

**Churchill Contract Services LTD**

**LOCAL GOVERNMENT PENSION  
SCHEME REGULATIONS 2014**

**EMPLOYER DISCRETIONS  
POLICY STATEMENT**

## Discretions of the Employing Authority

COMPULSORY DISCRETIONS		
Main Purpose of Regulation	Regulation	Discretion Exercised
Funding of Additional Pension through a Shared Cost Additional Pension Contribution - Where an active Scheme member wishes to purchase extra annual pension up to the maximum by making Additional Pension Contributions (APCs), the employer may choose to (voluntarily) contribute towards the cost of purchasing that extra pension via a Shared Cost Additional Pension Contribution (SCAPC).	Regulation 16 (2)(e) and/or 16 (4)(d)	Churchill Contract Services LTD will not generally make use of the discretion.
Flexible Retirement - This regulation allows the employer to consent to the early release of all, or part, of a member's LGPS benefits provided they have also consented to the reduction of hours worked or grade in which the member is employed. The member must be aged 55 or over.	Flexible retirement, Regulation 30 (6)	Churchill Contract Services LTD will not generally agree to requests for flexible retirement, however these will be reviewed on a case-by-case basis.
Waiving of actuarial reduction - This regulation allows the employer to consent to the early	Regulation 30 (8)	Where members choose to voluntarily draw their benefits on or after age 55 and before Normal Pension Age Churchill Contract

COMPULSORY DISCRETIONS		
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release of all, or part, of a member's LGPS benefits provided they have also consented to the reduction of hours worked or grade in which the member is employed. The member must be aged 55 or over.		<p>Services LTD will not generally agree to waive in whole or in part (on any grounds, including compassionate grounds) any actuarial reduction that would otherwise be applied to their benefits.</p> <p>Each case will be initially assessed taking account of the member's former employer's statement of policy. Where the policy allows for early payment of benefits, then this will be approved if there is no strain on fund costs.</p> <p>Where there is no former employer's statement of policy or if there is strain on fund costs then the request for early payment of benefits will only be approved on compassionate grounds. This is where a deferred member is unable to work because they are providing full time care to a dependant. In compassionate cases, any actuarial reduction will be waived and the strain on fund costs will be met by all Fund employers.</p> <p>The Director of Corporate Resources has delegated authority to exercise the discretion in accordance with the policy.</p> <p>Approved by the Pensions Committee (Minute 816, 14 December 2012)</p>
Switching on the 85-year rule for members voluntarily drawing	Schedule 2 of the Transitional Regulations.	Churchill Contract Services LTD will not generally make use of this discretion.

COMPULSORY DISCRETIONS		
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<p>benefits on or after age 55 and before age 60 -</p> <p>Whilst the 85-year rule does not automatically apply in full if the employee decides to voluntarily draw benefits on or after age 55 and before age 60, this regulation allows the employer to switch the rule back on.</p> <p>If the employer switches on the 85-year rule they will pick up any strain on Fund cost.</p>		
<p>The power of employing authority to award additional pension - this regulation allows an employer to resolve to award a member an amount of additional pension, up to the LGPS maximum, to an active scheme member or within 6 months of leaving to a member whose employment was terminated on the grounds of redundancy or business efficiency.</p>	Regulation 31	<p>Churchill Contract Services LTD will not make use of the discretion to grant extra annual pension of up to £7,316 (figure at 1 April 2021) to an active scheme member or, within 6 months of leaving, to a member who is dismissed by reason of redundancy or business efficiency or whose employment is terminated by mutual consent on the grounds of business efficiency.</p>

COMPULSORY DISCRETIONS		
Main Purpose of Regulation	Regulation	Discretion Exercised

OPTIONAL DISCRETIONS		
Main Purpose of Regulation	Regulation	Discretion Exercised
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) a) on compassionate grounds (pre 1/4/14 membership) and / or, 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) on compassionate grounds (pre 1/4/14 membership) and / or, 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 inclusive c) on compassionate grounds	TP3(1), TPSch 2, para 2(1) & B30(5) & B30A(5)	

(pre 1/4/16 membership) and / or, 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) on compassionate grounds (pre 1/4/20 membership) and / or, 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 inclusive		
Whether to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early under B30 (member)	B30(5), TPSch 2, para 2(1)	
Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early under B30A (pensioner member with deferred benefits, i.e. a suspended tier 3 ill health pensioner)	B30A(5), TPSch 2, para 2(1)	
Grant application for early payment of deferred benefits on or after age 50 and before age 55	L31(2)	

Waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early	L31(5) & TPSch 2, para 2(1)	
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	TPSch 2, para 1(2) & 1(1)(f) & R60	
Grant application for early payment of deferred benefits on or after age 50 on compassionate grounds	TP3(5A)(vi) TL4 & L106(1) & D11(2)(c)	
<p>Early payment of pension: ill-health in cases where a member’s former employing authority has ceased to exist.</p> <p>Where a member’s former employer has ceased to exist and there is no successor body, the administering authority can allow the early payment of deferred benefits to a deferred member or the suspended Tier 3 ill health pension brought back into payment for a deferred pensioner member of the LGPS before Normal Retirement Age where a member has become permanently incapable of</p>	<p>REGULATION 38 (3) (6) and Transitional Regulation (2014) 12(6)</p> <p>(formerly Regulation 31 Admin Regs (2008))</p>	<p>Before deciding whether to agree to such a request, the Fund must obtain a certificate from an Independent Registered Medical Practitioner (IRMP) as to whether, in the IRMP’s opinion, the member is suffering from a condition that renders the member permanently incapable of undertaking any gainful employment.</p> <p>Where in the IRMP’s opinion, the member is suffering from a condition that renders the member permanently incapable of undertaking any gainful employment, the Fund will approve the early payment of the deferred pension benefits or the deferred pensioner tier 3 ill health pension and the strain on fund costs will be met by all Fund employers.</p> <p>The Director of Corporate Resources has delegated authority</p>

<p>undertaking any gainful employment as defined in the LGPS Regulations 2008.</p> <p>In the case of the deferred pensioner member, this could be because the original ill health condition has worsened or the member is suffering from another ill health condition that renders the deferred pensioner member permanently incapable of undertaking any gainful employment.</p>		<p>to exercise the discretion in accordance with the policy.</p> <p>Approved by the Pensions Committee (Minute 816, 14 December 2012)</p>
<p>Statements of policy concerning abatement of retirement pensions in new employment.</p> <p>Where a scheme member retires and seeks re-employment, if they choose to remain outside the local government sphere, their pension continues. If they return to an employer who participates in the LGPS, their pension can be reduced or stopped.</p> <p>Subject to consultation with Fund employers, the administering authority has discretion to determine how it wishes to treat re-employed scheme members who</p>	<p>REGULATION 38 (3) (6) and Transitional Regulation (2014) 12(6)</p> <p>(formerly Regulation 31 Admin Regs (2008))</p>	<p>Where the re-employment starts before 1 April 2007, then the policy approved is:</p> <p>(a) That any ill health pension should cease in the event of re-employment subject to the protection afforded to members who were subject to the 1995 Regulations;</p> <p>(b) That with regard to other retirement pension no abatement be applied where the statutory pension in payment is £5,000 per annum or less, this amount to be increased in line with the annual index linking from April 1999 and thereafter; and</p> <p>(c) That where an annual statutory pension exceeds £5,000 per annum then the statutory pension in excess of this amount be abated subject to the protection</p>



<p>retire after 31st March 1998.</p> <p>Abatement (where this is relevant) will only apply to the pre-1 April 2014 accrued pension benefits.</p>		<p>afforded to members who were subject to the 1995 Regulations.</p> <p>Where the re-employment starts after 31 March 2007, there will be no abatement of the retirement pension.</p> <p>Approved by the Pensions Committee (Minute 440, 26 January 2007)</p>
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Date Revised	Date Approved	Summary of Changes	Author
01/03/2025			Malanie Taylor