

Local Government Pension Scheme Discretionary Policy – Part A continued (1997 regulations)

Background:

The following three regulations apply to those employees who left on, or who have an award of deferred benefits in respect of membership up to, a date between 1st April 1998 and 31st March 2008 (inclusive).

LGPS Regulations 1997 Regulation 31 (2)

It is not the policy of Peterborough City Council to release pension early unless:-

- (i) it is to bring an earlier deferred benefit into payment following redundancy, or efficiency retirement of an existing employee from a current job in Peterborough City Council, or
- (ii) if there are compelling, compassionate* reasons to do so

LGPS Regulations 1997 Regulation 31 (5)

It is not the policy of Peterborough City Council to waive the actuarial reduction on early payment of pension unless:-

- (i) the payment relates to someone who is being made redundant or taking efficiency retirement from active employment with PCC or
- (ii) if there are compelling, compassionate* reasons to do so.

LGPS Regulations 1997 Regulation 31 (7A)

It is not the policy of Peterborough City Council to agree at normal retirement date to the payment of benefits resulting from an earlier opt out.

Key:

*Definition of compelling, compassionate reasons

- (i) The member can clearly demonstrate that they have a dependant, with a lifetime expectancy of more than twelve months, who is in need of the member's constant supervision due to a long term illness and as a result the member is suffering from severe financial hardship OR
- (ii) There is another substantial reason (not relating to caring for a dependant who is ill) where the member can demonstrate that they are facing very severe, ongoing financial hardship and will be doing so on a long term basis.

In exceptional circumstances, and only with the prior approval of the chief executive, the council may vary the terms of this policy on an individual basis.

This list is subject to statute, regulations and council policy. It may be varied in the future as necessary.

Each discretion will be dealt with independently.

Local Government Pension Scheme Discretionary Policy – Part B

Background

There are a further seven discretions that are not compulsory to include in the Policy Statement but that are recommended to be included:

LGPS (Administration) Regulations 2008 Regulation 22 (2)

It is the policy of Peterborough City Council to consider an extension in cases where the member of staff was not notified of their rights to pay contributions in respect of a period of absence before returning to work, or ceasing to be employed without returning to work. The extension would be for one month from the date that they were notified of their right to pay.

LGPS (Administration) Regulations 2008 Regulation 16 (4)

It is not the policy of Peterborough City Council to consider allowing the aggregation of two periods of membership after twelve months of joining unless:

- (i) the scheme member has requested that investigations commence within the twelve month time limit, or
- (ii) if there is reason to believe that the individual would not have known of the need to request an investigation into potential aggregation within the twelve month time limit, and the HR &/or pension files support this
- (iii) it would have been unreasonable for the scheme member to understand that they had more than one period of service (this being particularly an issue where individuals hold multiple jobs)

LGPS (Administration) Regulations 2008 Regulation 83 (8)

It is not the policy of Peterborough City Council to consider extending the time limit for a transfer in of previous pension rights to proceed after twelve months of joining unless:

- (i) the scheme member has requested that investigations commence within the twelve month time limit, or
- (ii) if there is reason to believe that the individual would not have known of the need to request an investigation into potential transfer in of previous pension rights within the twelve month time limit, and the HR &/or pension files support this

LGPS (Administration) Regulations 2008 Regulation 25 (3)

It is not the policy of Peterborough City Council to contribute towards a shared cost additional voluntary contributions scheme.

**LGPS (Administration) Regulations 2008
Regulation 57 (5) (c)**

The specified person within the council to hear member's appeals is the Head of HR or their nominated deputy.

**LGPS (Administration) Regulations 2008
Regulation 4 (3)**

This discretion is applicable to 'designating bodies' only and therefore does not apply to Peterborough City Council.

**LGPS (Benefits, Membership & Contribution) Regulations 2007
Regulation 3 (4)**

The tiered contribution rate for each employee will be based on the pensionable pay elements. Basic salary is assessed at the full time equivalent rate, in each post an employee holds at 1 April.

The contribution rate will be re-assessed annually on implementation/application (regardless of when the award is made) of the annual pay award. Re-assessment will take place at any point in the year in the following circumstances:-

- Promotion
- Demotion
- Incremental progression
- Pay award
- Acting up starts/Acting up ceases
- Contractual Allowance starts/Contractual Allowance ceases

In exceptional circumstances, and only with the prior approval of the chief executive, the council may vary the terms of this policy on an individual basis.

This list is subject to statute, regulations and council policy. It may be varied in the future as necessary.

Each discretion will be dealt with independently.

INCLUDED IN TIER/ PENSIONABLE	DESCRIPTION	CALCULATION BASIS
Y	Basic pay	SCP divided by 37
N	Non Contractual Overtime Plain less than 37 hours	SCP divided by 37
N	Non Contractual Overtime Plain over 37 hrs	SCP divided by 37 - pre authorised up to SCP 43
N	Non Contractual Overtime Over 37 hours	Basic pay x 1.5 - minimum element 15 minutes - SCP 26 and below only
N	Non Contractual Overtime Sundays over 37 hours	Basic pay x 2 - minimum element 15 minutes - SCP 26 and below only
N	Non Contractual Overtime Bank Holidays	Basic pay x 2 - minimum element 15 minutes - SCP 26 and below only
Y	Contractual Overtime Over 37 hours Monday-Saturday	Basic pay x 1.5 - for Monday to Saturday - SCP 26 and below only
Y	Contractual Overtime Over 37 hours Sunday	Basic Pay x 2 for Sunday working - SCP 26 and below only
Y	Weekend Enhancement Saturdays	Basic Pay x 0.5 minimum element 15 minutes as part of normal working week
Y	Weekend Enhancement Sundays	Basic Pay x 0.5 minimum element 15 minutes as part of normal working week
Y	Shift Allowance (24 hrs)	Basic Pay x 21% - set up as permanent addition - SCP 26 and below only
Y	Shift Allowance (More than 15 – Less than 19 hours)	Basic Pay x 14% - set up as permanent addition - SCP 26 and below only
Y	Shift Allowance (More than 11 – Less than 15 hours)	Basic Pay x 7% - set up as permanent addition - SCP 26 and below only
Y	Split Shift	Basic Pay x 1% - set up as permanent addition - SCP 26 and below only
Y	Night Rate	Basic Pay + 1/3 - SCP 26 and below - night workers can claim weekend payments
N	Stand by per session	
N	Call Out minimum	Basic pay @ 2 hours - all employees up to SCP 49
N	Call Out hourly Monday – Saturday	Basic pay x 1.5 - minimum element 15 minutes - SCP 26 and below only
N	Call out hourly Sunday	Basic Pay x 2 - minimum element 15 minutes - SCP 26 and below only
N	Call out Plain	Basic pay - plain time paid to employees on SCP 27 - 49 All days -minimum element 15 minutes
N	Call out hours Bank holidays	Basic pay x 2 - minimum element 15 minutes - SCP 26 and below only
N	Call out hours Bank holidays	Basic Pay - plain time paid to employees on SCP 27 - 49
N	Call out Travelling time	Basic pay - minimum 15 minutes - maximum 0.5 hrs. - all employees
Y	Acting Up Allowance	Determined rate - payable after 4 weeks regular review
N	Honoraria	Determined rate – one off payment
Y	Market Supplement	Determined rate - regular review
Y	Protection	12 months full pay/ 6 months half pay /no pay award
N	Compensation	
N	Arrears	
Y	First Aid	

GUIDANCE NOTE ON MEMBERSHIP OF THE LGPS (not part of LGPS Discretionary policy)

The regulations state that Active members of the LGPS are:-

2.—(1) An employee of a body listed in— (a) [Chapter 1 of Part 2](#) of; (b) [Chapter 1 of Part 5](#) of; or (c) [Schedule 2](#) to the 1997 LGPS Regulations is an active member of the Scheme.

(2) But a person is not an active member unless he is employed under a contract of employment of more than three months' duration.

(3) An active member of the 1997 Scheme is an active member of the Scheme for as long as he continues in Local Government Pension Scheme employment.

MEMBERSHIP OF THE LOCAL GOVERNMENT PENSION SCHEME IS AVAILABLE TO:-

PCC EMPLOYEES

All Peterborough City Council employees providing their contract is for three months or more and they are aged less than 75 years. Membership of the Scheme is automatic, but employees have the right to opt out.

FIXED TERM CONTRACT EMPLOYEES WHO INITIALLY HAD A CONTRACT OF LESS THAN THREE MONTHS WHICH WAS EXTENDED TO MORE THAN 3 MONTHS

If the contract is extended beyond three months, membership of the Local Government Pension Scheme becomes automatic, but the employee would have the right to opt out. The date of commencement in the scheme would be from the date the contract is extended. The employee would have the option of back dating their membership commencement date to the start of the contract.

CORONER

REGISTRATION OFFICER

MEMBERSHIP OF THE LOCAL GOVERNMENT PENSION SCHEME IS NOT AVAILABLE TO:

RELIEF EMPLOYEES – NO MUTUALITY OF OBLIGATION

There is no pension scheme available for those workers where the contract states 'no mutuality of obligation'.

MOVE FROM PERM/TEMP CONTRACT TO A RELIEF CONTRACT WITH NO MUTUALITY OF OBLIGATION

There is no pension scheme available for those workers where the contract states 'no mutuality of obligation'. If an employee moves to a contract where there is 'no mutuality of obligation' then it will not be possible for them to continue with membership of the scheme.

FIXED TERM CONTRACT EMPLOYEES WITH CONTRACT OF LESS THAN 3 MONTHS

There is no pension scheme available for those employees with a contract of less than three months.

OTHER STATUTORY PENSION SCHEMES

Statute states that if a person's employment entitles him to belong to another statutory pension scheme, that employment does not entitle him to be a member of the LGPS, unless that other scheme was made under section 7 of the Superannuation Act 1972. This rule applies to:-

TEACHERS (TEACHERS PENSION SCHEME - TPS)

It is very important to note that a change to job description may result in the need to change pension scheme and this must be taken into account when teaching jobs are changed from teachers to advisors or some other non teaching role. Such a change will necessitate a change of pension scheme.

Also, whilst on secondment to a non teaching role a teacher may retain membership of the TPS but if the post is made permanent then the teacher would need to be transferred to the LGPS.

YOUTH & COMMUNITY WORKERS (TEACHERS PENSION SCHEME)

Organisers employed as a youth and community worker by a local education authority (for the purposes of their functions under section 15 or 508 of the 1996 Education Act) where employment as an organiser commenced before 1 January 1977.

Generally membership of the LGPS is not governed by the terms and conditions of employment which an employee works to but by virtue of their employer, and the type of work they undertake.

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