

**Current Discretionary Policies approved 2014 to be reviewed**

Local Government Pension Scheme, (LGPS), Regulations Policy statement on all eligible employees Under Regulation 60 of the LGPS Regulations 2013, (as amended), each scheme employer must publish and keep under review a Statement of Policy to explain how it will apply certain discretions allowed under the Pensions Regulations. This statement is applicable to all employees of Melton Borough Council who are eligible to be members of the LGPS.

There is a requirement to publish the following five policies

**1. LGPS Regulations - Regulation 31: Power of employer to award additional pension**

<p><b>Explanation</b> An employer may resolve to award a member additional pension of not more than £6,822 (figure as at 1 April 2018) a year within 6 months of leaving to a member whose employment was terminated on the grounds of redundancy or business efficiency.</p>	<p><b>Council Policy</b> The Council will not normally agree to award an additional pension under this regulation.</p> <p><b>Proposed Policy</b> No change</p>
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**2. LGPS Regulations 2013 - Regulation 16(2)(e) and 16(4)(d) : Funding of additional pension contributions (shared cost):**

<p><b>Explanation</b> An active member in the main section of the scheme who is paying contributions may enter into arrangements to pay additional pension contributions (APCs) by regular contributions or a lump sum.  Such costs may be funded in whole or in part by the member's Scheme employer.  The employer will need to determine a policy on whether it will make a contribution towards the purchase of extra pension.  This does <b>not</b> relate to cases where a member has a period of authorised unpaid leave of absence and elects within 30 days of return to work to pay a</p>	<p><b>Council Policy</b> The Council has not adopted this discretion.</p> <p><b>Proposed Policy</b> No change</p>
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shared cost APC to cover the amount of pension “lost” during that period of absence. In these cases the employer <u>MUST</u> contribute 2/3rds of the cost (Regulation 15(5) of the LGPS Regulations 2013.	
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**3. LGPS Regulations 2013 - Regulation 30 (6): Flexible Retirement**

<p><b>Explanation</b>  An active member who has attained the age of 55 or over who reduces working hours or grade of an employment may, with the Scheme employer’s consent, elect to receive immediate payment of all or part of the retirement pension to which that member would be entitled in respect of that employment if that member were not 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.</p> <p>As an employer you need to determine the conditions under which you would approve a flexible retirement taking place.</p>	<p><b>Council Policy</b>  The Council has decided that each case will be considered on its merits and in particular the financial implications for the Council. The Council’s normal approach will be that any flexible retirement must be at no cost to the Council. Final decision delegated to Head of Communications in consultation with Head of Financial Services</p> <p><b>Proposed Policy</b>  Amend delegation to:  Final decision delegated to Director for Corporate Services in consultation with HR and Communications Manager</p>
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**4. LGPS Regulations 2013 - Regulation (paragraph 1(1)( c) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014): Switching on rule of 85**

<p><b>Explanation</b>  A member who has not attained normal pension age but who has attained the age of 55 or over, may elect to receive immediate payment of a retirement pension in relation to an employment if that member is not an employee in local government service in that employment, reduced by the amount shown as</p>	<p><b>Council Policy</b>  The Council will not apply either discretion, unless there is a business case to support this as an alternative to a redundancy situation. Final decision delegated to Head of Communications in consultation with Head of Financial Services</p>
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<p>appropriate in actuarial guidance issued by the Secretary of State.</p> <p>In these circumstances (other than flexible retirement) the 85 year rule does not automatically apply to members who would otherwise be subject to it who choose to voluntarily draw their benefits on or after age 55 and before 60.</p> <p>The employer has the discretion to “switch on” the 85 year rule for such member (paragraph 1(1)( c) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014.</p> <p>If the employer does agree to switch back on the rule of 85, the cost of any strain on the fund resulting from the payment of benefits before age 60 would have to be met by the employer.</p>	<p><b>Proposed Policy</b></p> <p>Amend delegation to:</p> <p>Final decision delegated to Director for Corporate Services in consultation with HR and Communications Manager</p>
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**5. LGPS Regulations 2013 - Regulation (paragraph 2(1) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014): Waiving of actuarial reduction**

<p><b>Explanation</b></p> <p>An employer has the discretion, under a number of retirement scenarios, to waive actuarial reductions on compassionate grounds.</p> <p>The cost of which would fall upon the employer.</p> <p>n.b. “Compassionate grounds” is not defined in the regulations</p>	<p><b>Council Policy</b></p> <p>The Council will not apply this discretion, unless there are exceptional circumstances</p> <p>The Chief Executive in consultation with the Head of Communications and the Head of Central Services will consider and may approve any cases as long at the cost if no more than £5k per individual. Policy , Finance and Administration Committee will consider any cases in excess of £5k cost and will decide whether the actuarial reductions should be waived unless prior delegation has been given as part of a wider restructuring programme. In all cases the financial position of the County Council must be considered.</p>
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	<p><b>Proposed Policy</b></p> <p>The Chief Executive in consultation with the Director for Corporate Services will consider and may approve any cases as long as the cost is no more than £5k per individual. Corporate Committee will consider any cases in excess of £5k cost and will decide whether the actuarial reductions should be waived unless prior delegation has been given as part of a wider restructuring programme. In all cases the financial position of the Council must be considered.</p>
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There are a number of other discretions which Scheme employers may exercise under the LGPS Regulations 2013, whilst there is no requirement to have a written policy in respect of these there are another five in respect of which it would perhaps be appropriate for Scheme employers to have a written policy in order that members can be clear on these matters

**1. LGPS Regulations 2013 – Regulation 17 - Shared Cost Additional Voluntary Contribution Facility**

<p><b>Explanation</b></p> <p>This discretion allows the Employer to maintain and contribute to an employee's Additional Voluntary Contribution Scheme.</p>	<p><b>Current Policy</b></p> <p>The Council has not adopted this discretion.</p> <p>This will not have any effect on the existing AVC facility available where the employee only is able to make such contributions.</p> <p><b>Proposed Policy</b></p> <p>No change</p>
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**2. LGPS Regulations 2013 - Regulation 100 (6) – election to transfer within 12 months**

<p><b>Explanation</b></p> <p>This discretion allows the Employer extend the 12 month limit a member has in which to elect to transfer other pension rights into the LGPS. This has to be with the agreement of the Administering Authority</p>	<p><b>Council Policy</b></p> <p>The Council adopts the policy of the Administering Authority will not normally allow an extension of the 12 month limit</p> <p>Extenuating circumstances may apply and this would include</p> <ul style="list-style-type: none"> <li>• Where evidence exists that an election was made within 12 months but his was not received by the administering authority</li> <li>• Where evidence exists that the member was not aware of the 12 month limit due to maladministration</li> </ul> <p><b>Proposed Policy</b></p> <p>No change</p>
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**3. LGPS Regulations 2013 - Regulation 22 (7) and (8) – election to aggregate within 12 months of commencement**

<p><b>Explanation</b></p> <p>This discretion allows the Employer to extend the 12 month time limit a member has within which they must elect not to have deferred benefits aggregated with their new LGPS employment</p>	<p><b>Council Policy</b></p> <p>The Council will not normally extend this 12 month time limit</p> <p>Extenuating circumstances may apply and this would include</p> <ul style="list-style-type: none"> <li>• Where evidence exists that an election was made within 12 months but his was not received by the administering authority</li> <li>• Where evidence exists that the member was not aware of the 12 month limit due to maladministration</li> </ul> <p><b>Proposed Policy</b></p> <p>No change</p>
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#### 4. LGPS Regulations 2013 - Regulation 9 – allocation of contribution band

<p><b>Explanation</b></p> <p>This discretion allows the Employer to determine which contribution band is allocated on joining the scheme and at each April. It also determines the circumstances when an employee's band may be reviewed.</p>	<p><b>Council Policy</b></p> <ul style="list-style-type: none"><li>• Base pay on actual pay in April plus previous years overtime</li><li>• Re-band on all <u>contractual</u> changes, but not ad hoc hours changes and re-band upon a pay award.</li></ul> <p><b>Proposed Policy</b></p> <p>No change</p>
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#### 5. LGPS Regulations 2013 - Regulation 21 – assumed pensionable pay

<p><b>Explanation</b></p> <p>This discretion allows the Employer to determine whether to include in the calculation of assumed pensionable pay the amount of any "regular lump sum payment".</p> <p>This is in cases where an employee's pay needs to be calculated where their pay has been reduced due to certain absences in order that they are not unduly advantaged or disadvantaged.</p>	<p><b>Council Policy</b></p> <p>To determine in individual cases where necessary to establish in a fair, equitable and justifiable way what the members likely pay would have been but for the absence, and in cases where this pay is to be used for future enhancements whether that level of pay would have been received every year to normal retirement age.</p> <p><b>Proposed Policy</b></p> <p>No change</p>
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#### New Discretionary Policies to agree

#### LGPS Benefits Regulations – Early payment of retirement benefits at a former member's request.

- Election for early payment of deferred benefits at age 55 for leavers before 1 April 1998
- Election for early payment of deferred benefits from age 55 for leavers between 1 April 1998 and 31 March 2008

- Election for early payment of deferred benefits from age 55 for leavers between 1 April 2008 and 31 March 2014

**1. Additional new decision required to cover situations where former employees seek unreduced pension on the grounds of compassion**

Explanation	Proposed Policy
<p>Where the former member elects for voluntary early retirement before their normal pension age (NPA), the deferred benefits will be reduced for early payment.</p> <p>The scheme employer may, in respect of deferred members who can under the relevant regulations (details above) voluntarily draw their benefits on or (if regulations allow) after age 55 and prior to NPA, choose to waive on the grounds of compassion any reduction for early payment.</p> <p>The cost of which would fall upon the employer.</p> <p>n.b. "Compassionate grounds" is not defined in the regulations</p>	<p>In relation to waiving any reduction which may apply on compassionate grounds, the policy is that:</p> <p>The Council will not apply this discretion, unless there are exceptional circumstances.</p> <p>The Director for Corporate Services in consultation with HR and communications Manager will consider any cases and will decide whether the actuarial reductions should be waived. In all cases the financial position of the Council must be considered.</p>

**2. Additional new decision required to cover former members who left after 1 April 1998 but before 31 March 2014 regarding Switching on 'Rule of 85'**

Explanation	Proposed Policy
<p>A former member who has not attained normal pension age (NPA) but who has</p>	<p>In relation to early retirements with employer's consent, policy on 'Switching</p>

attained the age of 55 or over, may elect to receive immediate payment of a retirement pension in relation to an employment if that member is not an employee in local government service in that employment, reduced by the amount shown as appropriate in actuarial guidance issued by the Secretary of State.

In these circumstances (other than flexible retirement) the 85 year rule does not automatically apply to members who would otherwise be subject to it who choose to voluntarily draw their benefits on or after age 55 and before NPA.

The employer has the discretion to "switch on" the 85 year rule for such a member.

If the employer does agree to switch back on the rule of 85, the cost of any strain on the fund resulting from the payment of benefits before NPA would have to be met by the employer.

on Rule of 85' is that:

The Council will not apply this discretion.