

LOCAL GOVERNMENT PENSION SCHEME – EMPLOYER DISCRETIONS

MADELEY TOWN COUNCIL

Madeley Town Council is under a legal duty to prepare and publish a written statement of its policy relating to certain discretionary powers under Regulations that apply to the Local Government Pension Scheme

Madeley Town Council is also under a duty to formulate, publish and keep under review the policy that the Council applies in exercising discretionary powers under these Regulations

This policy document is intended to comply with these duties and, in the attached schedule, sets out the discretionary powers concerned, identifies the relevant Regulations that gives the Council discretion and describes how the discretion will be exercised

Madeley Town Council has resolved to adopt and publish Employer Discretions under the Local Government Pension Scheme as detailed. Policy and schedule were considered at a meeting of Council held on June 23rd 2014.

Resolutions:

- that Madeley Town Council approves and adopts the LGPS Employers Discretions policies as scheduled
- that employee contribution rates for existing scheme members are set at 01.04.2014 on the basis of the previous year's pensionable pay (under the 2014 definition)
- that employee contribution rates for new starters will be set on the basis of estimated pensionable pay (under the 2014 definition) with the exception of variable time employees, where this will be set initially at 6.5% - the average contribution rate
- that contribution rates will be reviewed in the event of a material change in contractual pay
- that in cases of early retirement or flexible retirement decisions taken to waive reductions to pension benefits will be taken by Finance & General Purposes Committee
- that existing policy is retained where Regulations are unchanged
- that the policy confers no contractual rights
- that the employer reserves the right to change policy at any time
- that only the version of the policy current at the time a relevant event occurs will be applied

This meets the requirement for Madeley Town Council to formulate and publish policy statements in relation to the exercise of employer discretions under the Local Government Pension Scheme

Policies will be subject to annual review

This policy and schedule has been submitted to the Local Government Pension Scheme administering authority – Shropshire County Pension Fund – and a copy is held at the Town Council office for examination by local electors

J.M. Morris
Finance Officer
08.07.2014

MADELEY TOWN COUNCIL - EMPLOYER DISCRETIONS

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), being discretions under:

- the Local Government Pension Scheme Regulations 2013 [prefix R]
- the local Government Pension Scheme (Transitional Provisions and Savings) Regulations 2014 [prefix TP]
- the Local Government Pension Scheme (Administration) Regulations 2008 [prefix A]
- the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended) [prefix B]
- the Local Government Pension Scheme (Transitional Provisions) Regulations 2008 [prefix T]
- the Local Government Pension Scheme Regulations 1997 (as amended) [prefix L]

<u>Discretion</u>	<u>Regulation</u>	<u>Exercised by</u>	<u>Policy</u>
To whom to offer membership of the LGPS (designation bodies)	R3(1)(b) & RSch 2, Part 2	Employer	Membership of the LGPS will be offered to all eligible employees
Which employees to designate for membership (admission bodies)	R3(1)(c) & R4(2)(b)	Employer	x
Whether, in respect of an admission body providing a service in respect of outsourced work, to set off against payments due to that body any sums due from that body to the Fund	RSch 2, Part 3, para 12(c)	Transfer or employer	x
Determine rate of employees' contributions	R9(1) & R9(3)	Employer	Madeley Town Council will determine the appropriate contribution band for an employee as at 1st April each year by using the actual pensionable pay from the previous year as a basis for the determination (under the 2014 definition) or where there is a material change to an employee's contractual pay (a material change is defined as a change in grade or a change in hours). Variable time employees will have their initial contribution rate set at 6.5%
Whether, how much, and in what circumstances to contribute to a shared cost AVC scheme	R16(2)(e)* & R16(4)(d)*	Employer	Madeley Town Council will not introduce a Shared Cost AVC scheme
Whether, how much, and in what circumstances to contribute to shared cost AVC arrangements entered into on or after 1.4.14	R17(1) & definition of SCAVC in RSch 1	Employer	Madeley Town Council will not introduce a Shared Cost AVC scheme
Whether, how much, and in what circumstances to continue to contribute to a shared cost AVC arrangement entered into before 1/4/14	TP15(1)(d) & A25(3)	Employer	Madeley Town Council will not introduce a Shared Cost AVC scheme
Allow late application to convert scheme AVCs into membership credit i.e. allow application more than 30 days after cessation of active membership (where AVC arrangement was entered into before 13/11/01)	TP15(1)(d) & L66(8) & former L66(9)(b)	Employer	Madeley Town Council will only consider applications for election outside the 30 day deadline where there is evidence of maladministration
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	R19(2)	Employer	Madeley Town Council will consider each case on its merits
Specify in an employee's contract what other payments or benefits, other than those specified in R20(1)(a) and not otherwise precluded by R20(2), are to be pensionable	R20(1)(b)	Employer	Madeley Town Council reserves the right to specify what, if any, other payments or benefits are to be pensionable in accordance with the Regulations

In determining Assumed Pensionable Pay, whether a lump sum payment made in the previous 12 months is a “regular lump sum”	R21(5)	Employer	
Whether to extend the 12 month option period for a member to elect that deferred benefits should not be aggregated with a new employment	R22(8)(b)	Employer	Madeley Town Council will only allow an extension to the 12-month option period to elect that deferred benefits should not be aggregated with a new employment where it can reasonably be shown that the member was not provided with the required information within 6 months of commencement of employment
Whether to extend the 12 month option period for a member to elect that deferred benefits should not be aggregated with an ongoing concurrent employment	R22(7)(b)	Employer	Madeley Town Council will only allow an extension to the 12-month option period to elect that deferred benefits should not be aggregated with an ongoing concurrent employment where it can reasonably be shown that the member was not provided with the required information within 6 months of commencement of employment
Whether all or some benefits can be paid if an employee reduces their hours or grade (flexible retirement)	R30(6)* & TP11(2)	Employer	Madeley Town Council will consider employee requests to take flexible retirement on a case by case basis after taking into account factors such as availability of skills, service delivery and affordability. The Personnel Committee will be responsible for agreeing (or otherwise) to all requests to take flexible retirement
Whether to waive, in whole or in part, actuarial reduction on benefits paid on flexible retirement	R30(8)*	Employer (or Admin. Authority where Employer has become defunct)	Madeley Town Council will only waive the actuarial reduction on flexible retirement in exceptional circumstances following approval from the Personnel Committee
Whether to waive, in whole or in part, actuarial reduction on benefits which a member voluntarily draws before normal pension age	R30(8)*	Employer (or Admin. Authority where Employer has become defunct)	Madeley Town Council will only waive the actuarial reduction on early retirement in exceptional cases and as a result of the expressed permission of the Personnel Committee after considering the costs that would apply
Whether to “switch on” the 85 Year Rule for a member voluntarily drawing benefits on or after age 55 and before age 60.	TPSch 2, para 2(2)*	Employer (or Admin. Authority where Employer has become defunct)	Madeley Town Council will only agree to switch on the 85 year rule in exceptional circumstances following approval from the Personnel Committee after considering redundancy, efficiency of the service and the costs that will apply
Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits from pre 1/4/14 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	TPSch 2, para 2(3)*	Employer (or Admin. Authority where Employer has become defunct)	Madeley Town Council will not operate automatically the discretion to waive actuarial reduction on compassionate grounds and will only consent to such request having considered and accepted that there are exceptional circumstances
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 (by up to £6,500 p.a.)	R31*	Employer	Madeley Town Council will only exercise this discretion in exceptional circumstances. This discretion will only be exercised with the express permission of the Personnel Committee after consideration of the costs that would apply
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.	TP12(6)	Employer (or Admin. Authority where Employer has become defunct)	
Determine whether person in receipt of Tier 3 ill health pension has started gainful employment	R37(3) & (4)	Employer	Madeley Town Council will make a determination guided by the opinion from its Occupational Health provider (an Independent Registered Medical Practitioner)

Whether to recover any overpaid Tier 3 pension following commencement of gainful employment	R37(3)	Employer	
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 normal pension age or for at least three years, whichever is the sooner.	R38(3)	Employer (or Admin. Authority where Employer has become defunct)	Madeley Town Council will make a determination guided by the recommendation from its Occupational Health provider (an Independent Registered Medical Practitioner)
Decide whether a suspended ill health tier 3 member is unlikely to be capable of undertaking gainful employment before normal pension age because of ill health	R38(6)	Employer (or Admin. Authority where Employer has become defunct)	Madeley Town Council will make a determination guided by the opinion from its Occupational Health provider (an Independent Registered Medical Practitioner)
Whether to extend six month period to lodge a stage one IDRP appeal	R74(4)	Adjudicator making stage one IDRP decision	x
Decide procedure to be followed by adjudicator when exercising stage one IDRP functions and decide the manner in which those functions are to be exercised	R74(6)	Adjudicator making stage one IDRP decision	x
Whether to apply to Secretary of State for a forfeiture certificate (where member is convicted of a relevant offence)	R91(1) & (8)	Employer	Madeley Town Council will consider each case on its merits
Where forfeiture certificate is issued, whether to direct that benefits are to be forfeited (other than rights to GMP – but see R95 below)	R91(4)	Employer	Madeley Town Council will consider each case on its merits
Where forfeiture certificate is issued, whether to direct interim payments out of Pension Fund until decision is taken to either apply the certificate or to pay benefits	R92(1) & (2)	Employer	Madeley Town Council will not make any interim payments pending a decision
Whether to recover from Fund any monetary obligation or, if less, the value of the member's benefits (other than benefits from transferred in pension rights or APCs or AVCs or, subject to R95 below, in respect of any GMP) where the obligation was incurred as a result of a grave misconduct or a criminal, negligent or fraudulent act or omission in connection with the employment and as a result of which the person has left employment	R93(2)	Employer	Madeley Town Council will normally seek to recover any money owing as a result of a former employee's criminal, negligent or fraudulent conduct from the employee's pension benefits
Whether, if the member has committed treason or been imprisoned for at least 10 years for one or more offences under the Official Secrets Acts, forfeiture under R91 or recovery of a monetary obligation under R93 should deprive the member or the member's surviving spouse or civil partner of any GMP entitlement	R95	Employer	
Agree to bulk transfer payment	R98(1)(b)	Employer / Admin. Authority / trustees of new scheme	Madeley Town Council will consider whether or not to agree on the merits of each case after consideration with the LGPS Administering Authority and after having taken appropriate actuarial advice

Extend normal time limit for acceptance of a transfer value beyond 12 months from joining the LGPS	R100(68)	Employer and Admin. Authority	Madeley Town Council will only allow an extension to the 12-month period to combine previous non-LGPS service where it can be shown that the member was not provided with the required information within 6 months of commencement of employment
Allow transfer of pension rights into the Fund	R100(7)	Admin. authority	x
Whether to allow a member to select final pay period for fees to be any 3 consecutive years ending 31st March in the 10 years prior to leaving	TP3(6), TP4(6)(c), TP8(4), TP10(2)(a), TP17(2)(b) & B11(2)	Employer	Madeley Town Council will allow members so to choose

* These are matters about which the regulations require there must be a written policy.

Discretions in relation to scheme members (excluding councillor members) who ceased active membership on or after 1.4.08. and before 1.4.14., being discretions under:

- the Local Government Pension Scheme (Administration) Regulations 2008 [prefix A]
- the local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended) [prefix B]
- the Local Government Pension Scheme (Transitional Provisions) Regulations 2008 [prefix T]
- the Local Government Pension Scheme (Transitional Provisions & Savings) Regulations 2014 [prefix TP]
- the Local Government Pension Scheme Regulations 2013 [prefix R]
- the Local Government Pension Scheme Regulations 1997 (as amended) [prefix L]

<u>Discretion</u>	<u>Regulation</u>	<u>Exercised by</u>	<u>Policy</u>
Whether, for a member leaving on the grounds of redundancy or business efficiency on or before 31st March 2014, to augment membership (by up to 10 years). The resolution to do so would have to be made within 6 months of the date of leaving. Hence this discretion is spent entirely after 30th September 2014.	B12*	Employer	Madeley Town Council will not normally increase a member's total membership under this Regulation, but may do so in wholly exceptional circumstances
Allow late application to convert scheme AVCs into membership credit i.e. allow application more than 30 days after cessation of active membership	TSch1 & L66(8) & former L66(9)(b)	Employer	Madeley Town Council will only consider applications for election outside the 30 day deadline where there is evidence of maladministration
No right to return of contributions due to offence of a fraudulent character or grave misconduct unless employer directs a total or partial refund is to be made	A47(2)	Employer	Madeley Town Council will consider each case on its merits
Contribution Equivalent Premium (CEP) in excess of the Certified Amount (CA) recovered from a refund of contributions can be recovered from the Pension Fund	A49(1) & (2)	Employer	Madeley Town Council reserves the right to recover the balance from the Pension Fund
Whether to extend six month period to lodge a stage one IDRP appeal	A58(7)(b)	Person making stage one IDRP decision	x
Whether to apply to Secretary of State for a forfeiture certificate (where member is convicted of a relevant offence)	A72(1) & (6)	Employer	Madeley Town Council will consider each case on its merits
Where forfeiture certificate is issued, whether to direct that benefits are to be forfeited	A72(3)	Employer	Madeley Town Council will consider each case on its merits
Where forfeiture certificate is issued, whether to direct interim payments out of Pension Fund until decision is taken to either apply the certificate or to pay benefits	A73(1) & (2)	Employer	Madeley Town Council will not make any interim payments pending a decision
Whether to recover from Fund any monetary obligation or, if less, the value of the member's benefits (other than transferred in pension rights or AVCs/SCAVCs) where the obligation was incurred as a result of a criminal, negligent or fraudulent act or omission in connection with the employment and as a result of which the person has left employment	A74(2)	Employer	Madeley Town Council will normally seek to recover any money owing as a result of a former employee's criminal, negligent or fraudulent conduct from the employee's pension benefits
Whether to recover from Fund any financial loss caused by fraudulent offence or grave misconduct of employee (who has left because of that), or amount of refund if less	A76(2) & (3)	Employer	Madeley Town Council will normally seek to obtain transfer an appropriate amount from the Pension Fund to compensate for direct financial loss suffered as a result of a former employee committing an offence involving fraud or committing grave misconduct in connection with their former employment

Whether to allow a member to select final pay period for fees to be any 3 consecutive years ending 31 st March in the 10 years prior to leaving	B11(2)	Employer	Madeley Town Council will allow members so to choose
Whether to grant application for early payment of deferred benefits on or after age 55 and before age 60	B30(2)*	Employer (or Admin. Authority where Employer has become defunct)	Madeley Town Council will consider applications on a case by case basis. This discretion will be exercised where it is deemed to be in the Council's interest, can be funded, and is justified. Madeley Town Council will give sympathetic consideration to early payment on strong compassionate grounds. Other cases of an exceptional nature will be considered where circumstances justify.
Whether to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early under B30	B30(5)*	Employer (or Admin. Authority where Employer has become defunct)	Subject to decision under Reg 30(2) on compassionate grounds, Madeley Town Council will consider whether to waive actuarial reduction on the same basis. In other cases subject to decision under Reg 30(2) actuarial reduction will apply (except where the 85 Year Rule is met)
Whether to grant an application for early payment of a suspended tier 3 ill health pension on or after age 55 and before age 60	B30A(3)*	Employer (or Admin. Authority where Employer has become defunct)	Madeley Town Council will decide each case on its merits but will make a determination guided by opinion from its Occupational Health provider (an Independent Medical Practitioner)
Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early under B30A	B30A(5)*	Employer (or Admin. Authority where Employer has become defunct)	Subject to decision under Reg 30A(3), Madeley Town Council will consider whether to waive actuarial reduction on compassionate grounds.
Decide whether deferred beneficiary meets permanent ill health and reduced likelihood of gainful employment criteria	B31(4)	Employer (or Admin. Authority where Employer has become defunct)	Madeley Town Council will make a determination guided by the opinion from its Occupational Health provider (an Independent Registered Medical Practitioner)
Decide whether a suspended ill health tier 3 member is permanently incapable of undertaking any gainful employment	B31(7)	Employer (or Admin. Authority where Employer has become defunct)	Madeley Town Council will make a determination guided by the opinion from its Occupational Health provider (an Independent Registered Medical Practitioner)

* These matters about which the regulations require there must be a written policy

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

<u>Discretion</u>	<u>Regulation</u>	<u>Exercised by</u>	<u>Policy</u>
Allow a councillor who has opted out more than once to re-join	7(9)(a)	Employer	
Allow a late application by a councillor member to pay optional contributions for a period of absence	18(6) & (7)	Employer	
Allow post 31.3.98 / pre 1.4.08 non-councillor leaver to select final pay period for fees to be a period of not less than 3 or more than 5 years back from date of leaving	22(1)(b)	Employer	
Issue a certificate of protection of pension benefits where eligible non-councillor member fails to apply for one (pay cuts / restrictions occurring pre 1.4.08)	23(4)	Employer	
Grant application from a post 31.3.98 / pre 1.4.08 leaver or from a councillor for early payment of benefits on or after age 50/55 and before age 60 (see Note below)	31(2)*	Employer	Madeley Town Council will give sympathetic consideration to payment on compassionate grounds
Waive, on compassionate grounds, the actuarial reduction applied to benefits paid early for a post 31.3.98 / pre 1.4.08 leaver or a councillor leaver	31(5)*	Employer	Madeley Town Council will not apply actuarial reduction when early payment is based on compassionate grounds. Other cases of any exceptional nature are considered where the circumstances may justify the use of this provision. In such cases the actuarial reduction would apply except where the 85 year rule is met
Councillor optants out and pre 1.4.08 employee optants out only to get benefits paid from NRD if employer agrees	31(7A)*	Employer	
Whether to extend 12 month period for aggregation of deferred benefits (where deferred councillor member wishes to aggregate with current councillor membership in the same Fund)	32(8A)	Employer	
Decide, in the absence from a post 31.3.98 / pre 1.4.08 leaver of an election from the member within 3 months of being able to elect, which benefit is to be paid where the member would be entitled to a pension or retirement grant under 2 or more regulations in respect of the same period of Scheme membership	34(1)(b)	Employer	
Consent to a member's former employer assigning to the new employer rights under any SCAVC life assurance policy (pre 1.4.08 non-councillor leavers)	71(7)(a)	Employer	

No right to return of contributions due to offence of a fraudulent character unless employer directs a total or partial refund is to be made (councillors and pre 1.4.08 leavers)	88(2)	Employer	
Employer may deduct contributions from an councillor's pay or reserve forces pay	89(1) & (2)	Employer	
Contribution Equivalent Premium (CEP) in excess of the Certified Amount (CA) recovered from a refund of contributions can be recovered from the Pension Fund (councillor leavers and pre 1.4.08 leavers)	92	Employer	
Forfeiture of pension rights on issue of Secretary of State's certificate (councillors and pre 1.4.08 leavers)	111(2) & (5)	Employer	
Where forfeiture certificate is issued, direct interim payments out of Pension Fund until decision is taken to either apply the certificate or to pay benefits (councillors and pre 1.4.08 leavers)	112(1)	Employer	
Recovery from Fund of monetary obligation owed by former employee or, if less, the value of the member's benefits (other than transferred in pension rights) (councillors and pre 1.4.08 leavers)	113(2)	Employer	
Recovery from Fund of financial loss caused by employee, or amount of refund if less (councillors and pre 1.4.08 leavers)	115(2) & (3)	Employer	

**These are matters about which the regulations require there must be a written policy.*

Note: Benefits paid on or after age 50 and before age 55 are subject to an unauthorised payments charge and, where applicable, an unauthorised payments surcharge under the Finance Act 2006. Also, any part of the benefits which had accrued after 5 April 2006 would generate a scheme sanction charge.

Discretions under the Local Government Pension Scheme Regulations 1995 (as amended) in relation to scheme members who ceased active membership before 1.4.98.			
<u>Discretion</u>	<u>Regulation</u>	<u>Exercised by</u>	<u>Policy</u>
Grant application from a pre-1.4.98 leaver for early payment of deferred benefits on or after age 50 on compassionate grounds (see Note below)	D11(2)(c)	Employer	
Decide, in the absence from a pre-1.4.98 leaver of an election from the member within 3 months of being able to elect, which benefit is to be paid where the member would be entitled to a pension or retirement grant under 2 or more regulations in respect of the same period of Scheme membership	D10	Employer	

Note: Benefits paid on or after age 50 and before age 55 are subject to an unauthorised payments charge and, where applicable, an unauthorised payments surcharge under the Finance Act 2006. However, as the benefits had accrued prior to 6 April 2006, they would not generate a scheme sanction charge.

Discretions under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (as amended)			
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:			
<u>Discretion</u>	<u>Regulation</u>	<u>Exercised by</u>	<u>Policy</u>
To base redundancy payments on an actual weeks pay where this exceeds the statutory weeks' pay limit.	5	Employer	Madeley Town Council will base redundancy payments on an employee's actual pay in all cases
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	Employer	Madeley Town Council will not normally pay compensation under this Regulation except to ensure that an employee whose employment is terminated by reason of redundancy receives under Regulation 5 and this Regulation a total of up to 30 weeks pay calculated in accordance with the Statutory Redundancy Pay Table

Note: For the purposes of the above table, '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.

Formulating and publishing a policy under the Discretionary Compensation Regulations 2006

The employer must formulate, publish and keep under review a statement of their policy. If the employer decides to amend the policy, no change can come into effect until one month has passed since the date the amended policy statement was published. In formulating and reviewing its policy an employer is required by the Regulations to:

- have regard to the extent to which the exercise of their discretionary powers, unless properly limited, could lead to a serious loss of confidence in the public service, and

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:

<u>Discretion</u>	<u>Regulation</u>	<u>Exercised by</u>	<u>Policy</u>
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	If the deceased is survived by more than one spouse then the spouses compensatory added years payment shall be apportioned between them in the same proportion as the spouses pension paid under Pension Regulations
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 eligible children	25(2)	Employer	If the deceased is survived by at least one eligible child then the children's compensatory added years payment shall be paid to and in the same proportion as the children's pension payable under the Pensaion Regulations
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 ie, whether the spouse's or civil partner's annual compensatory added years payments should continue to be paid	21(7)	Employer	A spouse's compensatory added years pension awarded as a result of their spouse ceasing employment before 1st April 1998 shall not be suspended if the recipient re-marries or cohabots after that date
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	
Whether, in respect of the spouse or civil partner of a person who ceased employment before 1 April 1998 and where the spouse or civil partner remarries or cohabits or enters into a civil partnership on or after 1 April 1998 with another person who is also entitled to a spouse's or civil partners' annual CAY payment, the normal rule requiring one of them to forego payment whilst the period of marriage, civil partnership or cohabitation lasts, should be disapplied ie, whether the spouses' civil partners' annual CAY payments should continue to be paid to both of them	21(7)	Employer	
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	Employer	
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	

Note: For the purposes of the above table, '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 (ie, 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

Formulating and publishing a policy under the Discretionary Compensation Regulations 2000

The employer must formulate, publish and keep under review a statement of their policy.

If the employer decides to amend the policy, a new written statement must be published within a month of when the employer decided on the amendment(s). No change can come into effect until one month has passed since the date the amended policy statement was published.

In formulating and reviewing its policy an employer is required by the Regulations to:

- have regard to the extent to which the exercise of their discretionary powers, unless properly limited, could lead to a serious loss of confidence in the public service, and
- be satisfied that the policy is workable, affordable and reasonable having regard to the foreseeable costs.

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 the policy that it will apply in the exercise of its discretionary powers to make any award under the Injury Allowances Regulations in respect of leavers, deaths and reductions in pay that occurred post 15 January 2012

<u>Discretion</u>	<u>Regulation</u>	<u>Exercised by</u>	<u>Policy</u>
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)	Employer	Madeley Town Council will not grant any awards
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	Employer	
Determine whether person continues to be entitled to an injury allowance awarded under regulation 3(1)	3(2)	Employer	
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)	Employer	Madeley Town Council will not grant any awards
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	Employer	
Determine whether person continues to be entitled to an injury allowance awarded under regulation 4(1)	4(2)	Employer	
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)	Employer	
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)	Employer	Madeley Town Council will not grant any awards
Determine amount of any injury allowance to be paid under regulation 6(1)	6(1)	Employer	
Determine whether and when to cease payment of an injury allowance payable under regulation 6(1)	6(2)	Employer	
Whether to grant an injury allowance to the spouse, civil partner, nominated cohabiting partner or dependent of an employee who dies as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job	7(1)	Employer	Madeley Town Council will not grant any awards

Determine amount of any injury allowance to be paid ;under regulation 7(1)	7(2) and 8	Employer	
Determine whether and when to cease payment of an injury allowance payable under regulation 7(1)	7(3)	Employer	

Formulating and publishing a policy under the Injury Allowances Regulations 2011

Each LGPS employer (other than an Admitted Body) is required to formulate, publish and keep under review the policy that it will apply in the exercise of its discretionary powers to make any award under the Injury Allowances Regulations

If the employer decides to change the policy, no change can come into effect until one month has passed since the date the amended policy statement is published

In formulating and reviewing its policy an employer is required by the Regulations to:

- have regard to the extent to which the exercise of their discretionary powers, unless properly limited, could lead to a serious loss of confidence in the public service, and
- be satisfied that the policy is workable, affordable and reasonable having regard to the foreseeable costs.

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

The following discretions under the Discretionary Payments Regulations:

- a) which relate to injury allowances, apply only in respect of leavers and deaths that occurred before 16 January 2012
- b) which relate to gratuities, apply only in respect of leavers and deaths that occurred before 16 January 2012

<u>Discretion</u>	<u>Regulation</u>	<u>Exercised by</u>	<u>Policy</u>
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	Employer	
Suspend or discontinue injury allowance if person becomes capable of working again	34(4)	Employer	
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	Employer	
Amount of duration of injury allowance following cessation of employment where reg 35 payment was being made but reg 34 does not apply	36	Employer	
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	Employer	
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)	Employer	
Amount of death in service gratuity payable to surviving dependant, spouse or civil partner	40	Employer	
Amount of retirement gratuity payable	41	Employer	
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)	Employer	
Amount of redundancy gratuity payable	42	Employer	
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)	Employer	

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)	Employer	
Formulate and keep under review the injury allowance and gratuity policies to be operated by the authority	46A	Employer	