

LGPS EMPLOYER'S MANDATORY DISCRETIONS POLICY FOR LIVERPOOL HOPE UNIVERSITY LGPS SCHEME

This policy does not convey any form of contractual rights for LGPS/employee members. The policy will be reviewed and may be subject to change, only the version of the policy that is 'current' at the time at which an event occurs will be the one applied for the purposes of LGPS benefits or membership.

Section 1 <ul style="list-style-type: none"> • LGPS Regulations 2013 [SI 2013/2356] [R] • LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP] • LGPS (Administration) Regulations 2008 [SI 2008/239] [A] • LGPS (Benefits, Membership and Contributions) Regulations 2007 (as amended) [SI 2007/1166] [B] • LGPS (Transitional Provisions) Regulations 2008 [SI 2008/238] [T] • LGPS Regulations 1997 (as amended) [SI 1997/1612] [L] 		Discretionary policies from 1 April 2014 in relation to post 31 March 2014 active members (excluding councillor members) and post 31 March 2014 leavers (excluding councillor members)	
Regulation	Discretion	Exercised By	Employer Policy
R16(2)(e) & R16(4)(d)	Whether, how much, and in what circumstances to contribute to a shared cost APC scheme.	Employer	The University will not normally establish a Shared Cost Additional Pension Contribution scheme for any of its employees.
R30(6) & TP11(2)	Whether all or some benefits can be paid if an employee reduces their hours or grade (flexible retirement).	Employer	The University is unlikely to waive any reduction for early payment. Flexible retirement request will normally only be granted on the basis of clear financial or operational advantage to the university. All decisions will be made by a senior committee comprising of a member of UEB, COO Director of Finance, Director People Services.
R30(8)	Whether to waive, in whole or in part, actuarial reduction on benefits paid on flexible retirement.	Employer	The University may allow early payment of benefits and waive actuarial reduction where there is a clear financial or operational advantage to the University of doing so.
R30(8)	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).	Employer	The University may allow early payment of benefits and waive actuarial reduction where there is a clear financial or operational advantage to the University of doing so.
TPSch 2, para 1(2) & 1(1)(c)	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).	Employer	The University will not generally make use of this discretion to switch on the 85 year rule for any employee voluntarily drawing benefits on or after age 55 and before age 60.
TP3(1), TPSch 2, para 2(1), B30(5) & B30A(5)	<p>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 April 2014 and post 31 March 2014 membership):</p> <p>a) on compassionate grounds (pre 1 April 2014 membership) and / or, in whole or in part on any grounds (post 31 March 2014 membership) if the member was not in the Scheme before 1 October 2006,</p> <p>b) on compassionate grounds (pre 1 April 2014 membership) and / or, in whole or in part on any grounds (post 31 March 2014 membership) if the member was in the Scheme before 1 October 2006, will not be 60 by 31 March 2016 and will not attain 60 between 1 April 2016 and 31 March 2020 inclusive,</p> <p>c) on compassionate grounds (pre 1 April 2016 membership) and / or, in whole or in part on any grounds (post 31 March 2016 membership) if the member was in the Scheme before 1 October 2006 and will be 60 by 31 March 2016,</p>	Employer	The University will determine on an individual basis whether any actuarial reduction is waived on compassionate grounds.

	d) on compassionate grounds (pre 1 April 2020 membership) and / or, in whole or in part on any grounds (post 31 March 2020 membership) if the member was in the Scheme before 1 October 2006, will not be 60 by 31 March 2016 and will attain 60 between 1 April 2016 and 31 March 2020 inclusive.		
R31	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. on 1 April 2014 - this figure is inflation proofed annually).	Employer	The University will not award additional annual pension.
Section 2 <ul style="list-style-type: none"> • LGPS (Administration) Regulations 2008 [SI 2008/239] [A] • LGPS (Benefits, Membership and Contributions) Regulations 2007 (as amended) [SI 2007/1166] [B] • LGPS (Transitional Provisions) Regulations 2008 [SI 2008/238] [T] • LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP] • LGPS Regulations 2013 [SI 2013/2356] [R] • LGPS 1997 (as amended) [1997/1612] [L] 			
		Discretionary policies in relation to scheme members (excluding councillor members) who ceased active membership on or after 1 April 2008 and before 1 April 2014	
Regulation	Discretion	Exercised By	Employer Policy
TPSch 2, para 1(2)& 1(1)(c)	Whether to “switch on” the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60.	Employer	The University will not generally make use of this discretion to switch on the 85 year rule for any employee voluntarily drawing benefits on or after age 55 and before age 60.
B30(5), TPSch 2, para 2(1)	Whether to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early under B30 (member).	Employer	The University may also determine on an individual basis whether any actuarial reduction is waived on compassionate grounds. It should be noted that for compassionate grounds to be accepted as justification this will presume both a significant and long term impact on the member.
TPSch 2, para 1(2) & 1(1)(c)	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.	Employer	We will not normally switch on the 85 year rule. In exceptional circumstances where there is a clear and demonstrable financial or operational advantage for doing so, requests will be considered by the Chief Operating Officer and Director of Finance or nominee.
B30A(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).	Employer	The University may determine on an individual basis whether any actuarial reduction is waived on compassionate grounds. It should be noted that for compassionate grounds to be accepted as justification this will presume both a significant and long term impact on the member.
Section 3 <ul style="list-style-type: none"> • LGPS Regulations 1997 [SI 1997/1612] • The Local Government Pension Scheme (Transitional Provisions) Regulations 2008 [SI 2008/238] [prefix T] • The Local Government Pension Scheme (Administration) Regulations 2008 [SI 2008/239] [prefix A] • LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP] • The Local Government Pension Scheme Regulations 2013 [SI 2013/2356] [prefix R] 			
		Discretionary policies in relation to: <ul style="list-style-type: none"> • active welsh councillor members, and • councillor members who ceased active membership on or after 1 April 1998, and • any other scheme members who ceased active membership on or after 1 April 1998 and before 1 April 2008 	
Regulation	Discretion	Exercised By	Employer Policy
31(2)	Grant application for early payment of deferred benefits on or after age 50 and before age 55.	Employer	The University will not make any payment in this scenario.
TPSch 2, para 1(2) & 1(1)(f) & 1(1)(g)	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: TPSch 2, para 2(2) does not reference para 1(1)(f) so strictly speaking there is no requirement	Employer	The University will not generally make use of this discretion to switch on the 85 year rule for any employee voluntarily drawing benefits on or after

	to publish a policy under this regulation or R60. However, we understand that this is simply a regulatory omission and the appropriate party should publish a policy accordingly.		age 55 and before age 60.
31(5) & TPSch 2, para 2(1)	Waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early.	Employer	The University will determine on an individual basis whether any actuarial reduction is waived on compassionate grounds
<ul style="list-style-type: none"> • LGPS Regulation 1995 [SI 1995/1019] • The Local Government Pension Scheme (Transitional Provisions) Regulations 1997 [SI 1997/1613] [prefix TL] • The Local Government Pension Scheme Regulations 1997 [SI 1997/1612] (as amended) [prefix L] • The Local Government Pension Scheme (Administration) Regulations 2008 [SI 2008/239] [prefix A] • LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP] • The Local Government Pension Scheme Regulations 2013 [SI 2013/2356] [prefix R] 			
		Discretionary policies in relation to: <ul style="list-style-type: none"> • active welsh councillor members, and • councillor members who ceased active membership on or after 1 April 1998, and • any other scheme members who ceased active membership on or after 1 April 1998 and before 1 April 2008 	
Regulation	Discretion	Exercised By	Employer Policy
TP3(5A)(vi), TL4, L106(1) & D11(2)(c)	Grant application for early payment of deferred benefits on or after age 50 on compassionate grounds. Although the common provisions of the 1997 Transitional provisions regulations do not specify regulation D11(2)(c), there intention was that it should apply to this regulation.	Employer	The University will not make any payment in this scenario.
Section 5 <ul style="list-style-type: none"> • The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (as amended) [SI 2006/2914] 		Discretionary policies in relation to employees of an employing authority that is defined under regulation 2 of The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (as amended)	
Regulation	Discretion	Exercised By	Employer Policy
5	To base redundancy payments on an actual week's pay where this exceeds the statutory week's pay limit.	Employer	N/A
6	To award lump sum compensation of up to 104 week's pay in cases of redundancy, termination of employment on efficiency grounds, or cessation of a joint appointment.	Employer	N/A
Section 6 <ul style="list-style-type: none"> • The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 (as amended) [SI 2000/1410] 		Discretionary policies in relation to employees of an employing authority that is defined under regulation 2 of The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (as amended)	
Regulation	Discretion	Exercised By	Employer Policy
21(4)	How to apportion any surviving spouses or civil partner's annual compensatory added years' payment where the deceased person is survived by more than one spouse or civil partner.	Employer	N/A
25(2)	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	Employer	N/A

	years will be apportioned amongst the eligible children.		
21(7)	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.	Employer	N/A
21(5)	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.	Employer	N/A
21(7)	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.	Employer	N/A
17	To what extent to reduce or suspend the member's annual compensatory added year's payment during any period of re-employment in local government.	Employer	N/A
19	How to reduce the member's annual compensatory added year's payment following the cessation of a period of re-employment in local government.	Employer	N/A
Section 7 • The Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011 [SI 2011/2954]		Discretionary policies each employing authority may apply in the exercise of its discretionary powers to make any award in respect of leavers, deaths and reductions in pay that occurred post 15 January 2012	
Regulation	Discretion	Exercised By	Employer Policy
3(1)	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.	Employer	The University will not normally allow unless there are exceptional circumstances. Any decision will be made by the COO, Director of Finance, Director of People Services and a member of UEB
3(4) & 8	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.	Employer	The University will not normally allow unless there are exceptional circumstances. Any decision will be made by the COO, Director of Finance, Director of People Services and a member of UEB
3(2)	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).	Employer	The University will not normally allow unless there are exceptional circumstances. Any decision will be made by the COO, Director of Finance, Director of People Services and a member of UEB
4(1)	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.	Employer	The University will not normally allow unless there are exceptional circumstances. Any decision will be made by the COO, Director of Finance, Director of People Services and a member of UEB
	Amount of injury allowance following cessation of employment as a result of permanent incapacity		The University will not normally allow unless there

4(3) & 8	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.	Employer	are exceptional circumstances. Any decision will be made by the COO, Director of Finance, Director of People Services and a member of UEB
4(2)	Determine whether person continues to be entitled to an injury allowance awarded under regulation 4(1) (loss of employment through permanent incapacity).	Employer	The University will not normally allow unless there are exceptional circumstances. Any decision will be made by the COO, Director of Finance, Director of People Services and a member of UEB
4(5)	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.	Employer	Should a payment be granted under 4(1), the University will discontinue payment
6(1)	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.	Employer	The University will not grant an injury allowance
6(1)	Determine amount of any injury allowance to be paid under regulation 6(1) (payment of injury allowance following the cessation of employment).	Employer	N/A
6(2)	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).	Employer	N/A
7(1)	Whether to grant an injury allowance to the spouse, civil partner, cohabiting partner (the requirement to nominate a co-habiting partner has ceased entirely under these regulations due to the outcome of the Elmes v Essex high court judgement) 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.	Employer	The University will not normally allow unless there are exceptional circumstances. Any decision will be made by the COO, Director of Finance, Director of People Services and a member of UEB
7(2) & 8	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 co-habiting partner has ceased due to the outcome of the Elmes v Essex high court judgement) or dependent of an employee 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).	Employer	Should the payment be granted in 7(1) any decision on the amount to be paid will be made by the COO Director of Finance, Director of People Services and a member of UEB
7(3)	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).	Employer	Should the payment be granted in 7(1) any decision on whether or when to cease the payment will be made by the COO Director of Finance, Director of People Services and a member of UEB.