

Appendix A – North Northamptonshire Discretions Policy

Proposed Discretions to be exercised

December 2021

These discretions confer no contractual rights. North Northamptonshire Council retains the right to change the policies at any time without prior notice or consultation. Only the policy which is current at the time a relevant event occurs to an employee/scheme member will be the one applied to that employee/member.

Discretions from 1.4.14. in relation to post 31.3.14. active members (excluding councillor members) and post 31.3.14. leavers (excluding councillor members) R = LGPS Regulations 2013 and TP = LGPS (Transitional Provisions, Savings and Amendments) Regulations 2014

	<u>Discretion</u>	<u>Regulation</u>	<u>Exercised by</u>	<u>Proposed Discretion</u>	<u>Discretion Type</u>
Flexible retirement	Whether all or some benefits can be paid if an active member aged 55 or over and with at least 2 years qualifying service reduces their hours or grade (flexible retirement)	R30(6) & TP11(2)	Employer	Yes - consider on case by case when we invite employees to make an application	Mandatory
Waive Reduction	Whether to waive any actuarial reduction for a member voluntarily drawing benefits before normal pension age other than on the grounds of flexible retirement (where the member has both pre 1/4/14 and post 31/3/14 membership) on a) compassionate grounds (pre 1/4/14 membership) and in whole or in part on any grounds (post 31/3/14 membership) if the member was not in the Scheme before 1/10/06, b) compassionate grounds (pre 1/4/14 membership) and in whole or in part on any grounds (post 31/3/14 membership) if the member was in the Scheme before 1/10/06, will not be 60 by 31/3/16 and will not attain 60 between 1/4/16 and 31/3/20 c) compassionate grounds (pre 1/4/16 membership) and in whole or in part on any grounds (post 31/3/16 membership) if	TP3(1), TPSch 2 para 2(1), B30(5) & B30A(5)	Employer (or Admin. Authority where Employer has become defunct)	Yes	Mandatory

	<p>the member was in the Scheme before 1/10/06 and will be 60 by 31/3/16</p> <p>d) compassionate grounds (pre 1/4/20 membership) and in whole or in part on any grounds (post 31/3/20 membership) if the member was in the Scheme before 1/10/06, will not be 60 by 31/3/16 and will attain 60 between 1/4/16 and 31/3/20</p>				
Transferring in non LGPS pension rights	Extend normal time limit for acceptance of a transfer value beyond 12 months from joining the LGPS	R100(6)	Employer and Admin. Authority	Yes - only in exceptional circumstance where the incidents beyond the members' control prevented them from requesting the transfer within the limit, such as maladministration by the employer or administrating authority or something else.	Recommended
Joining LGPS membership	Whether to extend the 12-month option period for a member to elect that post 31 March 2014 deferred benefits should not be aggregated with a new employment	R22(8)(b)	Employer	Yes, case by case and in the special circumstances arising as a result of LGR.	Recommended
Joining LGPS membership	Whether to extend the 12-month option period for a member to elect that post 31 March 2014 deferred benefits should not be aggregated with an ongoing concurrent employment	R22(7)(b)	Employer	Yes, case by case and in the special circumstances arising as a result of LGR.	Recommended

Employee contribution rate	How the pension contribution band to which an employee is to be allocated on joining the Scheme, and at each subsequent April, will be determined and the circumstances in which the employer will, in addition to the review each April, review the pension contribution band to which an employee has been allocated following a material change which affects the member's pensionable pay in the course of a Scheme year (1 April to 31 March)	R9(1) & R9(3)	Employer	Yes - Review and amend following a material change	Recommended
Pensionable Pay	Where in the Employer's opinion, the pensionable pay received in relation to an employment (adjusted to reflect any lump sum payments) in the 3 months (or 12 weeks if not paid monthly) preceding the commencement of Assumed Pensionable Pay (AP)), is materially lower than the level of pensionable pay the member would have normally received, decide whether to substitute a higher level of pensionable pay having had regard to the level of pensionable pay received by the member in the previous 12 months. Although this discretion is new from 2018, The effective date is backdated to 1 April 2014 by way of regulation 7 of the LGPS (Amendment) Regulations 2018.	R21(5A) & R21(5B)	Employer	Yes, case by case e.g., ill health or death in service.	Recommended
Deferred benefits	Whether to extend the 12-month option period for a member (who did not become a member of the 2014 Scheme by virtue of TP5(1)) to elect that pre 1 April 2014 deferred benefits should be aggregated with a new employment	TP10(6)	Employer	Yes - only except in exceptional circumstance where the incidents beyond the members' control prevented them from requesting the transfer within the limit, such as maladministration by the employer or administrating	Recommended

				authority or something else.	
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Discretions from 1.4.14. in relation to post 31.3.14. active members (excluding councillor members) and post 31.3.14. leavers (excluding councillor members)

R = LGPS Regulations 2013 and TP = LGPS (Transitional Provisions, Savings and Amendments) Regulations 2014

Waive reduction	Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early under B30A	<u>B30A(5).</u> <u>TPSch 2.</u> <u>para 2(1)</u>	Employer (or Admin. Authority where Employer has become defunct)	Yes - only in exceptional cases and on a case-by-case basis.	Mandatory
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Discretions under the Local Government Pension Scheme Regulations 1997 (as amended) in relation to:

a) active councillor members, and b) councillor members who ceased active membership on or after 1.4.98., and c) any other scheme members who ceased active membership on or after 1.4.98. and before 1.4.08.

Waive reduction	Waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early	31(5)	Employer	Yes	Mandatory
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Discretions under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (as amended)

Redundancy Pay on actual weeks' pay	To base redundancy payments on an actual weeks pay where this exceeds the statutory weeks' pay limit.	5	Employer	Refer to HR policy	Mandatory
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Lump sum compensation	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.	5	Employer	Refer to HR policy	Mandatory
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Discretions under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 (as amended)

Abatement during re-employment	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	Employer	Yes	Mandatory
Reduction following cessation of re-employment	How to reduce the member's annual compensatory added years payment following the cessation of a period of re-employment in local government	19	Employer	Yes	Mandatory
Apportionment of survivor benefit	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)	Employer	Deal with on case by case basis.	Mandatory
Effects of remarriage, new civil partnership, or co-habitation on survivor's compensation payments	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	21(7)	Employer	Deal with on case-by-case basis. In the old schemes remarriage is not included, but it is in new schemes	Mandatory
Effects of remarriage, new civil partnership or co-habitation	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	21(5)	Employer	Deal with on case by case basis.	Mandatory

on survivor's compensation payments					
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