

**BRECKLAND COUNCIL  
LOCAL GOVERNMENT PENSION SCHEME REGULATIONS 2013 & 2007  
EXERCISE OF DISCRETIONARY POWERS**

This policy is Breckland Council's response to the discretionary elements within the 2013 and 2007 regulations. The Policy is available to any Breckland Council Local Government Pension scheme member, any trade union representative and any Councillor.

The Council's policy on each of the discretionary elements is as follows:

**1) Funding of Additional Pension : Regulations 16(2e) 16(4d)**

An employer may fund wholly, or in part, a members additional pension contract. The payment can be paid by regular contributions or a lump sum.

**The Council will not exercise this discretion.**

NB where an APC is used to cover a period of unpaid leave then the employer has to automatically pay 2/3rd of the cost with the member paying the balance.

**2) Awarding Additional Pension : Regulation 31**

An employer may increase a member's benefits by awarding additional pension up to a maximum of £6,500 p.a. from April 2014.

**The Council will not exercise this discretion.**

**3) Flexible Retirement : Regulation 30(6)**

An employer may give consent for a member aged 55 or more who reduces their grade or hours of work (or both) to receive all or part of their LGPS benefits immediately, even though they haven't left its employment.

**The Council will exercise this discretion where no costs are payable by the employer i.e. the Council will not cover any costs to waive any reduction to benefits that are being paid early.**

**4) Waiving of Actuarial Reduction : Regulation 30(8)**

If the benefits payable on retirement before normal pension age would normally be reduced for early payment, the employer may agree to waive all or part of the reduction.

**The Council will not exercise this discretion.**

**5) Early Payment of Pension : Regulation 30 of the LGPS (Benefits, Membership and Contributions) Regulations 2007 (Two decisions to be made)**

An employer may give consent for a member aged 55 or more who has left its employment prior to April 2014 without an entitlement to immediate LGPS benefits to receive them straight away regardless.

**The Council will not exercise this discretion.**

If the benefits payable would normally be reduced for early payment, the employer may agree to waive all or part of the reduction on compassionate grounds.

**The Council will not exercise this discretion.**

**NON-COMPULSORY ITEMS:**

**6) Membership Aggregation : Regulation 22(7b) (8b)**

A member who transfers from another LGPS employer, either directly or after a break, must have their two periods of membership aggregated provided they do so while still an active member in the new post. The member has twelve months from the aggregation to opt to keep their periods of membership separate.

**The Council will only exercise this discretion to extend the timescale for members to keep periods of membership separate in exceptional cases where it can see a clear administrative or financial advantage in doing so.**

**7) Membership Aggregation : LGPS (Administration) Regulations 2008, Regulation 16(4)(b)(ii)**

A member who transfers prior to 1<sup>st</sup> April 2014 from another LGPS employer, either directly or after a break, may opt to aggregate the two periods of membership provided they do so while still an active member in the new post and within twelve months of joining.

**The Council will only exercise this discretion to extend the timescale for possible aggregations in exceptional cases where it can see a clear administrative or financial advantage in doing so.**

#### **8) Shared Cost AVCs : Regulation 17(1)**

An employer may contribute towards a Shared Cost AVC Scheme, i.e. an AVC Scheme into which the employer pays contributions as well as the member.

**The Council will pay shared cost AVCs where an employee has elected to pay AVCs by salary sacrifice. The amount of these employer shared cost AVCs will not exceed the amount of salary sacrificed by the employee. This discretion is subject to the employee meeting the conditions for acceptance into the salary sacrifice shared cost AVC scheme, and may be withdrawn or changed at any time.**

#### **9) Forfeiture of Pension Rights : Regulation 19(2), 91, 92, 93**

If a member leaves as a result of a conviction for an offence in connection with their LGPS employment or as a result of their own criminal, negligent or fraudulent act in connection with that employment, the employer has discretion (within the terms of these five regulations) to direct that all or part of their LGPS pension rights should be forfeited and / or paid over to the employer or specified dependants of the member.

**The Council will reserve the right to exercise this discretion.**

#### **10) Appointment of Adjudicator for Member Disagreements : Regulation 74(1)**

There is a three-stage dispute procedure for members who disagree with any LGPS decision made by their employer. The first stage is handled by the employer. You may appoint internally or externally.

**The Council will appoint a suitable Specified person if a case arose.**

#### **11) Transfers of Pension Rights : Regulation 100(6)**

A member who has previous pension rights in a different pension scheme\* may transfer them into the LGPS provided they opt to do so within twelve months of joining it.

**The Council will only exercise this discretion to extend the transfer timescale in exceptional cases where it can see a clear administrative or financial advantage in doing so.**

### **12) Members' Contribution Rates : Regulation 9(3)**

Employers have to allocate members into the appropriate contribution band for 2014/15 and every financial year from then on. If a member's pay moves into a different band during a financial year, the employer has discretion to implement the new band immediately but may prefer to wait until the next annual review.

**The Council will exercise this discretion. Employees' contribution bands will be re-assessed annually at 1 April and at each occasion where qualifying salary payments are adjusted.**

This policy will be subject to regular reviews.