediate payment of all or part of their retirement pension to which the member is entitled to in respect of that employment, subject to an actuarial reduction.</p> <p>The Council has decided to allow flexible retirement, these will be reviewed on a case by case basis, ensuring the detailed merits and financial considerations have been taken into account.</p> <p>A member who has protections under the "85 year rule" could potentially have costs if the flexible retirement is allowed, however any actuarial reduction beyond the "85 year rule" will not be waived except in exceptional circumstances.</p>
30(8)	Waiving actuarial reduction	<p>The Council can determine whether to waive, in whole or in part, any reduction to a member's pension benefits as a result of a member who has not attained normal pension age but who has attained the age of 55 or over and has elected to receive immediate payment of a retirement pension, other than because of flexible retirement.</p> <p>Following Legal and HR advice, the Head of People Transactional Services, will only agree to the waiving</p>

		of an actuarial reduction in extreme circumstances where the application has been enforced on the member due to unforeseen circumstances or circumstances beyond their control
31	Award of additional pension	<p>The Council can determine whether to award additional pension up to a maximum of £7,579 (2023/24 value) to an active member or a member who was an active member who was dismissed by reason of redundancy, or business efficiency, or whose employment was terminated by mutual consent on grounds of business efficiency within 6 months of the date the member's employment ended.</p> <p>The Council will only award additional pension on an individual basis and only where there is a clear operational or financial advantage to be gained by the Council by doing so.</p>

Local Government Pension Scheme (Transitional Provisions and Savings and Amendment) Regulations 2014

Regulation	Description	Discretion Application
Schedule 2 paragraph 1(1)(c)	Applying the rule of 85	The Council may determine to 'Switch on' the 85 year rule protection, allowing a member to receive fully or partly unreduced benefits subject to the Council paying a strain cost to the Pension Fund

Non-Mandatory Employer Policies

Local Government Pension Scheme Regulations 2013

Regulation	Description	Discretion Application
9(1) & 9(3)	Determining the rate of employee's contributions	<p>The employee contribution band will only be reviewed each April.</p> <p>Contributions are payable on all pay received such as non-contractual overtime or additional hours. Reductions in pay due to sickness, child related leave etc. are ignored. The salary used to determine the band will be assessed by taking into account the pensionable pay received in the previous financial year, not taking into account any reductions to pay due to child related absence, or sick pay, and equating to a full year if starting employment during the financial year.</p>
22(7)(b)	Extension of time limit for deferred benefits to not be aggregated	For members who have more than one position running concurrently to another and cease one of those positions, the two periods of membership will be aggregated automatically, unless the member decides not to aggregate within 12 months of

	(concurrent employments)	position ending. The employing authority can determine to extend that 12 month time limit. Where a decision is required delegated authority is given to the Pensions Manager to take account on a case by case basis of the relevant circumstances whether or not the 12 month time limit is to be extended and that the decision is communicated in writing to the scheme member within one month of the decision made.
22(8)(b)	Extension of time limit for deferred benefits to not be aggregated (concurrent employments)	For members who joined the pension scheme after 31/03/2014 and have a previous period of membership in the LGPS, the two periods of membership will be aggregated automatically, unless the member decides not to aggregate within 12 months re-joining the LGPS. The employing authority can determine to extend that 12 month time limit. Where a decision is required delegated authority is given to the Pensions Manager to take account on a case by case basis of the relevant circumstances whether or not the 12 month time limit is to be extended and that the decision is communicated in writing to the scheme member within one month of the decision made.
91 to 93	Forfeiture of pension rights as a result of offences or misconduct	The Council may seek recovery of any loss it has suffered. The Council has determined that it will seek recover on an individual basis and only where there is a clear operational or financial advantage to be gained by the Council.
100(6)	Extension of time limit to accept a transfer value	A member has 12 months from joining the pension scheme when they commence employment to request that a transfer of pension rights from a previous pension scheme to the LGPS be investigated. An employing authority has the ability to extend that 12 month timeframe. Where discretion needs to be exercised it is determined on a case by case basis with authority given to the Pensions Manager.

Discretions in relation to the Local Government Pension Scheme (Benefits Membership and Contributions) Regulations 2007

Regulation	Description	Discretion Application
30(5)	Waiving an actuarial reduction to pension benefits being paid to a deferred member	The Council can determine whether to waive, in whole or in part, any reduction to a deferred member's pension benefits as a result of a member who has not attained normal pension age but who has attained the age of 55 or over and has elected to receive immediate payment of a retirement pension.

	on compassionate grounds	Following Legal and HR advice, the Head of People Transactional Services, will only agree to the waiving of an actuarial reduction in extreme circumstances where the application has been enforced on the member due to unforeseen circumstances or circumstances beyond their control.
30A(5)	Waiving an actuarial reduction to pension benefits being paid to a previously suspended tier three pensioner member on compassionate grounds	<p>The Council can determine whether to waive, in whole or in part, any reduction to a previously suspended tier three pensioner member's pension benefits as a result of a member who has not attained normal pension age but who has attained the age of 55 or over and has elected to receive immediate payment of a retirement pension.</p> <p>Following Legal and HR advice, the Head of People Transactional Services, will only agree to the waiving of an actuarial reduction in extreme circumstances where the application has been enforced on the member due to unforeseen circumstances or circumstances beyond their control.</p>

Discretions in relation to the Local Government Pension Scheme Regulations 1997 (The 1997 Pension Regulations) (some may continue to apply in relation to historical cases or councillors)

Regulation	Description	Discretion Application
31(5)	Waiving, on compassionate grounds, any actuarial reduction applying to a member's benefits that are paid before age 65.	<p>The Council can determine whether to waive, in whole or in part, any reduction to a deferred member's pension benefits as a result of a member who has not attained normal pension age but has elected to receive immediate payment of a retirement pension.</p> <p>Following Legal and HR advice, the Head of People Transactional Services, will only agree to the waiving of an actuarial reduction in extreme circumstances where the application has been enforced on the member due to unforeseen circumstances or circumstances beyond their control.</p>
31(7A)	Allowing an employee who opted out to receive their benefits from their normal retirement date	An employee who has opted out of the LGPS will only be entitled to a payment of benefits without reduction from normal retirement date where there is a clear operational or financial advantage to be gained by the Council by doing so.
34(1)(b)	Where a scheme member would be entitled to a pension or	The Council will choose the option that provides the member with the greatest benefits in the long term as long as this doesn't not cause undue costs to the Council.

	retirement grant under two or more regulations by reason of the same period of scheme membership, the employer can choose which benefit is to be paid if the member does not make a choice within 3 months of becoming entitled to elect	
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Discretions in relation to the Local Government Pension Scheme Regulations 1995

Regulation	Description	Discretion Application
D11(2)(c)	Whether to grant an application from a pre-1 April 1998 leaver for early payment of deferred benefits on or after age 55 on compassionate grounds	<p>The Council can determine whether to waive, in whole or in part, any reduction to a deferred member's pension benefits as a result of a member who has not attained normal pension age but has elected to receive immediate payment of a retirement pension.</p> <p>Following Legal and HR advice, the Head of People Transactional Services, will only agree to the waiving of an actuarial reduction in extreme circumstances where the application has been enforced on the member due to unforeseen circumstances or circumstances beyond their control.</p>

Discretions in relation to the Local Government (early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006

Regulation	Description	Discretion Application
5	Whether to increase statutory redundancy payments so that they are based on an actual weeks pay where this exceeds the statutory week's pay limit	The Council will; increase the minimum statutory redundancy payment by removing the weekly pay cap under the Employment Rights Act 1996 and basing the payment on the employee's actual weekly pay.

6	Whether to award lump sum compensation payments of up to 104 weeks' pay within six months of the termination date and where no additional benefits have been awarded under the LGPS	The Council does not apply this discretion.
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Discretions in relation to the Local Government (early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000

Regulation	Description	Discretion Application
17	Whether 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 whether or not they join the LGPS (unless the person is re-employed by an admitted body in which case it would only apply if they joined the LGPS).	Payment of the pension from the additional years of membership is suspended as they were meant as compensation for the reduced likelihood of gaining further employment. The remainder of the pension is subject to our abatement policy, taking into account the amount of pension already suspended from the added years.
19	How to reduce the member's annual compensatory added years payment following the cessation of a new employment in local government	Payment of the pension from the additional years of membership is suspended as they were meant as compensation for the reduced likelihood of gaining further employment. It is therefore not unreasonable to permanently reduce the pension from those additional years following re-employment. The additional pension can be ceased completely, or reduced by a proportion of the total. For example, the added years are reduced by the same proportion that the re-employment was of the period between the member's last day of employment and their

	whether or not they join the LGPS (unless the person was re-employed by an admitted body in which case it would only apply if they had joined the LGPS)	normal retirement age. For example, if the member was 55 when they retired from us, their normal retirement age was 65, they were awarded 6 2/3 years of additional membership, and the re-employment lasted 4 years, the additional years are reduced by 4/10 leaving 4 years of additional membership
21(4)	How to apportion any surviving spouse's, or civil partner's annual compensatory added years payment where the deceased person is survived by more than one such person	Following Legal and HR advice, the Head of People Transactional Services will make a decision on an individual basis, based on the merits of the case.
21(5)	If, under the following decision, (under 21(7)), your policy is to apply the normal suspension rules, whether the spouse's or civil partner's annual compensatory added years payment should be reinstated after the end of the remarriage, new civil partnership or cohabitation	Following Legal and HR advice, the Head of People Transactional Services will make a decision on an individual basis, based on the merits of the case.
21(7)	Whether, in respect of the spouse or civil partner of a person who ceased employment before 1 April 1998, the normal pension suspension rules	Following Legal and HR advice, the Head of People Transactional Services will make a decision on an individual basis, based on the merits of the case.

	<p>should be disapplied during a period of remarriage, new civil partnership or cohabitation after 1 April 1998 i.e. whether the spouse's or civil partner's annual compensatory added years payments should continue to be paid</p>	
21(7)	<p>Whether, 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 or cohabits or enters into a civil partnership on or after 1 April 1998 with another person who is also entitled to a spouse's or civil partner's annual compensatory added years payment, the normal rule requiring one of them to forego payment whilst the period of marriage, civil partnership or cohabitation lasts, should be disapplied i.e. whether the spouses' or civil</p>	<p>Following Legal and HR advice, the Head of People Transactional Services will make a decision on an individual basis, based on the merits of the case.</p>

	partners' annual compensatory added years payments should continue to be paid to both of them.	
25(2)	How you 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 a case, how the annual added years will be apportioned amongst the eligible children	Following Legal and HR advice, the Head of People Transactional Services will make a decision on an individual basis, based on the merits of the case.

Local Government Injury Regulations

Regulation	Description	Discretion Application
14 (Use of Injury legislation)	Whether you will adopt a discretionary injury benefit scheme under the Injury Regulations	The Council will not adopt an injury benefit scheme

Regulatory requirements As An Administering Authority

The Local Government Pension Scheme Regulations 2013

Where a member left after 31 March 2014 and their former employer has ceased to be a Scheme employer, exercise of the following discretions fall to the administering authority.

Regulation	Description	Discretion Application
30 (8)	The administering authority may waive in whole or	Following Legal and HR advice, the Head of People Transactional Services, will only agree to the waiving of an actuarial reduction in extreme circumstances where the application has been enforced on the

	<p>in part an actuarial reduction due for a member:</p> <ul style="list-style-type: none"> • who is allowed to take flexible retirement and is not protected by the 85 year rule • who having reached age 55 but not yet their normal retirement age and who is no longer working in the employment in relation to their accrued benefit selects to receive early payment of their benefits 	<p>member due to unforeseen circumstances or circumstances beyond their control.</p>
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The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014

Where a member left after 31 March 2014 and their former employer has ceased to be a Scheme employer, exercise of the following discretions fall to the administering authority.

Regulation	Description	Discretion Application
Schedule 2, paragraph 1(1)(c) (Application of the 85 year rule between age 55 & 60)	<p>To allow the rule of 85 to apply for members (who otherwise qualify for the rule) electing to take early payment of their pension on or after age 55 and before age 60 under regulation 30(5) of the Local Government Pension Scheme Regulations 2013. i.e. Use of the discretion waives the actuarial reduction that would otherwise arise. NB. This</p>	

	applies only to members who were members of the LGPS after 1 April 2014	
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The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007

Where a member left between 1 April 2008 and 31 March 2014 and their former employer has ceased to be a Scheme employer, exercise of the following discretions fall to the administering authority.

Regulation	Description	Discretion Application
30(5)	Whether to waive, on compassionate grounds, any actuarial reduction applying to a member's deferred benefits that are paid early.	Following Legal and HR advice, the Head of People Transactional Services, will only agree to the waiving of an actuarial reduction in extreme circumstances where the application has been enforced on the member due to unforeseen circumstances or circumstances beyond their control.
30A(5)	Whether to waive, on compassionate grounds, any actuarial reduction applying to a member's suspended tier 3 ill health pension benefits which are brought back into payment before age 65.	Following Legal and HR advice, the Head of People Transactional Services, will only agree to the waiving of an actuarial reduction in extreme circumstances where the application has been enforced on the member due to unforeseen circumstances or circumstances beyond their control.

The Local Government Pension Scheme (Administration) Regulations 2008

Where a member left between 1 April 2008 and 31 March 2014 and their former employer has ceased to be a Scheme employer, exercise of the following discretions fall to the administering authority.

70(1)	Whether to reduce, and by how much, a pension in respect of pre 1 April 2014 service upon reemployment	If the re-employment period began on or after 1 April 2014 the Fund will only abate a pension in payment if the pension awarded was a tier 1 ill health pension, or the pension was a deferred benefit put into payment on health grounds. The amount of pension that the member is receiving will be added to the annual amount of annual salary that they are receiving in the new employment and
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	with a Scheme employer	compared to the salary that was used to calculate their pension (adjusted for inflation). If the salary used in the calculation of the pension is the lower of the two amounts, the pension will be reduced by the difference or, if the difference is larger than the pension, ceased. The full pension will be reinstated at the cessation of the re-employment.
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The Local Government Pension Scheme Regulations 1997

Where a member left before 1 April 2008 and their former employer has ceased to be a Scheme employer, exercise of the following discretions fall to the administering authority.

Regulation	Description	Discretion Application
109 (1)	Whether to reduce, and by how much, a pension in respect of pre 1 April 2008 service upon reemployment with a Scheme employer	If the re-employment period began on or after 1 April 2014 the Fund will only abate a pension in payment if the pension awarded was an enhanced ill health pension, or the pension was a deferred benefit put into payment on health grounds. The amount of pension that the member is receiving will be added to the annual amount of annual salary that they are receiving in the new employment and compared to the salary that was used to calculate their pension (adjusted for inflation). If the salary used in the calculation of the pension is the lower of the two amounts, the pension will be reduced by the difference or, if the difference is larger than the pension, ceased. The full pension will be reinstated at the cessation of the re-employment.

The Local Government Pension Scheme (Information) Regulations 2024

Where a member satisfies the condition for receiving the McCloud Remedy uplift, the administering authority is allowed to exercise the following discretion.

Regulation	Description	Discretion Application
2(6)	Whether to delay the implementation of the McCloud Remedy until 31 August 2026	The Council has decided to apply the discretion to all members affected by the McCloud Remedy.