|  |  |
| --- | --- |
| **Employer** | Hartfield Parish Council  |

|  |  |
| --- | --- |
| **Date of Policy Statement** | **2/2/14** |
| **Date for Review** | **Approved 13/5/2019 To be reviewed May 2020** |

**Employing Authority Discretions Under the Local Government Pension Scheme Regulations 2007/2008 (As Amended)**

Each employing authority must prepare a written statement of its policy in relation to the exercise of its functions under regulations

* 12 (power of employing authority to increase total membership of active members),
* 13 (power of employing authority to award additional pension),
* 18 (flexible retirement) and
* 30 (choice of early payment of pension) and 30A (choice of payment of pension: pensioner member with deferred benefits) of the Benefits Regulations.

|  |  |  |
| --- | --- | --- |
| Regulation | Discretion | Employer’s Policy on the exercise of this discretion |

|  |
| --- |
| **The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 as amended** |
| 12 | Whether to augment membership of an active member (by up to 10 years) | ***Employer*** will not have a general policy to augment membership of an active member by up to 10 years but may decide to do so where a sound business case can be made for exercising this discretion. Each case will be considered on its individual merits. |
| 13 | Whether to grant additional pension to a member (by up to £5,000 p.a.) | ***Employer*** will not have a general policy to grant additional pension to a member (by up to £5,000 p.a.) but may consider doing so where a sound business case can be made for exercising this discretion. Each case will be considered on its individual merits. |
| 18(1) | Whether all or some benefits can be paid if an employee reduces their hours or grade after reaching age 55 (flexible retirement) | ***Employer*** will not have a general policy of exercising this discretion but may do so where a sound business case can be made for granting flexible retirement with immediate access to all or part of the member’s benefits. ***Employer*** will consider requests on a case by case basis.  |
| 18(3) | Whether to waive, in whole or in part, any actuarial reduction on benefits paid on flexible retirement. | ***Employer*** will not waive, in whole or in part, the actuarial reduction on the benefits paid on flexible retirement.. |
| 30(2) | Whether to grant application for early payment of benefits on or after age 50/55 and before age 60. | ***Employer*** will not have a general policy of granting early payment of benefits on or after age 50/55 and before age 60 but will consider requests on a case by case basis. ***Employer*** may exercise this discretion where a sound business case can be made for doing so or where other exceptional circumstances arise that make payment of those benefits justifiable. |
| 30(5) | Whether to waive, on compassionate grounds, the actuarial reduction on benefits paid early. | ***Employer*** will not generally waive the actuarial reduction applied to benefits paid early under regulation B30(2) above. ***Employer*** may consider waiving the actuarial reduction where exercising that discretion can be justified in terms of the sound businesses case made for initially paying those benefits or where other exceptional circumstances arise that make payment of those benefits justifiable. Each case will be considered on its individual merits. |
| 30A(3) | Whether to grant application for early payment of benefits to a former member on or after age 50/55 and before age 60. | ***Employer*** will not have a general policy of granting early payment of benefits on or after age 50/55 and before age 60 but will consider requests on a case by case basis. ***Employer*** may exercise this discretion where a sound business case can be made for doing so or where other exceptional circumstances arise that make payment of those benefits justifiable. |
| 30A(5) | Whether to waive, on compassionate grounds, the actuarial reduction on benefits paid early. | ***Employer*** will not generally waive the actuarial reduction applied to benefits paid early under regulation B30A(5) above. ***Employer*** may consider waiving the actuarial reduction where exercising that discretion can be justified in terms of the sound businesses case made for initially paying those benefits or where other exceptional circumstances arise that make payment of those benefits justifiable. Each case will be considered on its individual merits. |

|  |
| --- |
| **The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006** |
| Each employing authority must formulate, publish and keep under review the policy that they apply in the exercise of their discretionary powers under regulations 5 and 6. |
| 5 | Gives a power to increase a redundancy payment made under the Employment Rights Act 1996. | ***Employer*** will not generally increase statutory redundancy payments above statutory weekly pay limit. |
| 6 | Allows an employer to award compensation in the form of a lump sum of an amount that must not exceed 104 weeks' pay. The regulation sets out the basis for calculating a week's pay for an individual. | ***Employer*** will not generally award up to 104 weeks compensation instead of compensatory added years. |

|  |
| --- |
| **the Local Government (Discretionary Payments)(Injury Allowances) Regulations 2011** |
| 14 | An LGPS employer must formulate, publish and keep under review the policy that it applies in the exercise of its discretionary powers to make any award under these Regulations. | ***Employer*** will not exercise this discretion. |
| *The above Regulation does not apply to Admitted Bodies* |

Whilst employers are not required to have a policy statement under the regulations for the following discretions they may wish to take them into consideration during this exercise.

|  |
| --- |
| **The Local Government Pension Scheme (Administration) Regulations 2008 as amended** |
| 16(4)(ii) | Whether to extend the 12 month option period for aggregation of deferred benefits. | ***Employer*** will not generally extend the normal time limit for aggregation of deferred benefits beyond 12 months from joining the scheme but may do so where exceptional circumstances can be proved. In any event the maximum extension will be a period of two years from the member’s date of joining the scheme. Each case will be considered on its individual merits. |
| 83(8) | Whether to extend the normal time limit for acceptance of a transfer value beyond 12 months from joining the LGPS. | ***Employer*** will not generally extend the normal time limit for acceptance of a transfer value beyond 12 months from joining the scheme but may do so where exceptional circumstances can be proved. In any event the maximum extension will be a period of two years from the member’s date of joining the scheme. Each case will be considered on its individual merits. |