

Local Government Pension Scheme (LGPS) Employer Policy Statement

The current LGPS regulations, which came into effect from 1 April 2014, require each scheme employer within the LGPS to formulate, publish and keep under review a statement which sets out their policy on certain discretions which they have the power to exercise under the LGPS regulations.

This is the formal employer policy statement of:

bpha

Date of publication of this policy:

1 January 2022

Effective date of this policy:

1 January 2022

This statement will be published on the bpha website and will also be available from other sources such as the intranet site, staff groups, trade unions and Human Resources personnel.

This policy applies to prospective members, current contributory members, deferred pensioner members and pensioner members of the LGPS, and their dependants.

LGPS Regulations

Where quoted, regulations refer to The Local Government Pension Scheme Regulations 2013 or The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014.

For certain employers, reference may also be made to the following regulations:

- The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000
- The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (as amended)
- The Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011

This policy statement will be reviewed and may change from time to time. It does not give any form of contractual rights for LGPS/staff members. LGPS/staff members should ask the employer named above for the latest version of this document before making any decisions in respect of retirement provisions. Only the version of this policy statement which is 'current' at the time an event occurs will be applicable for the purposes of determining LGPS benefit entitlement.

This statement should be read alongside information about the benefits provided by the LGPS, available on the Bedfordshire Pension Fund website.

In formulating and reviewing this policy, the employer named above must have regard to the extent to which the exercise of its discretionary powers could lead to a serious loss of confidence in the public service.

bpha will ensure that the discretionary powers are exercised reasonably. Where a cost is incurred, the policy will only be used when there is a future benefit to the employer for incurring the extra costs that may arise or be associated with the discretion. bpha will ensure that, where exercised, any discretions that incur additional costs will be applied and recorded as appropriate.

Local Government Pension Scheme 2014 (LGPS)

Employer Policy Statement

Further notes are available at the end of this policy document

Section 1:

List of discretionary policies applicable 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)

Relevant regulations:

The Local Government Pension Scheme Regulations 2013 [SI 2013/2356] [prefix R]

The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [prefix TP]

The Local Government Pension Scheme (Administration) Regulations 2008 [SI 2008/239] [prefix A]

The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended) [SI 2007/1166] [prefix B]

The Local Government Pension Scheme (Transitional Provisions) Regulations 2008 [SI 2008/238] [prefix T]

The Local Government Pension Scheme Regulations 1997 (as amended) [SI 1997/1612] [prefix L]

Discretion	Regulation	Employer policy
Written policy is recommended Determine rate of employees' contributions	R9(1) & (3)	bpha limited has determined that it will reassess the contribution band where an active member changes employment or a material change occurs during the financial year. bpha limited will inform the member of the revised contribution rate and the date from which it is to be applied.
Written policy is compulsory Whether, how much, and in what circumstances to contribute to a shared cost APC scheme (see Note 1)	R16(2)(e) & R16 (4)(d)	That this discretion will be adopted on an exceptional basis. It will however, be subject to authorisation, by bpha, taking account of a combination of cost, business benefits and equality criteria in making its decision.

Discretion	Regulation	Employer policy
<p>Written policy is recommended</p> <p>Whether to extend 30 day deadline for member to elect for a shared cost APC upon return from a period of absence from work with permission with no pensionable pay (otherwise than because of illness or injury, relevant child-related leave or reserve forces service leave)</p>	R16(16)	That this discretion will be adopted on an exceptional basis. It will however, be subject to authorisation, by bpha, taking account of a combination of cost, business benefits and equality criteria in making its decision.
<p>Written policy is recommended</p> <p>Whether, how much, and in what circumstances to contribute to shared cost AVC arrangements</p>	R17(1) & definition of SCAVC in RSch 1	That it will not set up any Shared Cost Additional Voluntary Contribution
<p>Written policy is recommended</p> <p>In determining Assumed Pensionable Pay (APP), whether a lump sum payment made in the previous 12 months is a “regular lump sum”.</p>	R21(5)	That it will take all reasonable and necessary steps to ensure that in individual cases, it will establish a fair, equitable and justifiable way to identify what the members likely pay would have been, had the absence not occurred, and in cases where this pay is to be used for future benefits, whether that level of pay would have been received every year to normal retirement age.
<p>Written policy is recommended</p> <p>Where in the Employer’s opinion, the pensionable pay received in relation to an employment (adjusted to reflect any lump sum payments) in the 3 months (or 12 weeks if not paid monthly) preceding the commencement of Assumed Pensionable Pay (APP), is materially lower than the level of pensionable pay the member would have normally received, decide whether to substitute a higher level of pensionable pay having had regard to the level of pensionable pay received by the member in the previous 12 months.</p>	R21(5A) & R21(5B)	That this discretion will be adopted on an exceptional basis. It will however, be subject to authorisation, by bpha, taking account of a combination of cost, business benefits and equality criteria in making its decision.

Discretion	Regulation	Employer policy
<p>Written policy is recommended Whether to extend the 12 month time limit for:</p> <ul style="list-style-type: none"> - a member to elect that post 31 March 2014 deferred benefits <u>should not be</u> aggregated with a new employment and/or - a member to elect that post 31 March 2014 deferred benefits <u>should not be</u> aggregated with an ongoing concurrent employment <p>(generally, whether to extend the 12 month option period for a member to elect <u>not</u> to aggregate post 31 March 2014 (or combinations of pre-April 2014 & post March 2014) deferred benefits).</p>	R22(7)(b) & R22(8)(b)	As the scheme is now closed to new members since 1 April 2010, this discretion is now redundant to bpha.
<p>Written policy is recommended Whether to extend the 12 month option period for a member (who has not elected to be treated as a member who, in the same employment, was contributing to the scheme on both 31 March 2014 and 1 April 2014) to elect that pre 1 April 2014 deferred benefits should be aggregated with a new employment.</p>	TP10(6)	As the scheme is now closed to new members since 1 April 2010, this discretion is now redundant to bpha.
<p>Written policy is compulsory Whether all or some benefits can be paid if an employee aged over 55 reduces their hours or grade (flexible retirement – see Note 2)</p>	R30(6) & TP11 (2)	<p>As a consequence of flexible retirement there may be a reduction to the benefit paid where the employee does so before the age of 65.</p> <p>That this discretion will be adopted on an exceptional basis. It will however, be subject to authorisation by bpha, taking account of a combination of cost, business benefits and equality criteria in making its decision</p>
<p>Written policy is compulsory Whether to waive, in whole or in part, actuarial reduction on benefits paid on flexible retirement (see Note 3)</p>	R30(8)	That this discretion will be adopted on an exceptional basis. It will however, be subject to authorisation by bpha, taking account of a combination of cost, business benefits and equality criteria in making its decision
<p>Written policy is compulsory Whether to “switch on” the 85-year rule for a member voluntarily drawing benefits on or after age 55 and before age 60 (always excludes flexible retirement) (see Note 4)</p>	TP Sch 2 para 1(2) & 1(1)(c)	<p>As a consequence of flexible retirement there may be a reduction to the benefit paid where the employee does so before the age of 65.</p> <p>That this discretion will be adopted on an exceptional basis. It will</p>

Discretion	Regulation	Employer policy
		however, be subject to authorisation by bpha, taking account of a combination of cost, business benefits and equality criteria in making its decision
<p>Written policy is compulsory</p> <p>Whether to waive any actuarial reduction, on compassionate grounds or otherwise, for a member voluntarily drawing benefits before normal pension age (excludes flexible retirement) (see note 5).</p> <p>For active members voluntarily retiring on or after age 55 and before Normal Pension Age, who elect to immediately draw benefits, and for deferred members and suspended tier 3 ill health pensioners who elect to draw benefits (other than on ill health grounds) on or after age 55 and before Normal Pension Age, and who:</p> <p>a) were not members of the LGPS before 1 October 2006 (known as Group 4 members), whether to:</p> <ul style="list-style-type: none"> - waive, on compassionate grounds, any actuarial reduction that would otherwise be applied to benefits, if any, built up before 1 April 2014 and/or - waive, in whole or in part (on any grounds), any actuarial reduction that would otherwise be applied to benefits built up after 31 March 2014 <p>b) were members of the LGPS before 1 October 2006 and who reached age 60 before 1 April 2016 (Group 1) whether to:</p> <ul style="list-style-type: none"> - waive, on compassionate grounds, any actuarial reduction that would otherwise be applied to benefits built up before 1 April 2016 and/or - waive, in whole or in part (on any grounds), any actuarial reduction that would otherwise be applied to benefits built up after 31 March 2016 	TP3(1), TPSch 2, para 2(1), R30(8) B30(5) & B30A(5)	That this discretion will be adopted on an exceptional basis. It will however, be subject to authorisation by bpha, taking account of a combination of cost, business benefits and equality criteria in making its decision

Discretion	Regulation	Employer policy
<p>c) were members of the LGPS before 1 October 2006 and who will reach age 60 after 31 March 2020 (or who would reach age 60 between 1 April 2016 and 31 March 2020 inclusive, but who would not meet their Retirement Age (CRA) before 1 April 2020 - in this instance CRA is the earlier of the date upon which the member would meet the 85 year rule or age 65 (Group 3)) whether to:</p> <ul style="list-style-type: none"> - waive on compassionate grounds, any actuarial reduction that would otherwise be applied to benefits built up before 1 April 2014 and / or - waive, in whole or in part (on any grounds), any actuarial reduction that would otherwise be applied to benefits built up after 31 March 2014 <p>d) were members of the LGPS before 1 October 2006 and who will reach age 60 between 1 April 2016 and 31 March 2020 inclusive and who will also reach their Critical Retirement Age (CRA) (in this instance CRA is the earlier of the date upon which the member would meet the 85 year rule or age 65) before 1 April 2020 (Group 2), whether to:</p> <ul style="list-style-type: none"> - waive, on compassionate grounds, any actuarial reduction that would otherwise be applied to benefits built up before 1 April 2020 and/or - waive, in whole or in part (on any grounds), any actuarial reduction that would otherwise be applied to benefits built up after 31 March 2020. 		
<p>Written policy is compulsory Whether, at full cost to the scheme employer, to grant extra annual pension of up to £7,026 (figure at April 2019*) to an active member or within 6 months of ceasing to be an active member by reason of redundancy or business efficiency (*figure is inflation proofed annually)(see Note 6)</p>	R31	That this discretion will be adopted on an exceptional basis. It will however, be subject to authorisation by bpha, taking account of a combination of cost, business benefits and equality criteria in making its decision
<p>Written policy is recommended Extend normal time limit for acceptance of a transfer value beyond 12 months from joining the LGPS.</p>	R100(6)	That this discretion will be adopted on an exceptional basis. It will however, be subject to authorisation by bpha, taking account of a combination of cost, business benefits and equality criteria in making its decision.

Discretion	Regulation	Employer policy
<p>Written policy is recommended</p> <p>Each Scheme employer must appoint a person (“the adjudicator”) to consider applications from any person whose rights or liabilities under the Scheme are affected by:</p> <p>a) Decision under regulation 72 (first instance decisions); or b) Any other act or omission by a scheme employer or administering authority</p> <p>and to make a decision on such applications.</p>	<p>R74</p>	<p>Responsibility for determinations under this first stage of the Internal Disputes Resolution Procedure (IDRP) rests with “the adjudicator” as named below by the Scheme employer: bpha’s adjudicator’s details are:</p> <p>Julian Pearce Chief Financial Office bpha Bedford Heights Manton Lane Bedford MK41 7BJ Tel: 0330 1000272</p>

Section 2:

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

Relevant regulations:

- 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]

Discretion	Regulation	Employer policy
<p>Written policy is compulsory Whether to “switch on” the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60 (see Note 4).</p>	TPSch 2, para 1(2) & 1(1)(c)	That this discretion will be adopted on an exceptional basis. It will however, be subject to authorisation by bpha, taking account of a combination of cost, business benefits and equality criteria in making its decision
<p>Written policy is compulsory Whether to “switch on” the 85 year rule upon the voluntary early payment of a suspended tier 3 ill health pension (see Note 4).</p>	TPSch 2, para 1(2) & 1(1)(c)	That this discretion will be adopted on an exceptional basis. It will however, be subject to authorisation by bpha, taking account of a combination of cost, business benefits and equality criteria in making its decision
<p>Written policy is compulsory Whether to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early (before age 65) (see Note 5).</p>	B30(5), TPSch 2, para 2(1)	That this discretion will be adopted on an exceptional basis. It will however, be subject to authorisation by bpha, taking account of a combination of cost, business benefits and equality criteria in making its decision
<p>Written policy is compulsory Whether to waive, on compassionate grounds, the actuarial reduction applied to suspended tier 3 ill health pension benefits paid early (before age 65) (see Note 5).</p>	B30A(5), TPSch 2, para 2(1)	That this discretion will be adopted on an exceptional basis. It will however, be subject to authorisation by bpha, taking account of a combination of cost, business benefits and equality criteria in making its decision

Section 3

Discretionary policies in relation to:

- 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

Relevant regulations:

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]

Discretion	Regulation	Employer Policy
<p>Written policy is compulsory Grant application for early payment of deferred benefits on or after age 50 and before age 55.</p>	31(2)	That this discretion will be adopted on an exceptional basis. It will however, be subject to authorisation, by bpha, taking account of a combination of cost, business benefits and equality criteria in making its decision.
<p>Written policy is compulsory 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 (see Note 4).</p>	TPSch 2, para 1(2) & 1(1)(f) & R60	That this discretion will be adopted on an exceptional basis. It will however, be subject to authorisation, by bpha, taking account of a combination of cost, business benefits and equality criteria in making its decision.
<p>Written policy is compulsory Whether to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early (before age 65) (see Note 5).</p>	31(5) & TPSch 2, para 2(1)	That this discretion will be adopted on an exceptional basis. It will however, be subject to authorisation, by bpha, taking account of a combination of cost, business benefits and equality criteria in making its decision.

Section 4:

Discretionary policies in relation to scheme members who ceased active membership before 1 April 1998

Relevant regulations:

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]

Discretion	Regulation	Employer Policy
Grant application for early payment of deferred benefits on or after age 50 and before Normal Retirement Date on compassionate grounds.	TP3(5A)(vi), TL4, L106(1) & D11(2)(c)	That this discretion will be adopted on an exceptional basis. It will however, be subject to authorisation, by bpha, taking account of a combination of cost, business benefits and equality criteria in making its decision.

Additional notes on discretions

Further information, including a full list of discretions and a technical guide to employer policies, is available at <http://www.lgpsregs.org/resources/guidesetc.php>

Discretion	Regulation	Note 1
<p>Whether, how much, and in what circumstances to contribute to a shared cost APC scheme.</p>	<p>R16(2)(e) & R16 (4)(d)</p>	<p>The Scheme employer may choose to fund, in whole or in part, any arrangement entered into by an active scheme member to pay additional pension contributions by way of regular contributions in accordance with Regulation 16(2)(e), or by way of a lump sum in accordance with Regulation 16(4)(d).</p> <p>The Scheme employer may enter into an APC contract with a Scheme member who is contributing to the MAIN section of the Scheme in order to purchase additional pension of not more than the additional pension limit (£7,026 from April 2019, figure is inflation-proofed annually).</p> <p>Any extra pension granted by the Scheme employer under a SCAPC arrangement would be subject to an actuarial reduction for early payment where, other than in a case of ill health retirement, that extra pension is drawn before the member's Normal Pension Age.</p> <p>The amount of additional contribution to be paid is determined by reference to actuarial guidance issued by the Secretary of State.</p> <p>Consideration needs to be given to the circumstances under which the Scheme employer may wish to use their discretion to fund in whole or in part an employee's Additional Pension Contributions.</p>

Discretion	Regulation	Note 2
<p>Whether all or some benefits can be paid if an employee reduces their hours or grade (flexible retirement)</p>	<p>Regulation R30(6) & TP11 (2)</p>	<p>An active member who is aged 55 or over and who, with the agreement of their employer, reduces their working hours or grade of employment may, with the further consent of their employer, elect to receive immediate payment of all or part of the retirement pension to which they would be entitled in respect of that employment as if that member were no longer an employee in local government service on the date of the reduction in hours or grade (adjusted by the amount shown as appropriate in actuarial guidance issued by the Secretary of State – separate policy required under Regulation 30(8)).</p> <p>As part of the policy making decision the Scheme employer must consider whether, in addition to the benefits the member may have accrued prior to 1 April 2008 (which the member must draw), to permit the member to choose to draw all, part or none of the pension benefits they built up after 31 March 2008 and before 1 April 2014 and all, part of none of the pension benefits they built up after 1 April 2014.</p>

Discretion	Regulation	Note 3
<p>Whether to waive, in whole or in part, actuarial reduction on benefits paid on flexible retirement.</p>	<p>R30(8)</p>	<p>Where a Scheme employer’s policy under regulation 30(6) (flexible retirement) is to consent to the immediate release of benefits in respect of an active member who is aged 55 or over, those benefits must be adjusted by an amount shown as appropriate in actuarial guidance issued by the Secretary of State (commonly referred to as actuarial reduction or early payment reduction).</p> <p>A Scheme employer (or former employer as the case may be) may agree to waive in whole or in part and at their own cost, any actuarial reduction that may be required by the Scheme Regulations.</p> <p>Due consideration must be given to the financial implications of agreeing to waive in whole or in part any actuarial reduction. Where flexible retirement is agreed for an employee aged 50 or over but under Normal Pension Age, the cost of waiving an actuarial reduction, in whole or in part, would have to be met by, and paid to the Pension Fund by, the scheme employer.</p>

Discretion	Regulation	Note 4
<p>Whether to “switch on” the 85-year rule for a member voluntarily drawing benefits on or after age 55 and before age 60 (excludes flexible retirement)</p>	<p>TP Sch 2 para 1(2) & 1(1)(c) & 1(1)(f) and R60</p>	<p>Where a scheme member leaves employment and elects to draw their benefits at or after the age of 55 and before the age of 60 those benefits will be actuarially reduced unless their Scheme employer agrees to meet the full or part cost of those reductions as a result of the member otherwise being protected under the 85 year rule as set out in previous Regulations.</p> <p>So as to avoid the member suffering the full reduction to their benefits the Scheme employer can ‘switch on’ the 85 year rule protections thereby allowing the member to receive fully or partly unreduced benefits but subject to the Scheme employer paying a strain cost to the Pension Fund.</p> <p>The employer can also exercise a discretion (see below) to waive any actuarial reductions (including where an actuarial reduction may still be applied to a member’s benefits after ‘switching back on’ the 85 year rule in full), at a cost to the employer.</p>

Discretion	Regulation	Note 5
<p>Whether to waive any actuarial reduction, on compassionate grounds or otherwise, for a member voluntarily drawing benefits before normal pension age (excludes flexible retirement)</p>	<p>TP3(1), TPSch 2, para 2(1), R30(8), B30(5) & B30A(5)</p>	<p>A Scheme employer may agree to waive in whole or in part and at their own cost, any actuarial reduction that may be required by the Scheme Regulations.</p> <p>Due consideration must be given to the financial implications of agreeing to waive in whole or in part any actuarial reduction.</p> <p>There is no definition in the regulations of ‘compassionate grounds’.</p>

Discretion	Regulation	Note 6
<p>Whether to grant additional annual 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 £7,026).</p>	<p>R31</p>	<p>A Scheme employer may resolve to award</p> <ul style="list-style-type: none"> (a) an active member, or (b) a member who was an active member but dismissed by reason of redundancy, or business efficiency, or whose employment was terminated by mutual consent on grounds of business efficiency, <p>additional annual pension of, in total (including any additional pension purchased by the Scheme employer under Regulation 16), not more than the additional pension limit (£7,026 from 1 April 2019).</p> <p>Any additional pension awarded is payable from the same date as any pension payable under other provisions of the Scheme Regulations from the account to which the additional pension is attached.</p> <p>Any extra pension granted by the scheme employer would be subject to an actuarial reduction for early payment where, other than in a case of ill health retirement or retirement on redundancy or business efficiency grounds, that extra pension is drawn before the member's Normal Pension Age.</p> <p>In the case of a member falling within sub-paragraph (b) above, the resolution to award additional pension must be made within 6 months of the date that the member's employment ended.</p> <p>Scheme employers should take care to avoid the policy being discriminatory on age or gender grounds.</p> <p>Awards of additional pension may have implications for a member's Annual and Lifetime allowances and could result in a tax charge.</p>

