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Local Government Pension Scheme Discretions Policy

Presented to Staff Panel on 15 January 2024

1. Introduction

1.1 Hurstpierpoint & Sayers Common Parish Council (herein after called “the Parish Council”) as an employer, is under a legal duty to prepare and publish a written statement of its policy relating to certain discretionary powers under the Regulations which apply to the Local Government Pension Scheme (“the LGPS”).

1.2 The Parish Council is also under a duty to formulate, publish and keep under review the policy that the Parish Council applies in exercising discretionary powers under Regulations relating to the payment of compensation to employees whose employment is terminated as a result of redundancy or certain other reasons.

2. Statement on the Policy

2.1 This document is intended to comply with these duties and, in the following table, sets out the discretionary powers concerned, identifies the relevant Regulation that gives the Parish Council the discretion and describes how the discretion will be exercised.

2.2 The policy set out in this document will not be departed from except as provided for in the policy or following a variation to the policy approved by the Parish Council. This statement is not a definitive statement of the law and is subject to the provisions of the relevant Regulations.

3. Applicable Regulations

The Regulations that apply to the LGPS are:

- The Local Government Pension Scheme (Administration) Regulations 2008 (as amended) (Prefix A below)
- The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2009 (as amended) (Prefix B below)
- The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (as amended) (Prefix D below)

4. Discretions

In the following table the regulation denotes the discretions where the employer is required to have a policy statement under the regulations.

Pursuant to Regulation 66(5) of the Local Government Pension Scheme (Administration) Regulations in preparing or reviewing and revising this statement the Parish Council has had, and will have regard to the extent to which the exercise of any of the functions in accordance with its policy could lead to a serious loss of confidence in the public service.

Regulation	Early Termination of Employment Discretionary Compensation Benefits (where applicable)	Discretion Employer's Policy on the exercise of this discretion
B12 *	Whether to augment membership of an active member (by up to 10 years)	The Parish Council will not have a general policy to augment membership of an active member by up to 10 years but may decide to do so where a sound business case can be made for exercising this discretion. Each case will be considered on its individual merits.
B13 *	Whether to grant additional pension to a member (by up to £5,000 p.a.)	The Parish Council will not have a general policy to grant additional pension to a member (by up to £5,000 p.a.) but may consider doing so where a sound business case can be made for exercising this discretion. Each case will be considered on its individual merits.
A36	Allow late application to convert scheme AVCs into membership credit i.e., allow application more than 30 days after cessation of active membership	The Parish Council will not have a general policy to allow late application to convert scheme AVCs into membership credit but may do so if exceptional circumstances can be proved such as the member being unaware of this right. Each case will be considered on its individual merits.
A47(2)	No right to a return of contributions due to an offence of a fraudulent character or grave misconduct unless the employer directs a total or partial refund is to be made	The Parish Council will not have a general policy to direct a return of contributions in the event of an offence of a fraudulent character or grave misconduct.
A72 (3) & (6)	Whether to apply for a forfeiture certificate (where a member is convicted of a relevant offence) and subsequently whether to direct that benefits are to be forfeited.	The Parish Council will apply for a forfeiture certificate where a member is convicted of a relevant offence and, following the issue of the certificate, direct that benefits are to be forfeited.
A74(2)	Whether to recover from the 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 because of a criminal, negligent or fraudulent act or omission in connection with the employment and as a result of which the person has left the employment.	The Parish Council will recover from West Sussex Local Government Pension Scheme the amount of loss in cases of criminal, negligence or fraudulent acts by a member
A76(2) & (3)	Whether to recover from the fund any financial loss caused by fraudulent offence or grave misconduct of an employee (who has left because of that) or amount of refund if less	The Parish Council will recover from West Sussex Local Government Pension Scheme the amount of loss caused by fraudulent offence or grave misconduct of employee (who has left because of that), or the amount of refund if less

Regulation	Early Termination of Employment Discretionary Compensation Benefits (where applicable)	Discretion Employer's Policy on the exercise of this discretion
A83 (8)	Extend normal time limit for acceptance of a transfer value beyond the 12-month time limit from joining the LGPS	The Parish Council will not generally extend the normal time limit for acceptance of a transfer value beyond 12 months from joining the scheme but may do so where exceptional circumstances can be proved. In any event the maximum extension will be a period of two years from the member's date of joining the scheme. Each case will be considered on its individual merits.
B18(1) *	Whether all or some benefits can be paid if an employee reduces their hours or grade after reaching age 55 (flexible retirement).	The Parish Council will not have a general policy of exercising this discretion but may exercise this discretion where a sound business case can be made for granting flexible retirement with immediate access to all or part of the member's benefits. The Parish Council will consider requests on a case by case basis.
B18(3) *	Whether to waive, in whole or in part, any actuarial reduction on benefits paid on flexible retirement.	The Parish Council will not waive, in whole or in part, the actuarial reduction on the benefits paid on flexible retirement.
B30(2) *	Whether to grant application for early payment of benefits on or after age 50/55 and before age 60.	The Parish Council will not have a general policy of granting early payment of benefits on or after age 50/55 and before age 60 but will consider requests on a case-by-case basis. The Parish Council may exercise this discretion where a sound business case can be made for doing so or where other exceptional circumstances arise that make payment of those benefits justifiable.
B30(5) *	Whether to waive, on compassionate grounds, the actuarial reduction on benefits paid early.	The Parish Council will not generally waive the actuarial reduction applied to benefits paid early under regulation B30(2) above. The Parish Council may consider waiving the actuarial reduction where exercising that discretion can be justified in terms of the sound businesses case made for initially paying those benefits or where other exceptional circumstances arise that make payment of those benefits justifiable. Each case will be considered on its individual merits.
D 5 (1)	Power to increase statutory redundancy payments above statutory weekly pay limit.	The Parish Council will not generally increase statutory redundancy payments above statutory weekly pay limit.
D 6	Decision to award up to 104 weeks compensation instead of compensatory added years.	The Parish Council will not generally award up to 104 weeks compensation instead of compensatory added years.