

Discretions Policy for: Cambridge City Council

Date:
02/09/2022

This policy confers no contractual rights. Cambridge City 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 have been colour coded -

Compulsory - you must formulate, publish and keep under review a policy on these discretions

Recommended - there is no requirement for you to publish a written policy on these discretions, however as these matters arise fairly frequently it would perhaps be appropriate for you to do so in order that members can be clear on your policy on these matters

Less Common - there is no requirement for you to publish a written policy on these discretions

Regulations Key and Timeline

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:

- o the Local Government Pension Scheme Regulations 2013 **[prefix R]**
- o the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 **[prefix TP]**
- o the Local Government Pension Scheme (Administration) Regulations 2008 **[prefix A]**
- o the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 **[prefix B]**
- o the Local Government Pension Scheme (Transitional Provisions) Regulations 2008 **[prefix T]**
- o the Local Government Pension Scheme Regulations 1997 **[prefix L]**
- 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:
 - o the Local Government Pension Scheme (Administration) Regulations 2008 **[prefix A]**
 - o the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 **[prefix B]**
 - o the Local Government Pension Scheme (Transitional Provisions) Regulations 2008 **[prefix T]**
 - o the Local Government Pension Scheme Regulations 1997 **[prefix L]**
- Discretions under the Local Government Pension Scheme Regulations 1997 in relation to active councillor members and any other scheme members who ceased active membership on or after 1.4.98 and before 1.4.08 **[Prefix C]**
- Discretions under the Local Government Pension Scheme Regulations 1995 in relation to scheme members who ceased active membership before 1.4.98 **[Prefix D]**
- Discretions under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 **[Prefix E]**
- Discretions under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 **[Prefix ET]**
- * *These employer discretions are subject to a written policy under Local Government Pension Regulations*

Key to Type of Discretion

Membership, Aggregation & Contribution Discretions	Membership
Additional Membership Benefits; Augmentation & Final Pay	Additional Benefits
Extension of Time Limits	Time Limits
Recovery and forfeiture of Contributions (Criminal Offences, Fraud & Misconduct)	Recovery & Forfeiture
Types of Retirement (Early Payment, Flexible Retirement & Actuarial Reduction)	Retirement
Ill Health	Ill Health
Redundancy	Redundancy
Apportioning Compensatory Added Years	Added Years

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

	Discretion	Regulation	Exercised by	
Granting additional pension	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 £7,122 p.a - figure at 1 April 2020)	R31	Employer	Cambridge City Council will not make use of the discretion to grant extra annual pension of up to £6,822 (as at 1st April 2018) to an active scheme member or within 6 months of leaving to a member whose employment is terminated on the grounds of redundancy or business efficiency.
Shared cost APCs	Whether, where an active Scheme member wishes to purchase extra annual pension of up to £7,122 (figure at 1 April 2020) by making Additional Pension Contributions (APCs), to (voluntarily) contribute towards the cost of purchasing that extra pension via a Shared Cost Additional Pension Contribution (SCAPC)	R16(2)(e) & R16(4)(d)	Employer	Cambridge City Council will only contribute to a shared cost APC where:-an active member returns from a period of authorised unpaid leave of absence (otherwise than by reason of illness or injury, ordinary maternity leave, paternity leave, ordinary adoption leave or reserve forces service leave-the member does not, within 30 days of returning from the leave of absence, make an election to buy-back the whole of the amount of pension 'lost'; during the that period of leave of absence-the member subsequently makes an election to do so and it can be demonstrated that the reason for the member missing the original 30 day deadline was because the member had not been made aware of that deadline-the election is made no more than 6 months after the member returns from the period of leave of absence or such longer period as Cambridge City Council may deem reasonable in any individual case.
	Whether to extend 30 day deadline for member to elect for a shared cost APC upon return from a period of absence from work with permission with no pensionable pay (otherwise than because of illness or injury, relevant child-related leave or reserve forces service leave)	R16(16)	Employer	A decision on whether the member meets all of the above criteria (and on whether the 6 month period referred to should be extended in any individual case) will be taken by the Head of Human Resources and where it is agreed that the conditions are met, Cambridge City Council will contribute 2/3rds of the cost of buying back the 'lost' pension via a SCAPC
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	CCC has issued a Flexible Retirement Policy, which is available to all employees. The Flexible Retirement Policy is published on the Council's intranet. Where flexible retirement has been granted, employees are required to take all accrued benefits to date.
	Whether to waive, in whole or in part, actuarial reduction to benefits paid on flexible retirement	R30(8)	Employer (or Admin. Authority where Employer has become defunct)	CCC does not waive, in whole or in part, any actuarial reduction on benefits paid upon flexible retirement except where it considers it is in its financial or operational interests to do so. Each case will be considered on the merits of the financial and / or operational business case put forward and will require the approval of the Head of Human Resources including, where the reduction is only to be waived in part.
	Whether to waive, in whole or in part, actuarial reduction on benefits which a member voluntarily draws before normal pension age other than on the grounds of flexible retirement (where the member only has post 31 March 2014 membership)	R30(8)	Employer (or Admin. Authority where Employer has become defunct)	Cambridge City Council will not agree to waive actuarial reduction where members choose to voluntarily draw their benefits on or after age 55 and before normal pension age except in circumstances where Cambridge City Council considers it is in its financial or operational interests to do so or there are compelling compassionate reasons for doing so. Each case:Will be considered on the merits of the financial and/ or operational business case put forward, or Will be considered on the merits of the compassionate case put forward, and Will require the approval of the Head of Human Resources
85 Year Rule	Whether to "switch on" the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60 (other than on the grounds of flexible retirement).	TPSch 2, para, 1(2) & 1(1)(c)	Employer (or Admin. Authority where Employer has become defunct)	Cambridge City Council will not agree to switch the 85 year rule on where members chose to voluntarily draw their benefits on or after age 55 and before age 60 except in circumstances where Cambridge City Council considers it is in the financial or operational interests to do so. Each case will be considered on the merits of the financial and/ or operational business case put forward, and will require the approval of the Head of Human Resources

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 the member was in the Scheme before 1/10/06 and will be 60 by 31/3/16 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	TP3(1), TPSch 2 para 2(1), B30(5) & B30A(5)	Employer (or Admin. Authority where Employer has become defunct)	Cambridge City Council will not agree -to waive on compassionate grounds any actuarial reduction on pre 1 April 2014 benefits for Group 3 or 4 members, on pre 1 April 2016 benefits for Group 1 members, or on pre 1 April 2020 benefits for Group 2 members, and / or - to waive in whole or in part on any grounds (including compassionate grounds) any actuarial reduction on post 31 March 2014 benefits for Group 3 or 4 members, on post 31 March 2016 benefits for Group 1 members, or on post 31 March 2020 benefits for Group 2 members where members choose to voluntarily draw their benefits on or after age 55 and before Normal Pension Age except in circumstances where Cambridge City Council considers it is in its financial or operational interests to do so or there are compelling compassionate reasons for doing so. Each case will be considered on the merits of the financial and / or operational business case put forward, or be considered on the merits of the compassionate case put forward, and require the approval of the Head of Human Resources. Group 1 members are members who were members of the LGPS before 1 October 2006 and will be 60 or more on 31 March 2016. Group 2 members are members who were members of the LGPS before 1 October 2006 and will not be 60 or more on 31 March 2016 but will attain age 60 between 1 April 2016 and 31 March 2020. Group 3 members are members who were members of the LGPS before 1 October 2006 and will not be 60 or more on 31 March 2016 and will not attain age 60 between 1 April 2016 and 31 March 2020. Group 4 members are members who were not members of the LGPS before 1 October 2006.
	Whether to waive, in whole or in part, actuarial reduction on benefits which a member voluntarily draws before normal pension age other than on the grounds of flexible retirement (where the member only has post 31/3/14 membership)	R30(8)	Employer (or Admin. Authority where Employer has become defunct)	Cambridge City Council will not agree to waive actuarial reduction where members choose to voluntarily draw their benefits on or after age 55 and before normal pension age except in circumstances where Cambridge City Council considers it is in its financial or operational interests to do so or there are compelling compassionate reasons for doing so. Each case: Will be considered on the merits of the financial and/ or operational business case put forward, or Will be considered on the merits of the compassionate case put forward, and Will require the approval of the Head of Human Resources
Shared cost AVCs	Whether, how much, and in what circumstances to contribute to shared cost AVC arrangements.	R17(1) & definition of SCAVC in RSch 1	Employer	Cambridge City Council will not enter into a shared cost AVC arrangement other than a) where the scheme member enters into a SCAVC salary sacrifice arrangement (subject to scheme approval by Civic Affairs Committee or by Head of Human Resources upon agreed delegation) or b) in exceptional circumstances in which case the decision to contribute and the amount of contributions, will be subject to the approval of Head of Human Resources
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	Subject to the agreement of the relevant administering authority in any individual case, Cambridge City Council will extend the 12 months period: a) a)Where the member asked for transfer investigations to be commenced within 12 months of joining the LGPS but a quotation of what the transfer value will purchase in the LGPS has not been offered to the member within 11 months of joining the LGPS. The time limit for such a member to make a formal election to transfer pension rights into the LGPS will be extended to one month beyond the date of the letter issued by the appropriate administering authority providing the scheme member with a quotation of what the transfer value will purchase in the LGPS; b) Where the Head of Human Resources agrees that the available evidence indicates the member had not been informed of the 12 month time limit due to maladministration; or c) Where the Head of Human Resources agrees that the available evidence indicates the member had made an election within 12 months of joining the LGPS but the election was not received by the appropriate administering body (e.g. the election form was lost in the post)
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	Cambridge City Council will extend the 12 months period: a) where the Head of Human Resources agrees that the available evidence indicates the member had not been informed of the 12 month time limit due to maladministration b) where the Head of Human Resources agrees that the available evidence indicates the member had made an election within 12 months of joining the LGPS but the election was not received by the appropriate administering authority (e.g. the election form was lost in the post) c) the member has pre 1 April 2014 membership and the Head of Human Resources agrees the available evidence indicates that, due to maladministration, the member had not been informed of the implications of having benefits aggregated and would, in consequence, suffer a detriment to their pension benefits (for example, where member's whole-time equivalent pensionable pay on commencing with CCC is, in real terms after allowing for inflation, significantly less than the whole-time equivalent pensionable pay upon which the deferred benefits were calculated).
	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	Cambridge City Council will extend the 12 months period: a) where the Head of Human Resources agrees that the available evidence indicates the member had not been informed of the 12 month time limit due to maladministration b) where the Head of Human Resources agrees that the available evidence indicates the member had made an election within 12 months of joining the LGPS but the election was not received by the appropriate administering authority (e.g. the election form was lost in the post) c) the member has pre 1 April 2014 membership and the Head of Human Resources agrees the available evidence indicates that, due to maladministration, the member had not been informed of the implications of having benefits aggregated and would, in consequence, suffer a detriment to their pension benefits (for example, where member's whole-time equivalent pensionable pay on commencing with CCC is, in real terms after allowing for inflation, significantly less than the whole-time equivalent pensionable pay upon which the deferred benefits were calculated).
Employee contribution rate	How the pension contribution band to which an employee is	R9(1) & R9(3)	Employer	CCC has a position statement, which details how it will determine employee contribution rates; the statement has been agreed with the Trade Unions and communicated to employees. This will be reviewed each April and is published on the Council's Intranet.
Regular lump sum payments	In determining Assumed Pensionable Pay, whether a lump sum payment made in the previous 12 months is a "regular lump sum"	R21(5)	Employer	In assessing Assumed Pensionable Pay (APP) for a member who is not a returning officer in receipt of fees Cambridge City Council will not include in the calculation any regular lump sum payments.

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 (APP), 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	In determining Assumed Pensionable Pay (APP) for a member who is not a returning officer in receipt of fees Cambridge City Council will not substitute for the pensionable pay (including any APP) the member received (ignoring any lump sum payments) in the 3 months (or 12 weeks if paid other than monthly) used to calculate APP, a more representative, higher, level of pensionable pay if, having regard to the level of pensionable pay the member received in the previous 12 months, Cambridge City Council is of the view that the pensionable pay (including any assumed pensionable pay) the member received (ignoring any lump sum payments) in the aforementioned 3 month or 12 week period was materially less than what it would normally have been.
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	Cambridge City Council will only extend the 12 month time limit within which a scheme member who: • has a deferred LGPS benefit in England or Wales as a result of the cessation of an employment prior to 1st April 2014, or an election to opt out of membership of the Scheme prior to 1st April 2014, or the cessation of a concurrent employment prior to 1st April 2014, and • has not made an election to be treated as if they had been a member of the Scheme on 31st March 2014 and 1st April 2014 Cambridge City Council may elect to aggregate the deferred benefit with the new period of membership and use the value of the deferred benefit to purchase an amount of earned pension in their CARE pension account in the following circumstances: a) where the Head of Human Resources agrees that the available evidence indicates the member had not been informed of the 12 month time limit due to maladministration; or b) where the Head of Human Resources agrees that the available evidence indicates the member had made an election within the required 12 month period but the election was not received by the Pension Fund administering authority (e.g. the election form was lost in the post).
	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)(b) & L66(8) & former L66(9)(b)	Employer	An extension of the time limit will only be granted where the member has not been notified of the potential additional service that may be purchased. Where this is the case CCC will extend the time limit to one month from the date of notification of the potential service credit
	No right to return of contributions where a member left their employment due to offence of a fraudulent character or grave misconduct in connection with that employment, unless employer directs a total or partial refund is to be made	R19(2)	Employer	Cambridge City Council will direct a refund of contributions less any debt owed to the Council by the member.
	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	CCC does not provide any payments or benefits deemed pensionable, outside those determined in R20(1)(a) which states "all the salary, wages, fees and other payments paid to the employee" with the exception of certain Salary Sacrifice schemes. A document entitled what is pensionable pay is published on the Council's intranet.
	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)	Cambridge City Council will make the determination in accordance with the available evidence
	Determine whether person in receipt of Tier 3 ill health pension has started gainful employment	R37(3) & (4)	Employer	Cambridge City Council will make this determination in accordance with the available evidence, the requirements of the LGPS Regulations 2013 and any statutory guidance issued by the Secretary of State.
	Whether to recover any overpaid Tier 3 pension following commencement of gainful employment	R37(3)	Employer	Cambridge City Council will recover any overpaid Tier 3 pension following commencement of gainful employment.
	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)	Cambridge City Council will make this determination in accordance with the available evidence, the requirements of the LGPS Regulations 2013 and any statutory guidance issued by the Secretary of State.
	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)	Cambridge City Council will make this determination in accordance with the available evidence, the requirements of the LGPS Regulations 2013 and any statutory guidance issued by the Secretary of State.
	Whether to extend six month period to lodge a stage one IDR appeal	R74(4)	Adjudicator making stage one IDR decision	Cambridge City Council will make the determination in accordance with the available evidence
	Decide procedure to be followed by adjudicator when exercising stage one IDR functions and decide the manner in which those functions are to be exercised	R74(6)	Adjudicator making stage one IDR decision	Cambridge City Council will make the determination in accordance with the available evidence
	Whether to apply to Secretary of State for a forfeiture certificate (where member is convicted of a relevant offence)	R91(1) & (8)	Employer	Where appropriate Cambridge City Council will apply for a certificate
	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	If a forfeiture certificate is issued by the Secretary of State it will be applied against the member's pension rights (i.e. the rights should be forfeited)

	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	In line with decisions under Regulations R91(1) and 91(4) there will be no need for the Council to decide whether or not to make interim payments
	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	The Council will make the appropriate recovery and reduce the member's pensions rights accordingly where the member has not made good the debt
	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	The Council will apply forfeiture to, or recover the monetary obligation from, the relevant benefits (including from the GMP entitlement), where a member has committed treason or been imprisoned for at least 10 years for one or more offences under the Official Secrets Acts.
	Agree to bulk transfer payment (<i>Note: This regulation relates to transfer of undertakings where 2 or more members' active membership ends on their joining a different registered pension scheme.</i>)	R98(1)(b)	Employer / Admin. Authority / trustees of new scheme	Cambridge City Council will determine each case on its merits.
	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	CCC will allow members to select final pay period for fees to be any 3 consecutive years ending 31st March in the 10 years prior to leaving, subject to the approval of the nominated person as defined in the Council's constitution.

Discretions in relation to Scheme Members (excluding Councillor Members) who ceased active membership on or after 1.4.08 and before 1.4.14. B = LGPS (Benefits, Memberships and Contributions) Regulations 2007

	Discretion	Regulation	Exercised by	
Waive reduction	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)	Each case will be considered on its merits and will be subject to the approval of the Head of Human Resources.
85 year rule	Whether to switch on the 85 year rule for a pensioner member with deferred benefits voluntarily drawing benefits on or after age 55 and before age 60	TPSch 2, para1(2) & 1(1)C		Cambridge City Council will not agree to switch the 85 year rule on where pensioner members chose to voluntarily draw their deferred benefits on or after age 55 and before age 60 except in circumstances where Cambridge City Council considers it is in the financial or operational interests to do so. Each case: - will be considered on the merits of the financial and/ or operational business case put forward, and will require the approval of the Head of Human Resources.
Waive reduction	Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early under B30A	B30A(5), TPsch 2, para 2(1)	Employer (or Admin. Authority where Employer has become defunct)	Each case will be considered on its merits and will be subject to the approval of the Head of Human Resources.
	Whether to extend the 12 month option period for aggregation of deferred benefits	A16(4)(b)(ii)		Cambridge City Council will extend the 12 months period: a) where the Head of Human Resources agrees that the available evidence indicates the member had not been informed of the 12 month time limit due to maladministration b) where the Head of Human Resources agrees that the available evidence indicates the member had made an election within 12 months of joining the LGPS but the election was not received by the appropriate administering authority (e.g. the election form was lost in the post) c) the member has pre 1 April 2014 membership and the Head of Human Resources agrees the available evidence indicates that, due to maladministration, the member had not been informed of the implications of having benefits aggregated and would, in consequence, suffer a detriment to their pension benefits (for example, where member's whole-time equivalent pensionable pay on commencing with CCC is, in real terms after allowing for inflation, significantly less than the whole-time equivalent pensionable pay upon which the deferred benefits were calculated).
	Whether to extend the normal time limit for acceptance of a transfer value beyond 12 months from joining the LGPS	A83(8)		Cambridge City Council will extend the 12 months period: a) where the Head of Human Resources agrees that the available evidence indicates the member had not been informed of the 12 month time limit due to maladministration b) where the Head of Human Resources agrees that the available evidence indicates the member had made an election within 12 months of joining the LGPS but the election was not received by the appropriate administering authority (e.g. the election form was lost in the post) c) the member has pre 1 April 2014 membership and the Head of Human Resources agrees the available evidence indicates that, due to maladministration, the member had not been informed of the implications of having benefits aggregated and would, in consequence, suffer a detriment to their pension benefits (for example, where member's whole-time equivalent pensionable pay on commencing with CCC is, in real terms after allowing for inflation, significantly less than the whole-time equivalent pensionable pay upon which the deferred benefits were calculated).
	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	An extension of the time limit will only be granted where the member has not been notified of the potential additional service that may be purchased. Where this is the case CCC will extend the time limit to one month from the date of notification of the potential service credit.
	Whether to allow a late application by member to pay optional contributions for a period of unpaid child related leave, strike, or unpaid leave of absence beyond 30 days	A22(2)	Employer	CCC will consider each case on its own merits and will be subject to the approval of the Head of Human Resources
	No right to return of contributions where member left their employment due to offence of a fraudulent character or grave misconduct in connection with that employment unless employer directs a total or partial refund is to be made	A47(2)	Employer	Cambridge City Council will direct a refund of contributions less any debt owed to the Council by the member (see Reg A76 (2) and (3))
	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	The balance is recovered from the fund. In practice this is achieved by the administering authority paying the CEP out of the fund direct to the relevant government departments on behalf of the employer.
	Whether to extend six month period to lodge a stage one IDR appeal	A58(7)(b)	Person making stage one IDR decision	Cambridge City Council will extend the 6 months period: a) where the Head of Human Resources agrees that the available evidence indicates the member had not been informed of the 6 month time limit due to maladministration b) where the Head of Human Resources agrees that the available evidence indicates the member had made an election within 6 months of joining the LGPS but the election was not received by the appropriate administering authority (e.g. the election form was lost in the post)
	Whether to apply to Secretary of State for a forfeiture certificate where member is convicted of a relevant offence (a relevant offence is an offence committed in connection with an employment in which the person convicted is a member, and because of which the member left the employment)	A72(1) & (6)	Employer	Where appropriate the Council will apply for a certificate
	Where forfeiture certificate is issued, whether to direct that benefits are to be forfeited	A72(3)	Employer	If a forfeiture certificate is issued by the Secretary of State it will be applied against the member's pension rights (i.e. the rights should be forfeited)
	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	In line with decisions under Regulations A72(1) and 72(3) there will be no need for the Council to decide whether or not to make interim payments.
	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	The Council will make the appropriate recovery and reduce the member's pension rights accordingly where the member has not made good the debt.

	Whether to recover from Fund any financial loss caused by fraudulent offence or grave misconduct of employee (who has left employment because of that fraudulent offence or grave misconduct), or amount of refund if less.	A76(2) & (3)	Employer	The Council will make the appropriate recovery from the pension fund where the member has not made good the debt.
	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)	Cambridge City Council will make this determination in accordance with the available evidence, the requirements of the LGPS Regulations 2013 and any statutory guidance issued by the Secretary of State.
	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)	Cambridge City Council will make this determination in accordance with the available evidence, the requirements of the LGPS Regulations 2013 and any statutory guidance issued by the Secretary of State.

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.

	Discretion	Regulation	Exercised by	
Employer consent retirement	Grant an application for early payment of deferred benefits on or after age 50 and before age 55.	31(2)	Employer	CCC will consider each case on its own merits.
85 year rule	Whether to switch on the 85 year rule for a member with deferred benefits voluntarily drawing benefits on or after age 55 and before age 60. Note: TPSch2, para 2(2) does not reference para 1(1)(f) so there is strictly speaking no requirement to publish a policy under this regulation or R60. LGSS recognises this is a regulatory omission and the employer should publish a policy accordingly	TPSch 2, para 1(2) & 1(1)(f) & R60	Employer	Cambridge City Council will not agree to switch the 85 year rule on where members chose to voluntarily draw their benefits on or after age 55 and before age 60 except in exceptional circumstances. Each case - will be considered on the merits of the case put forward, and - will require the approval of the Head of Human Resources. Cambridge City Council will not agree to switch the 85 year rule on where members chose to voluntarily draw their deferred benefits on or after age 55 and before age 60 except in circumstances where Cambridge City Council considers it is in the financial or operational interests to do so. Each case: will be considered on the merits of the financial and/ or operational business case put forward, and will require the approval of the Head of Human Resources.
Waive reduction	Waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early	31(5)	Employer	CCC will consider each case on its own merits.
Employer consent at NRD for optant out	Optants out only to get benefits paid from Normal Retirement Date if employer agrees	31(7A)	Employer	CCC will not pay until the pre 1.4.08 employee ceases the job they opted out from.
	Issue a certificate of protection of pension benefits where member fails to apply for one (pay cuts / restrictions occurring pre 1.4.08)	23(4)	Employer	CCC will consider each case on its own merits.
	Decide, in the absence 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 No right to return of contributions where member left their employment due to offence of a fraudulent character or grave misconduct in connection with that employment unless employer directs a total or partial refund is to be made.	34(1)(b) 88(2)	Employer Employer	Where a member has not made an election within 3 months the Council will apply whichever is deemed the more beneficial provision. Cambridge City Council will direct a refund of contributions less any debt owed to the Council by the member
	Employer may deduct contributions from a councillor's pay or reserve forces pay	89(1) & (2)	Employer	CCC will consider each case on its own 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 (councillor leavers and pre 1.4.08. leavers)	92	Employer	The balance is recovered from the fund. In practice this is achieved by the administering authority paying the CEP out of the fund direct to the relevant government departments on behalf of the employer
	Forfeiture of pension rights on issue of Secretary of State's certificate following a relevant offence (a relevant offence is an offence committed in connection with an employment in which the person convicted is a member, and because of which the member left the employment)	111(2) & (5)	Employer	If a forfeiture certificate is issued by the Secretary of State it will be applied against the members pension rights (i.e. the rights should be forfeited)
	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	112(1)	Employer	In line with decisions under Regulations C111(2) and (5), there will be no need for the Council to decide whether or not to make interim payments
	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)	113(2)	Employer	The Council will make the appropriate recovery and reduce the member's pensions rights accordingly where the member has not made good the debt
	Recovery from Fund of financial loss caused by employee, or amount of refund if less.	115(2) & (3)	Employer	The Council will make the appropriate recovery from the pension fund where the member has not made good the debt.

Discretions under the Local Government Pension Scheme Regulations 1995 (as amended) in relation to scheme members who ceased active membership before 1.4.98.

	Discretion	Regulation	Exercised by	
Employer consent retirement	Grant an application for early payment of deferred benefits on or after age 50 on compassionate grounds. Note: although the common provisions of the 1997 Transitional provisions regulations do not specify regulation D11(2)(c), their intention was that it should apply to this regulation	D11(2)(c)	Employer	Each request will be considered on its merits and will be subject to the approval of the Head of Human Resources.
	Decide, in the absence 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	Where a member has not made an election within 3 months the Council will apply whichever is deemed the more beneficial provision.

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:

	Discretion	Regulation	Exercised by	
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	Redundancy payments will be based on actual weeks' pay.
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.	6	Employer	CCC does not award any such compensation in cases of redundancy, termination of employment on business efficiency grounds, or cessation of a joint appointment.

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

These Regulations still apply to any Compensatory Added Years previously awarded by a Scheme Employer before 1 April 2007. Scheme employers (other than admission bodies) who made awards of Compensatory Added Years are required to have a policy on the following::

	Discretion	Regulation	Exercised by	
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	Where compensatory added years were awarded on or after 21 June 2000 CCC will reduce a person's annual compensatory added years payment following the cessation of a period of re-employment in local government to the extent necessary to secure that if: - the period of compensatory added years granted in respect of the former employment, plus - the period of membership the person has accrued in the LGPS (or would have accrued had he / she joined the scheme) during the period of re-employment in local government, counted at its part-time length, if the person was part-time, exceeds - the period of membership the person would have accrued during the period from the cessation of the former employment until age 65 on the assumption that he / she had continued in that former employment to age 65 (again counted at its part-time length if the person was part-time at the date of cessation of the former employment), then - the annual pension and lump sum from the first job combined with the annual pension and automatic lump sum (if any) from the second job (based on the assumption that the employee joined the LGPS at the first opportunity), plus the annual compensation and lump sum compensation, shall not in aggregate exceed the pension and lump sum the person would have achieved if he / she had remained in the first job through to age 65. Where there is an excess, the annual compensation must be reduced by the excess pension, and if the annual compensation is not reduced to nil, the amount of the remaining (reduced) basic annual compensation (excluding cost of living increases) must then be suspended until the excess lump sum (if any) is recovered. In calculating whether or not, in aggregate, the annual pension and lump sum from the first job, plus the annual pension and lump sum (if any) from the second job (based on the assumption that the employee joined the LGPS at the first opportunity), plus the annual compensation and lump sum compensation, exceeds the pension and lump sum the person would have achieved if he / she had remained in the first job through to age 65 it will be necessary to compare: a) the actual LGPS pre 1 April 2009 1/80th pension and 3/80ths lump sum, plus the actual LGPS post 31 March 2008 1/80th pension (ignoring any commutation for a lump sum), plus the actual 1/80th annual compensation and 3/80ths lump sum compensation, with b) the 1/80th LGPS pension and 3/80ths lump sum the member would have achieved in their first job to 31 March 2008, plus the 1/60th LGPS pension the member would have achieved in their first job (ignoring any potential commutation for a lump sum), if the member had stayed in the first job through to age 65. In determining the benefits the employee could have achieved had he / she remained in the first employment through to age 65 it will be necessary to determine the pensionable pay to be used in the calculation. For this purpose, the pensionable pay figure used in the calculation of the pension benefits in the first job will be used as brought up to date, at the date of cessation of the period or re-employment, by increasing it in line with the rate at which an "official pension" would have been increased under the Pensions (Increase) Act 1971. If a person has been awarded more than one previous period of compensatory added years, e.g. as a result of being made redundant more than once, the abatement/clawback provisions are modified. In such a case, the rules under the former Local Government (Discretionary Payments) Regulations 1998 will be applied where a person ceases a period of re-employment in local government and has previously been granted more than one period of compensatory added years, but using the pay in the first job as increased in line with cost of living increases (i.e. ignoring regulations 18(5)(a)(i), 18(6) and 18(7) of the Local Government (Discretionary Payments) Regulations 1998). Where compensatory added years were awarded before 21 June 2000, Cambridge City Council will reduce a person's annual compensatory added years' payment following the cessation of a period of re-employment in local government (see note below) in accordance with the Local Government (Discretionary Payments) Regulations 1996.
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	Where compensatory added years were awarded on or after 21 June 2000 CCC will reduce a person's annual compensatory added years payment following the cessation of a period of re-employment in local government to the extent necessary to secure that if: - the annual compensation (including any pension increases), and - the annual pension from the LGPS (including any pension increases), and - the annual rate of pay from the new employment exceeds the pay the person would have received from the employment in respect of which the compensatory added years were granted, based on the annual rate of pay at the date of ceasing the former employment as increased by the relevant cost of living increases (i.e. as increased by the rate at which an "official pension" is increased under the Pensions (Increase) Act 1971).
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	The Council will apportion any surviving spouses or civil partner's annual compensatory added years where the deceased person is survived by more than one spouse or civil partner in such proportions as, at its sole discretion, it sees fit (based on the merits of the individual cases). Where no representation is received payments will normally be apportioned equally.
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	If the spouse or civil partner of a person who ceased employment before 1 April 1998 remarries, enters into a new civil partnership or cohabits after 1 April 1998, the normal annual compensation suspension rules will be disapplied i.e. the spouse's or civil partner's annual compensatory added years will continue to be paid
	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	Due to the decision in discretion ET21(7) above this discretion is not applicable.
	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		Employer	This discretion is not applicable because CCC did not award Compensatory Added Years to non LGPS members
	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 co-habitation lasts, should be disapplied i.e. whether the spouses' or civil partners' annual CAY payments should continue to be paid to both of them	21(7)	Employer	If the spouse or civil partner of a person who ceased employment before 1 April 1998 remarries or cohabits after 1 April 1998 with another person who is also entitled to a spouse's or civil partners annual CAY payment, the normal annual compensation suspension rules will be disapplied i.e. the spouse's or civil partner's annual compensatory added years will continue to be paid to both of them.

Discretions under the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011

Scheme employers (other than admission bodies) must have a policy on:

	<u>Discretion</u>	<u>Regulation</u>	<u>Exercised by</u>	
Injury Allowances	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	Cambridge City Council will not make any awards under the Local Government (Discretionary Payments)(Injury Allowances) Regulations 2011 as CCC holds Employer's Liability Insurance. CCC has provision for NJC employees under the National Agreement on pay and conditions of service (Green Book)
	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	Cambridge City Council will not make any awards under the Local Government (Discretionary Payments)(Injury Allowances) Regulations 2011 as CCC holds Employer's Liability Insurance. CCC has provision for NJC employees under the National Agreement on pay and conditions of service (Green Book)
	Determine whether person continues to be entitled to an injury allowance awarded under regulation 3(1) (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(2)	Employer	Cambridge City Council will not make any awards under the Local Government (Discretionary Payments)(Injury Allowances) Regulations 2011 as CCC holds Employer's Liability Insurance. CCC has provision for NJC employees under the National Agreement on pay and conditions of service (Green Book)
	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	Cambridge City Council will not make any awards under the Local Government (Discretionary Payments)(Injury Allowances) Regulations 2011 as CCC holds Employer's Liability Insurance. CCC has provision for NJC employees under the National Agreement on pay and conditions of service (Green Book)
	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	Cambridge City Council will not make any awards under the Local Government (Discretionary Payments)(Injury Allowances) Regulations 2011 as CCC holds Employer's Liability Insurance. CCC has provision for NJC employees under the National Agreement on pay and conditions of service (Green Book)
	Determine whether person continues to be entitled to an injury allowance awarded under regulation 4(1) (loss of employment through permanent incapacity)	4(2)	Employer	Cambridge City Council will not make any awards under the Local Government (Discretionary Payments)(Injury Allowances) Regulations 2011 as CCC holds Employer's Liability Insurance. CCC has provision for NJC employees under the National Agreement on pay and conditions of service (Green Book)
	Whether to suspend or discontinue injury allowance awarded under regulation 4(1) (loss of employment through permanent incapacity) 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	Cambridge City Council will not make any awards under the Local Government (Discretionary Payments)(Injury Allowances) Regulations 2011 as CCC holds Employer's Liability Insurance. CCC has provision for NJC employees under the National Agreement on pay and conditions of service (Green Book)
	Whether to grant an injury allowance following cessation of employment with entitlement to immediate LGPS pension where a regulation 3 payment (reduction in remuneration as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job) was being made at date of cessation of employment but regulation 4 (loss of employment through permanent incapacity) does not apply.	6(1)	Employer	Cambridge City Council will not make any awards under the Local Government (Discretionary Payments)(Injury Allowances) Regulations 2011 as CCC holds Employer's Liability Insurance. CCC has provision for NJC employees under the National Agreement on pay and conditions of service (Green Book)
	Determine amount of any injury allowance to be paid under regulation 6(1) (payment of injury allowance following the cessation of employment).	6(1)	Employer	Cambridge City Council will not make any awards under the Local Government (Discretionary Payments)(Injury Allowances) Regulations 2011 as CCC holds Employer's Liability Insurance. CCC has provision for NJC employees under the National Agreement on pay and conditions of service (Green Book)
	Determine whether and when to cease payment of an injury allowance payable under regulation 6(1) (payment of injury allowance following the cessation of employment).	6(2)	Employer	Cambridge City Council will not make any awards under the Local Government (Discretionary Payments)(Injury Allowances) Regulations 2011 as CCC holds Employer's Liability Insurance. CCC has provision for NJC employees under the National Agreement on pay and conditions of service (Green Book)
Whether to grant an injury allowance to the spouse, civil partner, co-habiting 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. The requirement to nominate a cohabiting partner has ceased entirely under these regulations due to the outcome of Elmes v Essex CC high court judgement	7(1)	Employer	Cambridge City Council will not make any awards under the Local Government (Discretionary Payments)(Injury Allowances) Regulations 2011 as CCC holds Employer's Liability Insurance. CCC has provision for NJC employees under the National Agreement on pay an	

	<p>Determine amount of any injury allowance to be paid to the spouse, civil partner, nominated co-habiting partner (for awards made on or after 1 April 2008 the requirement to nominate a cohabiting partner has ceased due to the outcome of Elmes v Essex CC high court judgement) or dependent under regulation 7(1) (employee who dies as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job.</p>	7(2) and 8	Employer	<p>Cambridge City Council will not make any awards under the Local Government (Discretionary Payments)(Injury Allowances) Regulations 2011 as CCC holds Employer's Liability Insurance. CCC has provision for NJC employees under the National Agreement on pay and conditions of service (Green Book)</p>
	<p>Determine whether and when to cease payment of an injury allowance payable under regulation 7(1) (employee who dies as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job."</p>	7(3)	Employer	<p>Cambridge City Council will not make any awards under the Local Government (Discretionary Payments)(Injury Allowances) Regulations 2011 as CCC holds Employer's Liability Insurance. CCC has provision for NJC employees under the National Agreement on pay and conditions of service (Green Book)</p>