

This policy statement is the Council’s approach to the scheme changes that came into effect from 1 April 2014 and the Early Retirement options, including reference to the discretions available to employing authorities under the relevant statutory provisions. All Local Authorities are required to act with prudence and propriety in respect of early retirement and pensions issues and this policy will be applied in order to ensure:-

- Fairness and equity;
- Ensure that organisational change is implemented fairly and consistently;
- Take action to minimise the need for compulsory redundancy;
- Consult with trade unions at the earliest opportunity.

This policy statement does not confer contractual rights and the Council retains the right to review and amend the policy at any time. It should be noted that only the policy, which is current, is relevant at that time and is applied to employees who benefit from any decision.

The Local Government Pension Scheme Regulations 2013

Discretion	Regulation	April 2014 decision	Comments
Whether, how much, and in what circumstances to contribute to a shared cost additional pension contribution (APC) scheme	16 (2)(e) & 16 (4)(d)	The Council will not contribute to a shared cost APC scheme	Excluding where a member chooses, within 30 days of their return to work, to purchase pension relating to a period of authorised leave of absence
Whether to waive, in whole or in part actuarial reduction on benefits on flexible retirement	30 (8)	On completion of a Directorate business case the Council can waive whole or part, actuarial reduction on benefits paid on flexible retirement, where the business case can show that the service can offset any costs else where, or, as an alternative to redundancy	
Whether to waive, in whole or in part actuarial reduction on benefits which a member voluntarily draws before normal pension age (NPA)	30 (8)	The Council will not waive in whole or in part actuarial reduction where a member voluntarily draws benefits before NPA	

Discretion	Regulation	April 2014 decision	Comments
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(up to £6,500 pa)	31	The Council will not grant additional pension to active members or within 6 months of ending employment by reason of redundancy or business efficiency	Please note the £6,500.00 p.a. limit includes any pension purchased by ARC's under LGPS 2008
To whom to offer membership of the LGPS (designated bodies)	3 (1)(b) Schedule 2, part 2	Membership of other eligible bodies that we offer membership to: A person is an employee of the governing body a) Voluntary Aided school b) Foundation school maintained by the Education Authority	This only applies to Designation bodies such as Town and Parish Councils
Which employees to designate for membership (admission bodies)	3 (1)(b) & 4 (2)(b)	1) Community Admissions Bodies – Transferee admission body must designate in the admission agreement all eligible employees 2) Allow membership of eligible employees, where they have access to the National Health Service Pension scheme if by reason of employment is a Care Trust	This only applies to Community Admission Bodies and Transferee Bodies
Whether, in respect of an admission body providing a service of outsourced work, to set off against payments due to that body any sums due from that body to the fund	Schedule 2, Part 3, para 12 (c)	All such decision are determined during the evaluation of the scheme actuaries report and admitted body status risk review	
Determine rate of employees contributions	9 (1) & 9 (3)	Pensionable earnings related bands would be increased as notified and assessed at the 1st April each year and on commencement of employment, Auto Enrolment date or material change. Employees will be notified of contribution rate by letter and on the pay statement. Full details of pensionable pay elements and Bands are published on the Council's intranet site	Employers continue to have the discretion as to how and when they allocate/re-allocate a member to a contribution band

Discretion	Regulation	April 2014 decision	Comments
Whether, how much, and in what circumstances to contribute to a shared cost AVC arrangements entered into on or after 1 April 2014	17 (1) & definition of SCAVC in schedule 1	The Council will not contribute to a shared cost AVC scheme	
No right to return of contributions if member left due to offence of a fraudulent character or grave misconduct unless employer directs a total or partial refund is to be made	19 (2)	Where it has been found that an employee has committed an offence of a fraudulent character or grave misconduct against the Council there will be no right of return unless a decision is made to allow a total or partial refund	
Specify in an employees contract what other payments or benefits other than those specified in reg 20 (1)(a) and not otherwise precluded by reg 20(2), are to be pensionable	20 (1)(b)	All payments and benefits which are to be included in pensionable pay will be specified and published on Inform the Council Intranet site - Inform	This allows an employer to specify in a contract that certain emoluments (i.e. benefits in kind) are pensionable – as long as they are not precluded by Reg 20(2).
In determining assumed pensionable pay(APP), whether a lump sum payment made in the previous 12 months is a “regular lump sum”	21 (5)	Any Lump Sum payment made in the previous 12 months may be included in determining APP, if the lump sum would have been regarded as a regular payment	For example, if a member normally receives a pensionable lump sum payment and they are absent, then an employer can “assume” that this payment would have been made if the member had been at work. Therefore can be included in the calculation of the members Assumed Pensionable Pay
Whether to extend the 12 month option period for a member to elect that deferred benefits should not be aggregated with new employment	22 (8)(b)	Allow aggregation of period of deferred past the 12 month period from becoming an active member	
Determine whether person in receipt of Tier 3 Ill Health pension has started gainful employment	37 (3) & (4)	The Council will review the Tier 3 pension at 18 months and 3 years to determine whether the person has started gainful employment	Gainful employment means paid employment for not less than 30 hours per week for a period of not less than 12 months

Discretion	Regulation	April 2014 decision	Comments
Whether to recover any overpaid Tier 3 pension following commencement of gainful employment	37 (3)	The Council will make every effort to recover overpaid Tier 3 pensions	
Decide whether deferred beneficiary meets criteria of being permanently incapable of former job because of Ill Health and is unlikely to be capable of undertaking gainful employment before NPA or at least 3 years, whichever is the sooner	38 (3)	On application to Occupational Health and referral to a Independent Registered Medical Practitioner(IRMP) subject to that decision then deferred benefits may be awarded	
Decide whether suspended Ill Health tier 3 member is unlikely to be capable of gainful employment before NRA because of Ill Health	38 (6)	On application to Occupational Health and referral to a Independent registered medical practitioner (IRMP),subject to that decision, whether the member is unlikely to be capable of gainful employment	
Whether to apply to Secretary of State for forfeiture certificate where member is convicted of a relevant offence	91 (1) & (8)	Consider on a case by case basis prior to applying for forfeiture certificate where the employee has been convicted of a relevant offence	
Where a forfeiture certificate is issued whether to direct that benefits are to be forfeited (see R95)	91 (4)	The Council will direct that benefits are to be forfeited on a case by case basis on its own merit	
Where a forfeiture certificate is issued, whether to direct interim payments out of the Fund until a decision is taken to either apply certificate or pay benefits	92 (1) & (2)	The Council will direct the interim payment process on a case by case basis on its own merit	
Whether to recover from Fund any monetary obligation or if less the value of member benefit (other than transferred pension, APC, AVC, subject to	93 (2)	Allow recovery from fund the monetary obligation due to the fraudulent act on a case by case basis on its own merit	

R95 GMP) where it is grave misconduct, criminal negligent, fraud, employment and the employee has left the authority			
Whether a member has committed treason etc under official secrets act forfeiture should include the spouse or civil partner and any GMP	95	Allow transfer from fund the monetary obligation due to the fraudulent act including spouse or civil partner and any GMP value on a case by case basis	
Agree any Bulk Transfer	98 (1)(b)	Allow a bulk transfer arrangement in cases of transfer of undertaking	
Extend normal time for acceptance of a transfer cost where more than one employing authority is involved	100 (68)	Allow extension of transfer cost by an additional 12 months	

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

Discretion	Regulation	April 2014 decision	Comments
Whether all or some benefits can be paid if an employee reduces their hours or grade (flexible retirement)	11 (2)	On completion of a Directorate business case the Council can waive whole or part, actuarial reduction on benefits paid on flexible retirement, where the business case can show that the service can offset any costs else where or as an alternative to redundancy	
Whether to switch on the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60	Schedule 2, para 2(2)	The 85 year rule will not be switched on where benefits are taken on or after age 55 and before age 60	Switching on the 85 year rule means that there will be a financial strain payable by the employer

Discretion	Regulation	April 2014 decision	Comments
<p>Whether to waive on compassionate grounds the actuarial reduction applied to benefits from pre April 2014 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</p>	<p>Schedule 2 para 2(3)</p>	<p>The 85 year rule will not be switched on where benefits are taken on or after age 55 and before age 60 and will not be waived on compassionate grounds</p>	
<p>Whether to waive, any actuarial reduction on pre and/or post April 2014 benefits</p>	<p>3(1), Schedule 2, paras 2(1) and 2(2),</p>	<p>The Council will not waive actuarial reductions on pre or post April 2014 benefits</p> <p>Approval will not be given to waiver in whole or part of any actuarial reduction which applies to any deferred benefits</p>	
<p>Whether, how much, and in what circumstances to contribute to a shared cost AVC arrangements entered into before 1 April 2014</p>	<p>15 (1)(d)</p>	<p>Contribution to a shared cost AVC will not be applied</p>	<p>Members who first elected to pay AVCs before 13 November 2001 retained the right to convert their AVC fund to scheme membership</p>
<p>Allow late application to convert scheme AVC's into membership credit i.e. allow applications more than 30 days after cessation of</p>	<p>15 (1)(b)</p>	<p>Late application will not be allowed</p>	

active membership (where AVC arrangements was entered into before 13 November 2001)			
Whether to use a certificate produced by an IRMP under the 2008 scheme for the purposes of making an Ill Health determination under the 2014 scheme	12 (6)	The IRMP must produce a certificate for all Ill Health applications under the 2014 scheme	
Whether to allow a member to select final pay period for fees to be 3 consecutive years ending 31 st March in the 10 years prior to leaving	3(6), 4(6)(c), 8(4), 10(2)(a), 17(2)(b)	Members can select the final pay period for fees of any three consecutive years ending 31 March in any 10 year period	In regard to fee based positions, such as Returning Officer

THE LOCAL GOVERNMENT PENSION SCHEME (ADMINISTRATION) REGULATIONS 2008

Discretion	Regulation	Current decision	Comments
Discretions for member who cease active membership after April 2008 and before April 2014			
No right to return contributions due to offence of fraud or grave misconduct unless a partial refund is to be made	47 (2)	Where it has been found that an employee has committed an offence of a fraud or grave misconduct against the Council will be directed back to the Council	

Discretion	Regulation	Current decision	Comments
CEP in excess of the certified amount recovered from a refund can be recovered from the Fund	49 (1) & (2)	Allow Pension fund to retain sum recovered in excess of the CA	
Whether to apply to Secretary of State for forfeiture certificate where member is convicted of a relevant offence	72 (1) & (6)	Allow option to request a forfeiture certificate following conviction of employment-related offences	
Where a forfeiture certificate is issued whether to direct that benefits are to be forfeited	72 (3)	Where it has been found that an employee has committed an offence of a fraud or grave misconduct against the Council will be directed back to the Council	
Where a forfeiture certificate is issued, whether to direct interim payments out of the Fund until a decision is taken to either apply certificate or pay benefits	73 (1) & (2)	Not apply the an interim payment process	
Where to recover from Fund any monetary obligation or if less the value of member benefit (other than transferred pension, APC, AVC) where it is grave misconduct, criminal negligent, fraud, employment	74 (2)	Allow recovery from fund the monetary obligation due to the fraudulent act	

and the employee has left the authority			
Whether to recover from fund financial loss by fraud or grave misconduct where the employee has left because of that or amount of refund of less	76 (2) & (3)	Allow transfer from fund the monetary obligation due to the fraudulent act	

THE LOCAL GOVERNMENT PENSION SCHEME (BENEFITS, MEMBERSHIP AND CONTRIBUTIONS) REGULATIONS 2007

Discretion	Current Regulation	Current decision	Comments
Discretions for member who cease active membership after April 2008 and before April 2014			
Whether to waive, any actuarial reduction on pre and/or post April 2014 benefits	<p>30 (2) To grant member elections received in writing for the early release of deferred benefits on or after age 55 and before age 60 on compassionate grounds.</p> <p>Any ex member can seek employer consent to receive an immediate payment of accrued pension</p>	<p>Approval will only be given on compassionate grounds which meets strict criteria.</p> <p>Approval will not be given to waiver in whole or part of any actuarial reduction which applies to any deferred benefits</p> <p>Financial hardship alone is not deemed sufficient grounds for early release of deferred benefits</p> <p>An application will only be considered where an ex member has given up paid employment to care for a disabled or ill dependant, who is the sole carer of the dependant person and where reasonable support is not available</p>	

	benefits and to waive actuarial reduction		
Whether for a member leaving on the grounds of redundancy, efficiency on or before 31st March 2014 to augment membership (upto10 years). Made with 6 months of date of leaving this means the resolution will be spent by 30th September 2014	12	Employers option to increase benefits Awards of Service On completion of a Directorate business case a maximum of 5 years membership in the Local Government Pension scheme where the reason is 1) Recruitment from the private sector 2) Early retirement due to Redundancy 3) Early Retirement on the grounds of efficiency retirement 4) Under an exit strategy 5) Under a Retention strategy *Agree method of administration with ECC	
Whether to grant early payment of deferred benefits after age 55 before age 60	30&19	Approve payment of early payment of Pension Benefit 1)Retirement on the grounds of efficiency of service at age 50 up to 31 March 2010 then age 55 from 1 April 2010 or new joiners from 1 April 2008 due to the business requirements of the service and the individual's capacity to meet those requirements 2)Retirement on the grounds of Redundancy where staff are age 50 up to 31 March 2010 then age 55 from 1 April 2010 or new joiners from 1 April 2008 The Council adopt the following criteria for the implementation of the "85 year" rule	

Discretion	Current Regulation	Current decision	Comments
Waive on compassionate grounds the actuarial reduction on deferred benefits	30(5)	<p>On compassionate grounds where it is the Council's best interest.</p> <ul style="list-style-type: none"> Where, an employee with 25 years Thurrock service (including Essex County Council Statutory Transfer Order), and is aged 55 or over <p>The '85' year rule is being consulted on by DCLG regarding the tapered protection arrangements. Currently certain staff are protected to 2016 and it was the intention of CLG to extend this to 2020</p>	
Grant early payment of suspended Tier3 pension after age 55 before age 60		On application to Occupational Health and referral to a Independent registered medical practitioner subject to that decision then deferred benefits may be awarded	
Whether deferred beneficiary meets Ill Health rules	31	On application to Occupational Health and referral to a Independent registered medical practitioner subject to that decision then deferred benefits may be awarded	
Whether a suspended Ill Health Tier 3 is unable of gainful employment		On application to Occupational Health and referral to a Independent registered medical practitioner subject to that decision then deferred benefits may be awarded	

THE LOCAL GOVERNMENT PENSION SCHEME (TRANSITIONAL PROVISIONS) REGULATIONS 2008

Discretion	Current Regulation	Current decision	Comment
Discretions for member who cease active membership after April 2008 and before April 2014			
Allow late application to convert scheme AVC's into membership i.e. allow more than 30days after cessation of active membership	sch1 & 66(8) & former 66(9)(b)	Not applied	
To accept elections after 31.3.1998 from members who want to count membership between 1.4.1972 and 5.4.1988 for widowers pension	6	Agreed	

THE LOCAL GOVERNMENT PENSION SCHEME REGULATIONS 1997(as amended)

Discretion	Regulation	April 2014 decision	Comment
Discretions for member who cease active membership after April 2008 and before April 2014			
Waive, on compassionate grounds, the actuarial reduction applied to benefits	31(2) & (5)	Application received from deferred members will only be considered on or after the age of 55 following an HMRC ruling. Approval will only be given on compassionate	

<p>paid early for a post 31st March 1998 / pre 1st April 2008. Leaver.</p>		<p>grounds which meets strict criteria.</p> <p>Approval will not be given to waiver in whole or part of any actuarial reduction which applies to any deferred benefits Financial hardship alone is not deemed sufficient grounds for early release of deferred benefits</p> <p>An application will only be considered where an ex member has given up paid employment to care for a disabled or ill dependant, who is the sole carer of the dependant person and where reasonable support is not available</p>	
<p>Allow late application to convert scheme AVC's into membership credit i.e. allow applications more than 30 days after cessation of active membership (where AVC arrangements was entered into before 13 November 2001</p>	<p>66 (8) & former 66 (9)(b)</p>		<p>Members who first elected to pay AVCs before 13 November 2001 retained the right to convert their AVC fund to scheme membership</p>
<p>Allow late application to convert scheme AVC's into membership i.e. allow more than 30days after cessation of active membership</p>	<p>66 (8) & former 66 (9)(b)</p>		

THE LOCAL GOVERNMENT (EARLY TERMINATION OF EMPLOYMENT) (DISCRETIONARY COMPENSATION) (ENGLAND AND WALES) REGULATIONS 2006

Under Regulation 7 of the Discretionary Compensation Regulations, each authority (other than an Admitted Body) is required to formulate and keep under review a policy which applies in respect of exercising their discretion in relation to:

Discretion	Regulation	April 2014 decision	Comment
Redundancy payments to be based on actual weeks pay where this exceeds the statutory weeks pay	5	Actual weeks contractual pay (not pensionable pay)	
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	6	<p>A maximum lump sum of 66 weeks severance where the sum exceeds £30,000 the difference will be paid at 50% inclusive of statutory redundancy pay in the case of</p> <ol style="list-style-type: none"> 1) Redundancy under the age of 55 2) Redundancy at any age if the employee is not a member of the LGPS <p>Full details of how severance is calculated will be published on the Termination Policy</p>	

Note: '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.

Discretions under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 (as amended)

Under Regulation 26 of the Discretionary Compensation Regulations, each authority (other than an Admitted Body) is required to formulate and keep under review a policy which applies in respect of exercising their discretion in relation to:

Discretion	Regulation	April 2014 decision	Comment
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 spouse or civil partner	21(4)	Decision on case by case basis following application of survivors spouse or civil partner	
Discretion	Regulation	April 2014 decision	Comment
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 a case, how the annual added years will be apportioned amongst the eligible children	25(2)	Not applicable – no annual compensatory added years paid if the employee was not a member of the LGPS.	

<p>Whether, in respect of the spouse 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, the normal pension suspension rules should be disapplied i.e. whether the spouse's or civil partner's annual compensatory added years payments should continue to be paid</p>	<p>21(7)</p>	<p>Decision on case by case basis following application of survivors spouse or civil partner</p>	
<p>If, under the preceding decision, the authority's 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</p>	<p>21(5)</p>	<p>Not applied</p>	

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	17	Not applied i.e., no reduction	
How to reduce the member's annual compensatory added years payment following the cessation of a period of re-employment in local government	19	Not applied i.e., no reduction	

Discretions under the Local Government (Discretionary Payments) Regulations 1996 (as amended)

Discretion	Regulation	April 2014 decision	Comment
Amount of injury allowance following loss of employment through permanent incapacity after sustaining an injury or contracting a disease as a result of anything required to do in carrying out duties of job.	34(2) and 38	No scheme will be adopted	
Suspend or discontinue injury allowance if person becomes capable of working again	34(4)	No scheme will be adopted	

Amount of injury allowance following reduction in pay after sustaining an injury or contracting a disease as a result of anything required to do in carrying out duties of job	35(3) and 38	No scheme will be adopted	
Amount and duration of injury allowance following cessation of employment where reg 35 payment was being made but reg 34 does not apply.	36	No scheme will be adopted	
Amount and duration of a dependant's, spouse's or civil partner's injury allowance following death of employee after sustaining an injury or contracting a disease as a result of anything required to do in carrying out duties of job.	37(3), 37(6) and 38	No scheme will be adopted	
Reinstate spouse's or civil partner's injury allowance following earlier cessation due to cohabitation, remarriage or registration of a new civil partnership	37(4)	No scheme will be adopted	

Amount of death in service gratuity payable to surviving dependant, spouse or civil partner	40	No scheme will be adopted	
Amount or retirement gratuity payable	41	No scheme will be adopted	
Amount of gratuity payable to surviving dependant, spouse or civil partner where amount of annuity payments fall short of their capital value at date of award	41(4)	No scheme will be adopted	
Amount if redundancy gratuity payable	42	No scheme will be adopted	
Amount of gratuity payable to surviving dependant, spouse or civil partner where amount of redundancy annuity payments fall short of their capital value at date of award	42(4)	No scheme will be adopted	
Amount of gratuity payable to any other surviving dependant, spouse or civil partner where amount of annuity payments paid under 42(4) fall short of their capital value at date of award	42(7)	No scheme will be adopted	

Formulate and keep under review the injury allowance and gratuity policies to be operated by the authority	46A	No scheme will be adopted	
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Discretions under the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011

Under Regulation 14 of the Injury Allowances Regulations, each LGPS employer (other than an Admitted Body) is required to formulate, publish and keep under review a policy which applies in the exercise of its discretionary powers to make any award in respect of leavers, deaths and reductions in pay that occurred post 15.01.12 in relation to:

Discretion	Regulation	April 2014 decision	Comments
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.	3(1)	No scheme will be adopted	
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.	3(4) and 8	No scheme will be adopted	

Determine whether person continues to be entitled to an injury allowance awarded under regulation 3(1).	3(2)	No scheme will be adopted	
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.	4(1)	No scheme will be adopted	
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.	4(3) and 8	No scheme will be adopted	
Determine whether person continues to be entitled to an injury allowance awarded under regulation 4(1).	4(2)	No scheme will be adopted	

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.	4(5)	No scheme will be adopted	
Whether to grant an injury allowance following cessation of employment with entitlement to immediate LGPS pension where a reg 3 payment was being made at date of cessation of employment but reg 4 does not apply.	6(1)	No scheme will be adopted	
Determine whether and when to cease payment of an injury allowance payable under regulation 6(1)	6(2)	No scheme will be adopted	
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	7(1)	No scheme will be adopted	

contracting a disease in the course of carrying out duties of the job.			
Determine amount of any injury allowance to be paid under regulation 7(1)	7(2) and 8	No scheme will be adopted	
Determine whether and when to cease payment of an injury allowance payable under regulation 7(1)	7(3)	No scheme will be adopted	
Whether to adopt a discretionary injury benefit scheme	14	The Council will not be adopting a discretionary injury benefit scheme for current and deferred members	