

**LOCAL GOVERNMENT PENSION SCHEME EMPLOYER'S  
DISCRETIONS POLICY FOR HELSTON TOWN COUNCIL  
LGPS 2014 Scheme**

**CORNWALL PENSION FUND**

DISCRETION & REGULATION	POLICY ON INDIVIDUAL DISCRETIONS
<p><b>1). Reg 31: Whether to grant additional pension to a member (up to £6500pa)</b> (Mandatory in Policy Statement)</p>	<p>Helston Town Council will only exercise this discretion in exceptional circumstances. This discretion will only be exercised with the expressed permission of the Policy, Finance &amp; Resources Committee after consideration of the costs that would apply.</p>
<p><b>2). Reg 16(2)e &amp; Reg 16(4)d: Whether to it make either a regular or lump sum Additional Pension Contribution (APC) to a member's account (part or whole funding this)</b> [Note: this discretion only relates to cases when the member is working as normal rather than absent from work with permission but no pensionable pay – in the latter scenario, employers must fund it if necessary.] (Mandatory in Policy Statement)</p>	<p>Helston Town Council will only exercise this discretion in exceptional circumstances. This discretion will only be exercised with the expressed permission of the Policy, Finance &amp; Resources Committee after consideration of the costs that would apply.</p>
<p><b>3). Reg 30(6): Whether all or some pension benefits can be paid if an member aged 55 or over reduces their hours/grade and continues to work (“flexible retirement”)</b> (Mandatory in Policy Statement)</p>	<p>Helston Town Council will consider employee requests to take flexible retirement on a case by case basis after taking into factors such as service delivery and any costs that may apply. The Policy, Finance &amp; Resources Committee will be responsible for considering (or otherwise) all requests to take flexible retirement.</p>
<p><b>4). Reg 30(8): Waiving actuarial reduction on flexible retirement.</b> (Mandatory in Policy Statement)</p>	<p>Helston Town Council will only waive the actuarial reduction on flexible retirement in exceptional circumstances following approval from the Policy, Finance &amp; Resources Committee after consideration of the costs that would apply.</p>
<p><b>5). Reg 30(8): Waiving actuarial reduction on early retirement (age 55+) – for both active, deferred members &amp; suspended tier 3 ill health pensions</b> (Mandatory in Policy Statement)</p>	<p>Helston Town Council will only waive the actuarial reduction on early retirement in exceptional circumstances and as the result of the expressed permission of the Policy, Finance &amp; Resources Committee after considering the costs that would apply.</p>
<p><b>6). TP Regs 1(1)(c) of Schedule 2: Whether to allow the rule of 85 to be “switched on” for members who would normally meet the rule but who will not if they draw the benefits age 55-59</b> (Mandatory in Policy Statement)</p>	<p>Helston Town Council will only agree to “switch on” the rule of 85 in exceptional circumstances following approval from the Policy, Finance &amp; Resources Committee after considering the costs that will apply.</p>

<b>DISCRETION &amp; REGULATION</b>	<b>POLICY ON INDIVIDUAL DISCRETIONS</b>
<b>7). Regs 22(8 &amp; 9): Whether to extend 12-month period to separate previous Local Government service.</b> <i>(Not Mandatory in Policy Statement)</i>	Helston Town Council will not exercise this discretion.
<b>8). Reg 9(3): Determine rate of employees' contributions.</b> <i>(Not Mandatory in Policy Statement)</i>	Helston Town Council will review all employees' contribution bands when there has been contractual change to a member's salary or hours at some point during the year. A member's contribution rate will not be reviewed as the result of one-off additional payments (such as honorariums).
<b>9). Reg 100(6): Whether to extend 12-month period to allow a transfer-in of non-LG pension rights.</b> <i>(Not Mandatory in Policy Statement)</i>	Helston Town Council will not exercise this discretion.

**Abbreviations**

“Reg 16(2)e” means Regulation 16(2)e of the Local Government Pension Scheme Regulations 2013 [which apply from 1 April 2014]

“TP Regs” means LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014].

## **Explanation of each Discretion**

### **1. Reg 31: Whether to grant additional pension to a member of up to £6500pa**

Employers are allowed to purchase additional pension on a member's behalf up to a limit of of £6500 per annum less any amount of additional annual pension the employer has already contributed. The cost of providing any additional pension to the member (over their expected time as a future pensioner) will be invoiced to the employer concerned as at the time of the award. As of April 2014, this is now under the title of Additional Pension Contributions (APCs). This discretion is rarely used but when it is used it is in cases of redundancies or compromise agreements etc.

### **2. Reg 16(2)e & Reg 16(4)d: Whether to make either a regular or lump sum Additional Pension Contribution (APC) to a member's account (part or whole funding this)**

This discretion relates to the option to help a member purchase additional pension where the employer is not required to do so under the Local Government Pension Scheme Regulations (in a similar way to no 1).

### **3. Reg 30(6): Whether all or some pension benefits can be paid if an member aged 55 or over reduces their hours/grade and continues to work (“flexible retirement”)**

Flexible retirement means that the member can begin drawing their pension from a certain point in time while they continue working in the same employment (on reduced hours or pay). There will not normally be a direct and immediate cost to the employer if the employer agrees to do this, as the member's pension will be reduced accordingly to allow for any early withdrawal, as is the case for any early retirement. However, if the member would normally reach the rule of 85 before age 60 and they take flexible retirement before age 60 then costs may well apply – therefore for pre-60 flexible retirement cases it is suggested that you contact the Cornwall Pension Fund for an estimate before making a decision.

Please note that the Local Government Pension Scheme Regulations do not explicitly mention that a minimum reduction in hours or pay is necessary or that the reduction needs to be permanent.

### **4. Reg 30(8) Waiving actuarial reduction on flexible retirement.**

Employers can choose to ‘waive’ the reduction that would normally apply because the member would be taking their pension early. As the full pension would be being paid for longer, this means that the Cornwall Pension Fund would expect to pay out more pension in the member's lifetime. This additional cost (or ‘strain’) would be invoiced to the employer. The Cornwall Pension Fund would be able to provide estimates of the likely cost.

### **5. Reg 30(8) Waiving actuarial reduction on early retirement (age 55+) – for both active and deferred members**

This discretion is identical to number 4) except that here it applies for early retirement instead of flexible retirement.

**6. TP Regs 1(1)(c) of Schedule 2: Whether to allow the rule of 85 to be “switched on” for members who would normally meet the rule but who will not if they draw the benefits age 55-59**

The rule of 85 applies to some members who originally joined the Local Government Pension Scheme before 2006. It allows members who meet the rule to retire earlier than the normal pension age, taking their pension benefits in full. However, under the Local Government Pension Scheme 2014 Regulations certain members would lose some of the rule of 85 protections if they wished to draw their pension benefits before 55 and 59. Hence this discretion allows the protections to be re-instated by the employer; this will have cost implications so it is recommended that an estimate of costs is obtained before implementing the discretion.

**7. Regs 22 (8 & 9) Whether to extend 12-month period to separate previous Local Government Pension Scheme service.**

As of April 2014, all members’ previous Local Government Pension Scheme service (either within Cornwall Pension Fund or from another Local Government Pension Fund) should be automatically linked together or transferred in. However, members have 12 months from their starting date to decide if they wish to separate these benefits. If they do not respond, the benefits will be linked. The Cornwall Pension Fund will write to the member, upon receiving a starter form/spreadsheet from the Council, to provide them with the relevant information and offer them this choice.

This discretion is to allow for the normal 12 month window to be extended. A typical reason why the Council may wish to this is because the member was not contacted in time (possibly the Cornwall Pension Fund received starter information from the Council very late).

**8. Reg 9(3) Determine rate of employees’ contributions.**

Employee contribution rates must be reviewed each April but employers have the discretion to review them more frequently.

**9. Reg 100(6) Whether to extend 12-month period to allow a transfer-in of non-Local Government pension rights.**

New members have 12 months to decide whether or not to transfer in a pension from non-public sector fund; they should be provided with this information as part of the starter pack.

This discretion is to allow for the normal 12 month window to be extended. A typical reason why for this is because the member was not contacted in time (possibly the Cornwall Pension Fund received starter information from the council very late). If the Council agrees to do this, the Cornwall Pension Fund will ask the Council to sign a ‘Consent to Late Transfer’ Form on each occasion to make sure that the person agreeing to this is aware of the potential consequences.