



**Wiltshire Pension Fund
Employer Discretions Policy**

Adopted 5th March 2024 Minute 204.23

1. Introduction

1.1 Tisbury Parish Council as an employer participating in the Wiltshire Pension Fund (Local Government Pension Scheme, "LGPS") in England and Wales has a legal duty to formulate, publish and keep under review a statement of policy on certain discretionary powers under the Regulations plus a number of non-mandatory employer discretions.

1.2 Discretions are powers which enable employers to choose how to apply the scheme in respect of certain provisions. Discretions only apply at the time of application and are subject to change.

2. Objectives

2.1 When the Council sets and reviews these employer discretions, consideration is given to:

- Cost – discretionary powers come with a cost attached - policies must not lead to a loss of confidence in public services, therefore have to be affordable.
- The Basis on which decisions are made – policies should not be so rigid or restrictive as to prevent flexibility where a possibly unanticipated situation requires it.
- Equality – criteria which do not discriminate and where decisions are objectively justified.

2.2 The Council has limited resources and needs to maintain a balanced budget. Any exercise of discretion must be contained within existing service budgets; therefore, discretions are only exercised in exceptional circumstances.

3. Legal Compliance

Discretions under the Local Government Pension Scheme 2014 are Employer discretions under The Local Government Pension Scheme Regulations 2013 (prefix R) and The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 (prefix TP) on which Employers are required to formulate and publish a policy.

4. Review

All pension discretions will be reviewed at least every two years or as and when circumstances change.

Discretion	Regulation	Decision
Whether, how much and in what circumstances to contribute to a shared cost Additional Pension Contributions (APC) scheme	R16(2)(e) & R16(4)(d)	Tisbury Parish Council will not exercise this discretion.
Whether to extend 30-day deadline for member to elect for a shared cost APC	16(6)	Tisbury Parish Council will not exercise this discretion.
Whether all or some benefits can be paid if an employee reduces their hours or grade (flexible retirement)	R30(6) & TP11(2)	Tisbury Parish Council will only exercise this discretion in exceptional circumstances and with the express permission of the Full Council. It will consider employee requests to take flexible retirement on a case by case basis after taking into account factors such as service delivery and any costs which may apply.
Whether to waive, in whole or in part, actuarial reduction on benefits paid on flexible retirement	R30(8)	Tisbury Parish Council will only exercise this discretion in exceptional circumstances and with the express permission of the Full Council after consideration of the financial implications of that decision.
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)	R30(8)	Tisbury Parish Council will only exercise this discretion in exceptional circumstances and with the express permission of the Full Council after consideration of the financial implications of that decision.
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)	TPSch 2 para 1 (2) & 1(1)(c)	Tisbury Parish Council will only exercise this discretion in exceptional circumstances and with the express permission of the Full Council after consideration of the financial implications of that decision.
<p>Whether to waive an 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 in whole or 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 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 between 1 April 2016 and 31 March 2020 inclusive.</p> <p>(d) On compassionate grounds (pre-1 April</p>	TP3(1),TPSch 2 para 2(1),B30(5) & B30A(5)	Tisbury Parish Council will only exercise this discretion in exceptional circumstances and with the express permission of the Full Council after consideration of the financial implications of that decision.

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.		
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 £7,579 p.a – this figure is inflation proofed annually)	R31	Tisbury Parish Council will not exercise this discretion.
Discretions for members who ceased active membership on or after 1 April 2008 and before 2014		
Whether to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early under B30 (member).	B30(5), TPSch 2, para 2(1)	Tisbury Parish Council will not exercise this discretion.
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.	TPSch 2, para 1(2) & 1(1)(c)	Tisbury Parish Council will only exercise this discretion.
Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early under B30A (pensioner member with deferred benefits)	B30A(5), TPSch 2, para 2(1)	Tisbury Parish Council will only exercise this discretion.
Discretions for members who ceased active membership on or after 1 April 1998 and before 1 April 2008 AND Councillor members who ceased active membership on or after 1 April 1998		
Grant application for early payment of deferred benefits on or after age 50 and before age 55.	31(2)	Tisbury Parish Council will not exercise this discretion.
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.	TPSch 2, para 1(2) & 1(1)(f) & R60	Tisbury Parish Council will not exercise this discretion.
Waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early.	31(5) & TPSch 2, para 2(1)	Tisbury Parish Council will not exercise this discretion.
Discretions for member who ceased membership before 1 April 1998		
Grant application for early payment of deferred benefits on or after age 50 on compassionate grounds.	TP3(5A)(vi), TL4, L106 (1)	Tisbury Parish Council will not exercise this discretion.