

# BRECON BEACONS NATIONAL PARK AUTHORITY

## Local Government Pension Scheme and Compensation Payments: Our Policy relating to discretionary items (see note) within the Regulations



<b>Local Government Pension Scheme Regulations Discretionary powers and scheme employer responsibilities from 1.4.2014 in relation to post 31.3.2014 active members and post 31.3.2014 leavers</b>	<b>BBNPA Policy</b>
<p>Regulation 16 (2) (e) &amp; 16(4) (d): Contribution to shared APC costs</p> <p>Whether and how much, and in what circumstances to contribute to a shared cost Additional Pension Contribution (APC) scheme.</p>	<p>To consider each case on its merits having regard to financial and service delivery considerations</p>
<p>Regulation 17(1): Contribution to shared APC costs</p> <p>Whether, how much, and in what circumstances to contribute to shared cost AVC arrangements entered into on or after 1.4.2014</p>	<p>To consider each case on its merits having regard to financial and service delivery considerations</p>
<p>Regulation TP15 (1) (b):</p> <p>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 13.11.2001)</p>	<p>The Authority will allow late applications after 30 days</p>
<p>Regulation 30 (6) &amp; TP11 (2)</p> <p>Whether all or some benefits can be paid if an employee reduces their hours or grade (flexible retirement)</p>	<p>To consider each case on its merits having regard to financial and service delivery considerations.</p>

	The Authority will consider flexible retirement requests from individuals seeking to reduce their hours by a minimum of 20% and this will be on a permanent or minimum 5 years basis.
<p><b>Regulation 30 (8)</b></p> <p>Whether to waive, in whole or in part, actuarial reduction on benefits paid on flexible retirement</p>	To consider each case on its merits having regard to financial and service delivery considerations.
<p><b>Regulation 30 (8)</b></p> <p>Whether to waive, in whole or in part, actuarial reduction on benefits which a member voluntarily draws before normal pension age</p>	To consider each case on its merits having regard to financial and service delivery considerations.
<p><b>Regulation TPSch 2, para 2 (2)</b></p> <p>Whether to “switch on” the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60</p>	To consider each case on its merits having regard to financial and service delivery considerations.
<p><b>Regulation TPSch 2, para 2 (2)</b></p> <p>Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits from pre 1.4.2014 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</p>	To consider each case on its merits having regard to financial and service delivery considerations.
<p><b>Regulation 31</b></p> <p>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.)</p>	To consider each case on its merits having regard to financial and service delivery considerations.

<b>Local Government Pension Scheme Regulations Discretionary powers in relation to scheme members (excluding councillor members) who ceased active membership on or after 1.4.2008 and before 1.4.2014.</b>	<b>BBNPA Policy</b>
Regulation 30 (2)  Whether to grant application for early payment of deferred benefits on or after age 55 and before age 60	To consider each case on its merits having regard to financial and service delivery considerations.
Regulation 30 (5)  Whether to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early under B30	To consider each case on its merits having regard to financial and service delivery considerations.
Regulation 30A (3)  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	To consider each case on its merits having regard to financial and service delivery considerations.
Regulation 30A (5)  Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early under B30A	To consider each case on its merits having regard to financial and service delivery considerations.

<p><b>Local Government Pension Scheme Regulations</b>  <b>Discretionary powers under the Local Government Pension</b>  <b>Scheme Regulations 1997 in relation to active Councillor</b>  <b>members, Councillor members who ceased active</b>  <b>membership on or after 01.04.1998, and any other scheme</b>  <b>members who ceased active membership on or after</b>  <b>01.04.1998 and before 01.04.2008.</b></p>	<p><b>BBNPA Policy</b></p>
<p>Regulation L31 (2)</p> <p>Grant application from a post 31.3.1998. / pre 1.4.2008. leaver or from a councillor for early payment of benefits on or after age 50/55 and before age 60. <b>Note:</b> 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.</p>	<p>To consider each case on its merits having regard to financial considerations.</p>
<p>Regulation L31 (5)</p> <p>Waive, on compassionate grounds, the actuarial reduction applied to benefits paid early for a post 31.3.1998. / pre 1.4.2008. leaver or a councillor leaver</p>	<p>To consider each case on its merits having regard to financial considerations.</p>
<p>Regulation L31 (7)</p> <p>Councillor optants out and pre 1.4.2008 employee optants out only to get benefits paid from NRD if employer agrees</p>	<p>To consider each case on its merits having regard to financial considerations.</p>

<b>Local Government Pension Scheme Regulations Discretionary powers under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (as amended) – prefix C(06)</b>	<b>BBNPA Policy</b>
Regulation C06 (5)  To base redundancy payments on an actual weeks pay where this exceeds the statutory weeks pay limit.	This is the Authority's policy – see Signpost 1.10 Job Security policy
Regulation C06 (6)  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	This is not NPA policy

<b>Local Government Pension Scheme Regulations Discretionary powers under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 (as amended) – prefix C(00)</b>	<b>BBNPA Policy</b>
Regulation C(00)21 (4)  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	Refer to Powys Pension scheme policy –  1 surviving spouse receives ½ benefit and more than one spouse an equal portion of the ½ benefit

<p><b>Regulation C(00)25 (2)</b></p> <p>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</p>	<p>Refer to Powys Pension scheme policy –</p>
<p><b>Regulation C(00)21 (7)</b></p> <p>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</p>	<p>Refer to Powys Pension scheme policy –</p>
<p><b>Regulation C(00)21 (5)</b></p> <p>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</p>	<p>Refer to Powys Pension scheme policy –</p>
<p><b>Regulation C(00)21 (7)</b></p> <p>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 i.e. whether the spouses' or civil partners' annual CAY payments should continue to be paid to both of them</p>	<p>Refer to Powys Pension scheme policy –</p>
<p><b>Regulation C(00) 17</b></p> <p>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</p>	<p>Refer to Powys Pension scheme policy –</p>

<p>Regulation C(00) 19</p> <p>How to reduce the member's annual compensatory added years payment following the cessation of a period of re-employment in local government</p>	<p>Refer to Powys Pension scheme policy –</p>

<p><b>Local Government Pension Scheme Regulations Discretionary powers under the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011 – prefix C(11)</b></p> <p>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.</p>	<p><b>BBNPA Policy</b></p>
<p>Regulation C(11) 3 (1)</p> <p>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.</p>	<p>BBNPA to adopt the policy adopted by Powys County Council review at the same time as Powys County Council.</p>
<p>Regulation C (11) 3 (4) &amp; 8</p> <p>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.</p>	<p>BBNPA to adopt the policy adopted by Powys County Council review at the same time as Powys County Council.</p>
<p>Regulation C (11) 3 (2)</p> <p>Determine whether person continues to be entitled to an injury allowance awarded under regulation 3(1).</p>	<p>BBNPA to adopt the policy adopted by Powys County Council review at the same time as Powys County</p>

	Council.
<p><b>Regulation C (11) 4 (1)</b></p> <p>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.</p>	BBNPA to adopt the policy adopted by Powys County Council review at the same time as Powys County Council.
<p><b>Regulation C (11) 4 (3) &amp; 8</b></p> <p>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.</p>	BBNPA to adopt the policy adopted by Powys County Council review at the same time as Powys County Council.
<p><b>Regulation C (11) 4 (2)</b></p> <p>Determine whether person continues to be entitled to an injury allowance awarded under regulation 4(1).</p>	BBNPA to adopt the policy adopted by Powys County Council review at the same time as Powys County Council.
<p><b>Regulation C (11) 4 (5)</b></p> <p>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.</p>	BBNPA to adopt the policy adopted by Powys County Council review at the same time as Powys County Council.
<p><b>Regulation C (11) 6 (1)</b></p> <p>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.</p>	BBNPA to adopt the policy adopted by Powys County Council review at the same time as Powys County Council.
<p><b>Regulation C (11) 6 (1)</b></p> <p>Determine amount of any injury allowance to be paid under regulation 6(1)</p>	BBNPA to adopt the policy adopted by Powys County Council review at the same time as Powys County Council.
<p><b>Regulation C (11) 6 (2)</b></p> <p>Determine whether and when to cease payment of an injury allowance payable under regulation 6(1)</p>	BBNPA to adopt the policy adopted by Powys County Council review at the same time as Powys County Council.
<p><b>Regulation C (11) 7 (1)</b></p> <p>Whether to grant an injury allowance to the spouse, civil partner, nominated co-habiting partner or dependent of an</p>	BBNPA to adopt the policy adopted by Powys County Council review at the same time as Powys County



<p>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>	<p>Council.</p>
<p><b>Regulation C (11) 7 (2) &amp; 8</b>  Determine amount of any injury allowance to be paid under regulation 7(1)</p>	<p>BBNPA to adopt the policy adopted by Powys County Council review at the same time as Powys County Council.</p>
<p><b>Regulation C (11) 7 (3)</b>  Determine whether and when to cease payment of an injury allowance payable under regulation 7(1)</p>	<p>BBNPA to adopt the policy adopted by Powys County Council review at the same time as Powys County Council.</p>