

Local Government Pension Scheme (LGPS)

Employer Policy

The Local Government Pension Scheme for England & Wales is a statutory pension scheme.

Under the Local Government Pension Scheme Regulations, Employers are required to formulate, publish and keep under review a policy statement in relation to the exercise of a number of discretions under the LGPS. This document therefore constitutes the Policy Statement of

Cwmbran Community Council. (“the employer.”)

Employer Discretion	Regulation	Statement of policy about exercise of discretionary functions	Pentag guide example policy
<p>Policy No. 1</p> <p>Whether, how much, and in what circumstances to contribute to a shared cost APC scheme</p>	<p><u>R16(2)(e) & R16(4)(d)</u></p>	<p><u>Paying SCAPCs to buy extra pension:</u></p> <p>The employer will not ordinarily exercise its discretion in relation to this policy but reserves the right to</p>	<p>Option 5.</p> <p>Cwmbran Community Council (the employer) will only voluntarily contribute towards the cost of purchasing extra pension via a Shared Cost Additional Pension Contribution (SCAPC) in three situations. Firstly, where:</p>

	<p>consider any application carefully and fairly and on its individual merits.</p> <p>Any application requesting the Council to exercise this discretion should be supported by a robust business case, which the employer will consider alongside the needs of the service.</p> <p><u>Paying SCAPCs to buy back 'lost pension' in respect of a period of authorised unpaid absence:</u></p> <p>If an LGPS member elects within 3 months of returning to work to pay APCs to buy back the pension that they have 'lost' during a period of authorised unpaid absence then they will pay 1/3rd of the cost of buying back the lost pension and the Council will pay 2/3^{rds}.</p> <p>If an LGPS member elects to pay APCs to buy back 'lost' pension 3 or more months after returning to work from a period of authorised unpaid absence then they will have to pay the whole cost of the APCs.</p> <p>The Council will only consider extending the 3 month period, within which an LGPS member</p>	<ul style="list-style-type: none"> - an active scheme member returns from a period of authorised leave of absence, and - the member does not, within 30 days of returning from the leave of absence, make an election to buy-back the amount of pension 'lost' during that period of leave of absence, and - the member subsequently makes an election to do so whilst an active member and it can be demonstrated that the reason for the member missing the original 30 day deadline was because the member had not been made aware of that deadline, and - the election is made no more than 3 months [employer to delete "3 months" above and below and enter a different period if they feel a different period would be more appropriate] after the member returns from the period of leave of absence or such longer period as the employer may deem reasonable in any individual case. <p>A decision on whether the member meets the above criteria (and on whether the 3 month period referred to should be extended in any individual case) will be taken by the Full Council and, where it is agreed that the conditions are met, the employer will be required to contribute 2/3rds of the cost of buying back the 'lost' pension via a SCAPC.</p> <p>Secondly, where a member has a string of odd days of authorised unpaid leave of absence throughout the Scheme year (1 April to 31 March). In such a case the employer will, instead of requiring elections to buy-back the amount of pension 'lost' during the periods of leave of absence to be made within 30 days of returning from each day of absence, allow the member (whilst an active member) to make a single election during the Scheme year to cover each one of the absences that occur during the Scheme year.</p>
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		<p>can elect to pay APCs to buy back 'lost' pension at 1/3rd of the full cost, if the member was not told of this option within 3 months of them returning to work from a period of authorised unpaid absence.</p>	<p>Thirdly, in exceptional circumstances where the employer considers it is in its financial or operational interests to do so. Each case to contribute to a SCAPC (and a decision on the amount to be contributed) will be considered on the merits of the financial and / or operational business case put forward.</p> <p>[Note: option 5 covers cases where it would be reasonable to contribute to a SCAPC to deal with an administrative error, cases where the employer is willing to accept a single application each scheme year in respect of multiple absences in that year, and any other exceptional cases that might arise]</p>
<p>Policy No.2</p> <p>Whether all or some benefits can be paid if an employee reduces their hours or grade (flexible retirement)</p>	<p><u>R30(6) & TP11(2)</u></p>	<p>The employer will not ordinarily exercise its discretion in relation to this policy but reserves the right to consider any application carefully and fairly and on its individual merits.</p> <p>The employer will consider its use in exceptional circumstances such as on compassionate grounds, where compassion is defined as "inclined to pity or mercy."</p> <p>Any application requesting the Council to exercise this discretion should be supported by a robust business case, which the employer will consider alongside the needs of the service.</p>	

		<p>Requests will only be considered if an employee is reducing the hours of their current job by at least 20% or are transferring to another job which has either 20% fewer hours or is at a lower grade.</p> <p>Employees who have flexibly retired may not subsequently apply for positions that would result in either an increase in hours or being paid at a higher grade.</p>	
<p>Policy No. 3</p> <p>Whether to waive, in whole or in part, actuarial reduction on benefits paid on flexible retirement</p>	<p><u>R30(8)</u></p>	<p>The employer will not ordinarily exercise its discretion in relation to this policy but reserves the right to consider any application carefully and fairly and on its individual merits.</p> <p>The employer will consider its use in exceptional circumstances such as on compassionate grounds, where compassion is defined as “inclined to pity or mercy.”</p> <p>Any application requesting the Council to exercise this discretion should be supported by a robust business case, which the employer will consider alongside the needs of the service.</p>	

<p>Policy No. 4</p> <p>Whether to waive, in whole or in part, actuarial reduction on benefits which a member voluntarily draws before normal pension age</p>	<p><u>R30(8)</u></p>	<p>The employer will not ordinarily exercise its discretion in relation to this policy but reserves the right to consider any application carefully and fairly and on its individual merits.</p> <p>The employer will consider its use in exceptional circumstances such as on compassionate grounds, where compassion is defined as “inclined to pity or mercy.”</p>	
<p>Policy No.5</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>	<p><u>TP Sch2, para 2(2)</u></p>	<p>The employer will not ordinarily exercise its discretion in relation to this policy but reserves the right to consider any application carefully and fairly and on its individual merits.</p> <p>The employer will consider its use in exceptional circumstances such as on compassionate grounds, where compassion is defined as “inclined to pity or mercy.”</p> <p>Any application requesting the Council to exercise this discretion should be supported by a robust business case, which the</p>	

		<p>employer will consider alongside the needs of the service.</p> <p>The cost of strain on the scheme must be mitigated by the salary saving over a number of years appropriate to the business needs of the service in order for the 85 Year Rule to be switched back on in any particular case.</p>	
<p>Policy No. 6</p> <p>Whether to waive, on compassionate grounds, the actual 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 60</p>	<p><u>TP Sch2, para 2(3)</u></p>	<p>The employer will not ordinarily exercise its discretion in relation to this policy but reserves the right to consider any application carefully and fairly and on its individual merits.</p> <p>The employer will consider its use in exceptional circumstances such as on compassionate grounds, where compassion is defined as "inclined to pity or mercy."</p> <p>Any application requesting the Council to exercise this discretion should be supported by a robust business case, which the employer will consider alongside the needs of the service.</p>	

		<p>The cost of strain on the scheme must be mitigated by the salary saving over a number of years appropriate to the business needs of the service in order for the 85 Year Rule to be switched back on in any particular case.</p>	
<p>Policy No.7</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>	<p><u>R31</u></p>	<p>The employer will not ordinarily exercise its discretion in relation to this policy but reserves the right to consider any application carefully and fairly and on its individual merits.</p> <p>The employer will consider its use in exceptional circumstances such as on compassionate grounds, where compassion is defined as “inclined to pity or mercy” or to recruit or retain or retain someone with specific qualifications and/or experience.</p> <p>Any application requesting the Council to exercise this discretion should be supported by a robust business case, which the employer will consider alongside the needs of the service.</p>	

<p>Policy No. 8</p> <p>Whether, for a member leaving on the grounds of redundancy or efficiency on or before 31 March 2014, to augment membership (by up to 10 years).</p>	<p>R12</p>	<p>No longer applies</p>	
<p>Policy No. 9</p> <p>Whether to grant application for early payment of deferred benefits on or after age 55 and before 60.</p>	<p>R30 (2)</p>	<p>The employer will not ordinarily exercise its discretion in relation to this policy but reserves the right to consider any application carefully and fairly and on its individual merits.</p> <p>The employer will consider its use in exceptional circumstances such as on compassionate grounds, where compassion is defined as “inclined to pity or mercy.”</p>	
<p>Policy No. 10</p> <p>Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early under Benefits Regulation 30 (2)</p>	<p>R30 (5)</p>	<p>The employer will not ordinarily exercise its discretion in relation to this policy but reserves the right to consider any application carefully and fairly and on its individual merits.</p>	

		<p>The employer will consider its use in exceptional circumstances where compassion is defined as “inclined to pity or mercy.”</p> <p>Any application would be considered alongside the needs of the service.</p>	
<p>Policy No. 11</p> <p>Whether to grant application for early payment of a suspended tier 3 ill health pension on or after age 55 and before 60.</p>	R30A (3)	<p>The employer will not ordinarily exercise its discretion in relation to this policy but reserves the right to consider any application carefully and fairly and on its individual merits.</p> <p>The employer will consider its use in exceptional circumstances such as on compassionate grounds, where compassion is defined as “inclined to pity or mercy.”</p>	
<p>Policy No. 12</p> <p>Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early under Benefits Regulation 30A (3)</p>	R30A (5)	<p>The employer will not ordinarily exercise its discretion in relation to this policy but reserves the right to consider any application carefully and fairly and on its individual merits.</p> <p>The employer will consider its use in exceptional circumstances where compassion is defined as “inclined to pity or mercy.”</p>	

		Any application would be considered alongside the needs of the service.	
<p>Policy No. 13</p> <p>Whether to grant application from a post-31 March 1998/pre-1 April 2008 leaver (or from a Councillor) for early payment of benefits on or after age 50/55 and before age 60.</p>	R31(2))	<p>The employer will not ordinarily exercise its discretion in relation to this policy but reserves the right to consider any application carefully and fairly and on its individual merits.</p> <p>The employer will consider its use in exceptional circumstances such as on compassionate grounds, where compassion is defined as “inclined to pity or mercy.”</p>	
<p>Policy No. 14</p> <p>Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early for a post-31 March 1988/pre-1 April 2008 leaver (or a Councillor leaver)</p>	R31(5))	<p>The employer will not ordinarily exercise its discretion in relation to this policy but reserves the right to consider any application carefully and fairly and on its individual merits.</p> <p>The employer will consider its use in exceptional circumstances where compassion is defined as “inclined to pity or mercy.”</p>	

		Any application would be considered alongside the needs of the service.	
Policy No. 15 Whether to consent to pre-1 April 2008 employee optants out (and Councillor optants out), who continue in employment/post, receiving payment of benefits at normal retirement date.		When a member who previously opted out reaches their normal retirement date but remains in the employer's employment then he/she would be entitled to payment of their deferred pension. However a member who did not opt out but remained in the scheme would not be able to take payment of their benefits until he/she had retired and left the employer's employment.	

Any application for the employer to exercise its discretion in relation to any of the above should be submitted in writing to the Clerk to the Council who will consider the business case for the request. The Clerk to the Council will submit such requests to members of the Council for formal determination.

Signature of Certifying Officer David Collins

Date 14 February 2018

Name of Certifying Officer David Collins

Position in Organisation: Clerk to the Council

Date of Next Review February 2019

Additional LGPS Policies

LGPS Regulations 2013		
Discretion	Regulation	Policy
To whom to offer membership of the LGPS (designation bodies).	3(1)(b) & Schedule 2, Part 2	All employees of the Council are eligible to join the LGPS
Which employees to designate for membership (admission bodies).	3(1)(c) & 4(2)(b)	Community and Town Councils are not admission bodies, so this discretion does not apply
Whether, in respect of an admission body providing a service in respect of outsourced work, to set off against payments due to that body any sums due from that body to the Fund.	Schedule 2, Part 3, Paragraph 12(c)	Take appropriate action in light of each admission agreement
Determine rate of employees' contributions.	9(1) & 9(3)	Apply this discretion
Whether, how much, and in what circumstances to contribute to shared cost AVC arrangements entered into on or after 1/4/14.	17(1) & Definition of SCAVC in Schedule 1	Not to apply this discretion

No right to return of contributions if member left due to offence of a fraudulent character or grave misconduct unless employer directs a total or partial refund is to be made.	19(2)	Apply this discretion
Specify in an employee's contract what other payments or benefits, other than those specified under Regulation 20(1)(a) and not otherwise precluded by Regulation 20(2), are to be pensionable.	20(1)(b)	Apply this discretion
In determining Assumed Pensionable Pay, whether a lump sum payment made in the previous 12 months is a "regular lump sum".	21(5)	Apply this discretion
Whether to extend the 12 month option period for a member to elect that deferred benefits should not be aggregated with a new employment.	22(8)(b)	Extension only in exceptional circumstances
Whether to extend the 12 month option period for a member to elect that deferred benefits should not be aggregated with an ongoing concurrent employment.	22(7)(b)	Extension only in exceptional circumstances
Determine whether person in receipt of Tier 3 ill health pension has started gainful employment.	37(3) & (4)	Apply this policy taking into account medical documentation from the Pension Fund Doctor

Whether to recover any overpaid Tier 3 pension following commencement of gainful employment.	37(3)	Recover any overpayment
Decide whether deferred beneficiary meets criteria of being permanently incapable of former job because of ill health and is unlikely to be capable of undertaking gainful employment before normal pension age or for at least three years, whichever is the sooner.	38(3)	Apply this policy taking into account medical documentation from the Pension Fund Doctor
Decide whether a suspended ill health tier 3 member is unlikely to be capable of undertaking gainful employment before normal pension age because of ill health.	38(6)	Apply this policy taking into account medical documentation from the Pension Fund Doctor
Whether to extend six month period to lodge a stage one IDRП appeal.	74(4)	Only extended in exceptional circumstances
Decide procedure to be followed by adjudicator when exercising stage one IDRП functions and decide the manner in which those functions are to be exercised.	74(6)	Apply the decision and adopt a formal IDRП (internal dispute resolution procedure)
Whether to apply to Secretary of State for a forfeiture certificate (where member is convicted of a relevant offence).	91(1) & (8)	Take appropriate action in light of circumstances relating to each case

Where forfeiture certificate is issued, whether to direct that benefits are to be forfeited (other than rights to GMP – but see Regulation 95 below).	91(4)	Take appropriate action in light of circumstances relating to each case
Where forfeiture certificate is issued, whether to direct interim payments out of Pension Fund until decision is taken to either apply the certificate or to pay benefits.	92(1) & (2)	Take appropriate action in light of circumstances relating to each case
Whether to recover from Fund any monetary obligation or, if less, the value of the member's benefits (other than benefits from transferred in pension rights or APCs or AVCs or, subject to Regulation 95 below, in respect of any GMP) where the obligation was incurred as a result of a grave misconduct or a criminal, negligent or fraudulent act or omission in connection with the employment and as a result of which the person has left employment.	93(2)	Take appropriate action in light of circumstances relating to each case
Whether, if the member has committed treason or been imprisoned for at least 10 years for one or more offences under the Official Secrets Acts, forfeiture under Regulation 91 or recovery of a monetary obligation under Regulation 93 should	95	Take appropriate action in light of circumstances relating to each case

deprive the member or the member's surviving spouse or civil partner of any GMP entitlement.		
Agree to bulk transfer payment.	98(1)(b)	Apply in appropriate circumstances
Extend normal time limit for acceptance of a transfer value beyond 12 months from joining the LGPS.	100(68)	Extended only in exceptional circumstances

LGPS (Transitional Provisions, Savings & Amendment) Regulations 2014

Discretion	Regulation	Policy
Whether, how much, and in what circumstances to continue to contribute to a shared cost AVC arrangement entered into before 1/4/14.	15(1)(d)	Not to apply this discretion
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 13/11/01).	15(1)(b)	Application must be made within three months of termination
Whether to use a certificate produced by an IRMP under the 2008 Scheme for the purposes of making an ill health determination under the 2014 Scheme.	12(6)	Apply this discretion
Whether to allow a member to select final pay period for fees to be any 3 consecutive years ending 31st March in the 10 years prior to leaving.	3(6), 4(6)(c), 8(4), 10(2)(a), 17(2)(b)	Apply this discretion in appropriate circumstances
	11(2)	Apply this discretion in appropriate circumstances

Whether to allow a member to select final pay period for fees to be any 3 consecutive years ending 31st March in the 10 years prior to leaving.		
Decide whether deferred beneficiary meets permanent ill health and reduced likelihood of gainful employment criteria.	31(4)	Apply this discretion taking into account medical documentation from the Pension Fund Doctor
Decide whether a suspended ill health tier 3 member is permanently incapable of undertaking any gainful employment.	31(7)	Apply this discretion taking into account medical documentation from the Pension Fund Doctor
Whether, how much, and in what circumstances to continue to contribute to a shared cost AVC arrangement entered into before 1/4/14.	25(3)	Not to apply this discretion

Discretions in relation to scheme members who ceased active membership on or after 1.4.2008 and before 1.4.2014

No right to return of contributions due to offence of a fraudulent character or grave misconduct unless employer directs a total or partial refund is to be made.	47(2)	Take appropriate action in light of circumstances relating to each case
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Contribution Equivalent Premium (CEP) in excess of the Certified Amount (CA) recovered from a refund of contributions can be recovered from the Pension Fund.	49(1) & (2)	Take appropriate action in light of circumstances relating to each case
Whether to extend six month period to lodge a stage one IDR appeal.	58(7)(b)	Extended only in exceptional circumstances
Whether to apply to Secretary of State for a forfeiture certificate (where member is convicted of a relevant offence).	72(1) & (6)	Take appropriate action in light of circumstances relating to each case
Where forfeiture certificate is issued, whether to direct that benefits are to be forfeited.	72(3)	Take appropriate action in light of circumstances relating to each case
Where forfeiture certificate is issued, whether to direct interim payments out of Pension Fund until decision is taken to either apply the certificate or to pay benefits.	73(1) & (2)	Take appropriate action in light of circumstances relating to each case
Whether to recover from Fund any monetary obligation or, if less, the value of the member's benefits (other than transferred in	74(2)	Take appropriate action in light of circumstances relating to each case

<p>pension rights or AVCs/SCAVCs) where the obligation was incurred as a result of a criminal, negligent or fraudulent act or omission in connection with the employment and as a result of which the person has left employment.</p>		
<p>Whether to recover from Fund any financial loss caused by fraudulent offence or grave misconduct of employee (who has left because of that), or amount of refund if less.</p>	<p>76(2) & (3)</p>	<p>Take appropriate action in light of circumstances relating to each case</p>
<p>LGPS Regulations 2013</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.</p>	<p>Schedule 1</p>	<p>Applications to be made within three months of termination</p>

Discretions under the LGPS Regulations 1997 (as amended) in relation to scheme members who ceased active membership on or after 1.4.1998 and before 1.4.2008

Allow a councillor who has opted out more than once to rejoin.	7(9)(a)	Not applicable
Allow a late application by a councillor member to pay optional contributions for a period of absence.	18(6) & (7)	Not applicable
Allow post 31.3.98. / pre 1.4.08. non-councillor leaver to select final pay period for fees to be a period of not less than 3 or more than 5 years back from date of leaving.	22(1)(b)	Apply in appropriate circumstances
Issue a certificate of protection of pension benefits where eligible non-councillor member fails to apply for one (pay cuts / restrictions occurring pre 1.4.08.).	23(4)	Apply in appropriate circumstances
Whether to extend 12 month period for aggregation of deferred benefits (where deferred councillor member wishes to aggregate with current councillor membership in the same Fund).	32(8A)	Not applicable
Decide, in the absence from a post 31.3.98. / pre 1.4.08. leaver of an election from the member within 3 months of being able to elect, which benefit is to be paid	34(1)(b)	Employer chooses which benefit is payable if the member does not do so within three months

where the member would be entitled to a pension or retirement grant under 2 or more regulations in respect of the same period of Scheme membership.		
Allow late application to convert scheme AVCs into membership credit i.e. allow application more than 30 days after cessation of active membership.	66(8) & former 66(9)(b)	Application must be made within three months of termination
Consent to a member's former employer assigning to the new employer rights under any SCAVC life assurance policy (pre 1.4.08. non-councillor leavers).	71(7)(a)	Not to apply this discretion
No right to return of contributions due to offence of a fraudulent character unless employer directs a total or partial refund is to be made (councillors and pre 1.4.08. leavers).	88(2)	Take appropriate action in light of circumstances relating to each case
Employer may deduct contributions from a councillor's pay or reserve forces pay	89(1) & (2)	Not applicable

Contribution Equivalent Premium (CEP) in excess of the Certified Amount (CA) recovered from a refund of contributions can be recovered from the Pension Fund (councillor leavers and pre 1.4.08. leavers).	92	Take appropriate action in light of circumstances relating to each case
Forfeiture of pension rights on issue of Secretary of State's certificate (councillors and pre 1.4.08. leavers).	111(2) & (5)	Take appropriate action in light of circumstances relating to each case
	112(1)	Take appropriate action in light of circumstances relating to each case

Where forfeiture certificate is issued, direct interim payments out of Pension Fund until decision is taken to either apply the certificate or to pay benefits (councillors and pre 1.4.08. leavers).		
Recovery from Fund of monetary obligation owed by former employee or, if less, the value of the member's benefits (other than transferred in pension rights) (councillors and pre 1.4.08. leavers).	113(2)	Take appropriate action in light of circumstances relating to each case
Recovery from Fund of financial loss caused by employee, or amount of refund if less (councillors and pre 1.4.08. leavers).	115(2) & (3)	Take appropriate action in light of circumstances relating to each case

Discretions under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (as amended)

Discretion	Regulation	Policy
To base redundancy payments on an actual weeks pay where this exceeds the statutory weeks pay limit.	5	Redundancy pay will be calculated on member's weekly earnings
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.	6	Members will have the option of receiving a single compensation payment of up to 60 weeks' pay (based on the Redundancy Pay calculator X a factor of 2) <u>or</u> 3

		added years (using LGPS augmentation powers under Regulation 52) and Statutory Redundancy (maximum of 30 weeks. Scheme employers no longer have the option to augment membership by granting added years, however the employer would consider awarding a member extra annual pension through Shared Cost APCs as an alternative to granting a termination payment under the 104 weeks pay provision.
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To award compensatory added years to a person aged 50 or over with 5 or more years membership (or notional membership) of the LGPS in cases of redundancy, termination of employment on efficiency grounds, or cessation of a joint appointment which occurred after 30th September 2006 and before 1st April 2007 (but only if employment had commenced pre 1st October 2006)	11(2)	Not applicable
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Discretions under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 (as amended)		
Discretion	Regulation	Policy
	21(4)	Apportion on the basis as the main scheme benefits

<p>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.</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>	25(2)	Apportion on the basis as the main scheme benefits
<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>	21(7)	The payment of compensatory added years will continue
<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>	21(5)	Not applicable
<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</p>	21(7)	The payment of compensatory added years will continue

<p>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 co-habitation 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>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>17</p>	<p>The Greater Gwent (Torfaen) Pension Fun no longer abates.</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>19</p>	<p>The Greater Gwent (Torfaen) Pension Fun no longer abates.</p>

Discretions under the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011

Discretion	Regulation	Policy	Pentag guide example policy
<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>3(1)</p>	<p>The employer will not, other than in exceptional circumstances, make an award of an injury allowance in respect of an employee who sustains an injury or contracts a disease as a result of anything he / she was required to do in performing the duties of their job and in consequence of which he / she:</p> <ul style="list-style-type: none"> - suffers a reduction remuneration, or - ceases to be employed as a result of an incapacity which is likely to be permanent and which was caused by the injury or disease, or - dies leaving a surviving spouse, civil partner or dependant. 	<p>The employer will not, other than in exceptional circumstances, make an award of an injury allowance in respect of an employee who sustains an injury or contracts a disease as a result of anything he / she was required to do in performing the duties of their job and in consequence of which he / she:</p> <ul style="list-style-type: none"> - suffers a reduction remuneration, or - ceases to be employed as a result of an incapacity which is likely to be permanent and which was caused by the injury or disease, or - dies leaving a surviving spouse, civil partner or dependant.
<p>Amount of injury allowance following reduction in remuneration as</p>	<p>3(4) and 8</p>	<p>See 3 (1)</p>	<p>[Having considered the matters in 2 below, the employer is to insert details here of its policy on the award of an injury allowance]</p> <p>2/ How to calculate an injury allowance award in respect of an employee who sustains an injury or contracts a disease as a result of anything he / she was required to do in performing the duties of their</p>

<p>a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job.</p>			<p>job and in consequence of which he / she suffers a reduction remuneration.</p> <p>Notes: The employee's remuneration is treated as reduced at any time when it is lower than it would have been but for the injury or disease.</p> <p>The amount of the allowance is to be of such amount as the employer may from time to time determine but must not in any year exceed the shortfall between the person's remuneration in the employment and the remuneration he / she would have been paid if he / she had not sustained the injury or contracted the disease.</p> <p>The allowance must cease when the reduction in remuneration ceases to apply.</p> <p>In determining the amount of the allowance, the employer is to have regard to all the circumstances of the case including, but not limited to:</p> <p>the degree of injury sustained or the severity of the disease contracted as assessed by an Independent Registered Medical Practitioner, and</p> <p>the level of any of the following which the person may receive</p> <p>social security benefits any benefit or compensation under a statutory right pension benefits damages recovered and any sum received by virtue of a contract of insurance</p> <p>The employer might also wish to take account of the degree of contributory negligence on the part of the employee, if any.</p>
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				<p>Where the employee had sustained an injury, the employer must not take into account:</p> <p>any benefit payable periodically which the person was entitled to be paid before the injury was sustained any right which accrued before the injury was sustained any damages or sum received by virtue of such a right.</p> <p>Before making a decision over entitlement to, or the amount of, any award the employer must obtain a certificate from an Independent Registered Medical Practitioner qualified in occupational health medicine¹ as to whether, in his / her opinion, the person sustained the injury or contracted the disease in the course of carrying out his / her work.</p>
Determine whether person continues to be entitled to an injury allowance awarded under Regulation 3(1).	3(2)	See 3 (1)		
Whether to grant an injury	4(1)	See 3 (1)		

¹ Qualified in occupational health medicine means an IRMP who is registered with the General Medical Council and who holds a diploma in occupational health medicine (D Occ Med) or an equivalent qualification issued by a competent authority in an EEA state; and for the purposes of this definition, "competent authority" has the meaning given by section 55(1) of the Medical Act 1983; or is an Associate, a Member or a Fellow of the Faculty of Occupational Medicine or an equivalent institution of an EEA State.

<p>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>			
<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</p>	<p>4(3) and 8</p>	<p>See 3 (1)</p>	<p>[Having considered the matters in 3 below, the employer is to insert details here of its policy on the award of an injury allowance]</p> <p>3/ How to calculate an injury allowance award in respect of an employee who sustains an injury or contracts a disease as a result of anything he / she was required to do in performing the duties of their job and who ceases to be employed as a result of an incapacity which is likely to be permanent and which was caused by the injury or disease.</p> <p>Notes:</p> <p>The amount of the allowance is to be of such amount as the employer may from time to time determine but must not exceed 85% of the person's annual rate of remuneration at the date of cessation of employment.</p>

<p>course of carrying out duties of the job.</p>			<p>The employer can suspend or discontinue the allowance if the person secures gainful employment i.e. paid employment for not less than 30 hours in each week for a period of not less than 12 months.</p> <p>In determining the amount of the allowance, the employer is to have regard to all the circumstances of the case including, but not limited to:</p> <p>the degree of injury sustained or the severity of the disease contracted as assessed by an Independent Registered Medical Practitioner, and</p> <p>the level of any of the following which the person may receive</p> <p>social security benefits any benefit or compensation under a statutory right pension benefits damages recovered and any sum received by virtue of a contract of insurance</p> <p>The employer might also wish to take account of the degree of contributory negligence on the part of the employee, if any.</p> <p>Where the employee had sustained an injury, the employer must not take into account:</p> <p>any benefit payable periodically which the person was entitled to be paid before the injury was sustained any right which accrued before the injury was sustained any damages or sum received by virtue of such a right.</p> <p>Before making a decision over entitlement to, or the amount of, any award the employer must obtain a certificate from an Independent Registered Medical Practitioner qualified in occupational health</p>
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				medicine ² as to whether, in his / her opinion, the person sustained the injury or contracted the disease in the course of carrying out his / her work and had ceased to be employed as a result of an incapacity which is likely to be permanent and was caused by the injury or disease.
Determine whether person continues to be entitled to an injury allowance awarded under Regulation 4(1).	4(2)	See 3 (1)		
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	4(5)	See 3 (1)		

² Qualified in occupational health medicine means an IRMP who is registered with the General Medical Council and who holds a diploma in occupational health medicine (D Occ Med) or an equivalent qualification issued by a competent authority in an EEA state; and for the purposes of this definition, "competent authority" has the meaning given by section 55(1) of the Medical Act 1983; or is an Associate, a Member or a Fellow of the Faculty of Occupational Medicine or an equivalent institution of an EEA State.

period of not less than 12 months.				
Whether to grant an injury allowance following cessation of employment with entitlement to immediate LGPS pension where a Regulation 3 payment was being made at date of cessation of employment but Regulation 4 does not apply.	6(1)	See 3 (1)		
Determine amount of any injury allowance to be paid under Regulation 6(1).	6(1)	See 3 (1)		
Determine whether and	6(2)	See 3 (1)		

when to cease payment of an injury allowance payable under Regulation 6(1).				
Whether to grant an injury allowance to the spouse, civil partner, nominated co-habiting partner 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.	7(1)	See 3 (1)		
Determine amount of any injury allowance	7(2) and 8	See 3 (1)		How to calculate an injury allowance or lump sum award for a surviving spouse, civil partner, nominated cohabiting partner or dependant of an employee who sustains an injury or contracts a disease as a result of anything he / she was required to do in performing the duties of their job and as a result of which he / she dies.

to be paid under Regulation 7(1).				<p>Notes: The amount of the allowance or lump sum is to be of such amount as the employer may from time to time determine.</p> <p>In determining the amount of the allowance or lump sum, the employer is to have regard to all the circumstances of the case including, but not limited to, the level of any of the following which the person may receive:</p> <p>social security benefits any benefit or compensation under a statutory right pension benefits damages recovered and any sum received by virtue of a contract of insurance</p> <p>The employer might also wish to take account of the degree of contributory negligence on the part of the deceased employee, if any.</p>
Determine whether and when to cease payment of an injury allowance payable under Regulation 7(1).	7(3)	See 3 (1)		