

# Discretionary Policy Statement

**(In accordance with the Local Government Pension Scheme Regulations 1997 – As Amended)**

## **STOCKTON BOROUGH COUNCIL**

Each employer who participates in the LGPS is required to formulate, publish and keep under review a Policy Statement on certain discretions contained within the Regulations. Stockton Borough Council has recently reviewed all of its policies. This statement is applicable to all employees who are eligible to be members of the LGPS. Any enquiries / applications should be addressed to Head of Human Resources, Wynyard House, Town Centre, Billingham, TS23 2LN.

### **KEY DISCRETIONARY POLICIES:**

- **Early Payment of Retirement Benefits – at members request**  
**[reg. 31(2)]**

A request for early payment of benefits received from a current scheme member will be accepted only if there is a clear financial and / or operational advantage to the Authority in so doing. All applications will be considered by the Corporate Director in consultation with the Head of Human Resources and Cabinet Member. The employing service (or former employing service) must have the ability to fund all costs.

- **Waive reduction to early retirement benefits on compassionate grounds**  
**[reg. 31(5)]**

Each case will be considered on its individual merits and only in exceptional cases, taking into account any extenuating factors surrounding the application, the Council may approve the request. All applications will be considered by the Corporate Director in consultation with the Head of Human Resources and Cabinet Member. The employing service (or previous employing service) must have the ability to fund costs.

### **Flexible Retirement at or after age 50** **[reg. 35(1A)]**

Applications will be approved only where there are operational and financial grounds for doing so. The council will only agree to waive any reduction to benefits if there is a clear operational and / or financial advantage to the council. The employing service must also have the ability to fund costs. All applications will be considered by the Corporate Director in consultation with the Head of Human Resources and Cabinet Member.

### **Award extra LGPS membership to contributing members (augmentation)** **[reg. 52]**

In the case of redundancy or in the interests of the efficiency of the service the Authority, at the members request, will allow the scheme member to convert the cash equivalent sum (in

excess of any statutory redundancy payment in the case of a redundancy situation) calculated under the Compensation Regulations into a period of membership in the LGPS. All applications will be considered by the Corporate Director in consultation with the Head of Human Resources and Cabinet Member.

### **Set up a Shared Cost Additional Voluntary Contributions (SCAVC) Scheme**

[reg. 67]

The Authority has decided not to establish SCAVC arrangements for its employees.

### **FURTHER DISCRETIONARY POLICIES:**

- **Employees right to re-join the LGPS on more than one occasion** [reg. 7(9) (a)]

We will allow employees to re-join the Scheme if the member opts out more than once.

- **Extension of time limit for manual workers to continue paying 5% on return to local government after an outsourcing** [reg. 14(3)(b)]

We will only extend the period beyond 30 days in circumstances beyond the members control or in exceptional circumstances.

- **Extend the time limit for members to elect to pay contributions following leave of absence** [reg. 18(6)and (7)]

We will only extend the period beyond 30 days in circumstances beyond the members control or in exceptional circumstances.

- **Certificate of Protection of Pension Benefits** [reg. 23(4

The Authority will issue a Certificate of Protection automatically whenever the pay of an employee is reduced or frozen for reasons beyond the member's control.

- **Extend the time limit for members to elect to combine previous LGPS membership** [reg. 32(8)(a)]

We will only extend the period of 12 months, beginning with the date that he / she became an active member, in circumstances beyond the member's control or in exceptional circumstances.

- **Direction to allow payment of a refund of contributions in cases of fraud/misconduct** [reg. 88]

Consider each case separately. Any case arising will be referred to the Corporate Director in consultation with the Head of Human Resources and Cabinet Member.

**PROPOSED**

**APPENDIX 4**

**Forfeiture certificate**

**[reg.111 and 112]**

Consider each case separately. Any case arising will be referred to the Corporate Director in consultation with the Head of Human Resources and Cabinet Member.

**Recovery of monetary obligation from benefits**

**[reg. 113]**

Consider each case separately. Any case arising will be referred to the Corporate Director in consultation with the Head of Human Resources and Cabinet Member.

**Recovery of financial loss from benefits**

**[reg. 115]**

Consider each case separately. Any case arising will be referred to the Corporate Director in consultation with the Head of Human Resources and Cabinet Member.

**Incoming transfer of non-LGPS pension rights**

**[reg. 121(8)]**

We will only extend the period of 12 months, beginning with the date that the employee became an active member, allowing a member to transfer some or all of his / her rights from the relevant transfer in circumstances beyond the member's control, or in exceptional circumstances.

**STOCKTON ON TEES BOROUGH COUNCIL JANUARY 2007**