Hampshire & Isle of Wight FIRE & RESCUE AUTHORITY

Pensions Discretionary Policy Local Government Pension Scheme

Policy number (AP011)

Next Review Due 31/03/2029

1. Purpose

Hampshire and Isle of Wight Fire and Rescue Authority (HIWFRA) is committed to ensuring that Hampshire and the Isle of Wight have an efficient and effective fire and rescue service which makes life safer for everyone.

All Policies within the Authority's Policy Framework are to be considered as a collective and not read in isolation.

This Policy describes the scheme employer's policy on the operation of each of the mandatory discretions, and optional discretions where chosen, available under the Local Government Pension Scheme Regulations (LGPS) 2013 and the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014. It states whether or not discretions will be operated and the circumstances and criteria for applying them.

2. Principles

This Policy is split into two parts:

- Part A – Mandatory Discretions
  1. Discretions that apply to members who were actively paying into the scheme as at 1 April 2014 onwards
  2. Discretions that apply to members who ceased active membership between 1 April 2008 and before 1 April 2014
  3. Discretions that apply to members who left the scheme between 1 April 1998 and before 1 April 2008
  4. Discretions that apply to members who ceased active membership before 1 April 1998
- Part B – Optional Discretions

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Part A – Mandatory Discretions

Different discretions apply to members depending on the dates they were actively paying into the scheme. Part A is split into sections to reflect this.

1. Discretions that apply to members who were actively paying into the scheme as at 1 April 2014 onwards

1. a) Power to award additional pension (Regulation 31)
Whether, at the full cost to the Scheme employer, to grant extra annual pension of up to the current published amount (figure at 1 April 2024 £8,344) to an active member or within 6 months of leaving to a member whose employment was terminated on the grounds of redundancy or business efficiency [regulation 31 of the LGPS Regulations 2013].
Employer Policy Decision
Hampshire and Isle of Wight Fire and Rescue Authority (HIWFRA) will not consider granting extra pension unless the scheme member is retired in the interests of efficiency of the service. If a scheme member is retired in the interests of efficiency of the service, HIWFRA will consider granting (and paying for) additional pension in the Local Government Pension Scheme using an amount no greater than the payment the scheme member would have received had they been made redundant, and in any event no greater than the current published amount, this is reviewed each April in line with the 'Pensions Increase order'. There may be tax implications associated with this.

1. b) Shared cost additional pension contributions (Regulation 16(2e) (4d))
Whether, how much, and in what circumstances to contribute to a Shared Cost APC scheme
Whether, where an active scheme member wishes to purchase extra annual pension of up to £8,344 (figure as at 1 April 2024), by making Additional Pension Contributions (APCs), to voluntarily contribute towards the cost of purchasing that extra pension via a shared cost additional pension contribution (SCAPC) [regulations 16(4)(d) of the LGPS Regulations 2013].

*Note: This does not include instances where the employee is paying for ***lost*** pension via an APC where the election was made in the first 30 days (or longer if the employer allows) – in this circumstance the employer ***must*** pay two-thirds of the cost of such purchase.

Employer Policy Decision

A contribution will only be made to meet the cost of a member's additional pension contributions whereby as an employer we are required to do so under the LGPS regulations.

Where a member is voluntarily making additional pension contributions, HIWFRA will not consider meeting any part of that cost.

*see Optional Discretions section

1. c) Whether to allow flexible retirement (Regulation 30 (6)) & TP11(2) & R30(8)

Whether to allow flexible retirement for staff aged 55 or over who, with the agreement of the Scheme employer, reduce their working hours or grade [regulation 30(6) of the LGPS Regulations 2013] and, if so, as part of the agreement to allow flexible retirement:

- Whether, in addition to the benefits the member has built up prior to 1 April 2008 (which the member must draw), to allow the member to choose to draw:
  - I. all, part or none of the pension benefits they built up after 31 March 2008 and before 1 April 2014, and / or
  - II. all, part or none of the pension benefits they built up after 31 March 2014 [regulations 11(2) and 11(3) of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014], and
- Whether to waive, in whole or in part, any actuarial reduction which would otherwise be applied to the benefits taken on flexible retirement before Normal Pension Age (NPA) [regulation 3(5) of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014, regulation 18(3) of the LGPS (Benefits, Membership and Contributions) Regulations 2007 and regulations 30(6) and 30(8) of the LGPS Regulations 2013]

Employers may allow a member from age 55 onwards to draw all or part of the pension benefits they have already built up whilst still continuing in employment. This is provided the employer agrees to the member either reducing their hours or moving to a position on a lower grade.

In such cases, pension benefits will be reduced in accordance with actuarial tables unless the employer waives the reduction either fully or in part or a member has protected rights.

Please be aware, if you allow members to retire under flexible retirement, and they meet the 85 year rule between the ages of 55 and 60, there may be a cost to the employer as there is no option to switch the 85 year rule off in this instance.

Employer Policy Decision

Whether to allow flexible retirement

HIWFRA may consent to a request for pension benefits being paid under the flexible retirement policy to an employee over the age of 55, providing:

a) their remuneration is reducing by 40% either through a reduction in contractual hours or grade and does not incur a cost to the employer, or,

b) where the reduction is less than 40% and does not incur a cost to the employer.

Whether to allow the member to choose to take:

a) part or none of the pension benefits they built after 31 March 2008 and before 1 April 2014, and / or

b) all, part or none of the pension benefits they built up after 31 March 2014

HIWFRA will allow a member to choose to draw all, part of none of their post 31 March 2008 and pre 1 April 2014 benefits, as long as there is no cost to the employer.

HIWFRA will allow a member to choose to draw all, part or none of their post 1 April 2014 benefits, as long as there is no cost to the employer.

Whether to waive, in whole or in part, any actuarial reductions which would otherwise be applied to the benefits taken on flexible retirement before Normal Pension Age:

HIWFRA will not waive in whole or in part, other than in exceptional circumstances, any actuarial reductions which would otherwise be applied to the benefits taken on flexible retirement before Normal Pension Age.

Employees should note that the final decision as to whether to allow flexible retirement is at the sole discretion of Hampshire and Isle of Wight Fire and Rescue Authority as the employer.

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1. d) Switching on the 85 year rule [paragraph 1(1)(c) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014]

Whether to "switch on" the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60.

Members are now able to voluntarily retire between ages 55 and 60. If they were a member of the LGPS on 30 September 2006 then some of their benefits could be protected from reductions applied to early payment under the 85-year rule. This rule only applies automatically to members voluntarily retiring from age 60 but the employer has the discretion to "switch it on" for voluntary retirements between age 55 and 60.

This discretion does not apply to flexible retirement (see Regulation 30(6)) whereby the 85-year rule is always switched on.

Where the employer does not choose to "switch on" the rule, then:

a. If the member has already met the 85 year rule, the member's benefits are to be reduced in accordance with actuarial guidance issued by the Secretary of State (with the benefits from any pre 1 April 2008 membership for members who will not be 60 or more on 31 March 2016, and benefits from any pre 1 April 2016 membership for members who will be 60 or more on 31 March 2016, which would not normally have been subject to an actuarial reduction nonetheless being subject to a reduction calculated by reference to the period between the date the benefits are drawn and age 60) [paragraphs 1(2) and 1(4) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014], or
b. If the member has not already met the 85 year rule, the member's benefits are to be reduced in accordance with actuarial guidance issued by the Secretary of State (with the reduction on that part of the member's benefits subject to the 85 year rule being calculated by reference to the period between the date the benefits are drawn and age 60, or the date of attaining the 85 year rule, whichever is the later), and
c. The Scheme employer can exercise a discretion 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 cost to the Scheme employer, via an employer strain charge).

Employer Policy Decision

HIWFRA will not 'switch' back on the 85 year rule for employees leaving voluntarily between age 55 and 60.

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1. e) Waiving of actuarial reductions Regulation 30(8), TP3(1), TPSch 2, para 2(1), B30(5) and B30A(5)

Whether to waive, in whole or in part, any actuarial reductions on benefits which a member voluntarily draws before normal pension age (other than on the grounds of flexible retirement).

Employers can agree to waive any actuarial reductions due in the case of employees retiring any time after age 55. For active members voluntarily retiring on or after age 55 and before Normal Pension Age (NPA), who elect under regulation 30(5) of the LGPS Regulations 2013 to immediately draw benefits, and for deferred members and suspended tier 3 ill-health pensioners who elect under regulation 30(5) of the LGPS Regulations 2013 to draw benefits (other than on ill health grounds) on or after age 55 and before NPA.
There are 4 member groups which you would be making the discretions policy on, the below covers in what circumstance reductions can be waived and to which benefits these would apply:

Group 1 - Members joined before 1 October 2006 and who reached 60 before 1 April 2016

- To waive on compassionate grounds, any actuarial reductions applied to benefits built up before 1 April 2016, and/or
- To waive on any grounds, actuarial reductions applied to benefits built up after 31 March 2016.

Group 2 - Members joined before 1 October 2006 and who reach age 60 between 1 April 2016 and 31 March 2020 and also meet their critical retirement age before 1 April 2020 (date member meets the 85 year rule)

- To waive on compassionate grounds, any actuarial reductions applied to benefits built up before 1 April 2020, and/or
- To waive in whole or in part on any grounds, actuarial reductions applied to benefits built up after 31 March 2020.

Group 3 - Members joined before 1 October 2006 and who reach age 60 after 31 March 2020 (or who would reach age 60 between 1 April 2016 and 31 March 2020 and don't meet their critical retirement age before 1 April 2020 (date member meets the 85 year rule)

- To waive on compassionate grounds, any actuarial reductions applied to benefits built up before 1 April 2014, and/or
- To waive in whole or in part on any grounds, actuarial reductions applied to benefits built up after 31 March 2014.

Group 4 - Members joined after 1 October 2006

- To waive on compassionate grounds, any actuarial reductions applied to benefits built up before 1 April 2014, and/or
- To waive in whole or in part on any grounds, actuarial reductions applied to benefits built up after 31 March 2014.

Employers should also note that the strain cost of any such retirements would need to be met by the employer and paid into the Pension Fund at the appropriate time.

Employer Policy Decision

Whether to waive any actuarial reductions for a member voluntarily drawing benefits before normal pension age (other than on the grounds of flexible retirement), as outlined above?

HIWFRA will not consent to waive any actuarial reduction applicable to an employee who retires voluntarily between age 55 and their Normal Pension Age.

HIWFRA will not meet the cost of actuarial reduction where an ex-employee voluntarily draws their benefits between age 55 and their Normal Pension Age.

2. Discretions that apply to members who ceased active membership between 1 April 2008 and before 1 April 2014

2. a) 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 [paragraph 1(1)(c) & 1(2) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014]

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.

A member with a deferred benefit who left the scheme voluntarily between 1 April 2008 – 31 March 2014 and who has subsequently become a deferred pensioner may now claim their benefits from age 55 without their employer's consent. However, these benefits will be reduced for early payment.

Where a member has reached the 85 year rule at the point of retirement, an employer can consent to switching on the 85 year rule. Any 'strain' to the Fund will be payable immediately by the Scheme employer.

Employer Policy Decision
HIWFRA will not 'switch' back on the 85 year rule where an ex-employee draws their benefits voluntarily between age 55 and 60.

2. b) Whether to "switch on" the 85 year rule upon the voluntary early payment of a suspended tier 3 ill health pension [paragraph 1(1)(c) & 1(2) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014]
Whether to "switch on" the 85-year rule for a member with a suspended tier 3 ill-health pension voluntarily drawing benefits (on or after 14 May 2018) on or after age 55 and before age 60. Where a member has reached the 85-year rule at the point of retirement, an employer can consent to switching on the 85-year rule. Any 'strain' to the Fund will be payable immediately by the Scheme employer.
Employer Policy Decision
HIWFRA will not "switch" back on the 85 year rule where an ex-employee with a suspended tier 3 ill health pension draws their benefits voluntarily between age 55 and 60.

2. c) Whether to waive upon the voluntary early payment of deferred benefits any actuarial reduction on compassionate grounds [regulation 30(5) of the LGPS (Benefits, Membership and Contributions) Regulations 2007 and paragraph 2(1) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014]
A member with a deferred benefit who left the scheme voluntarily between 1 April 2008 – 31 March 2014 may now claim their benefits from age 55 without their employer's consent. However, these benefits will be reduced for early payment. An employer can consent to waiving any reductions, on compassionate grounds, that would normally be applied to deferred benefits which are paid before age 65.
Employer Policy Decision
HIWFRA will not waive any actuarial reductions which may occur on deferred benefits claimed from age 55 and paid before age 65.

2. d) Whether to waive upon the voluntary early payment of a suspended tier 3 ill health pension, any actuarial reduction on compassionate grounds? [regulation 30A(5) of the LGPS (Benefits, Membership and Contributions) Regulations 2007 and paragraph 2(1) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014]
A member with a suspended tier 3 ill health pension and who left the scheme between 1 April 2008 – 31 March 2014 may now claim for their pension to be brought back into payment from age 55 without their employer's consent. However, these benefits will be reduced for early payment. An employer can consent to waiving any reductions, on compassionate grounds, that would normally be applied to deferred benefits which are paid before age 65.
Employer Policy Decision
HIWFRA will not waive any actuarial reductions which may occur for a suspended tier 3 ill health on deferred benefits from age 55 and paid before age 65.

3. Discretions that apply to members who left the scheme between 1 April 1998 and before 1 April 2008

3. a) Whether to 'switch on' the 85 year rule upon the voluntary early payment of deferred benefits [paragraph 1 (1) (f) & 1 (2) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) regulations 2014]
Whether, as the 85 year rule does not automatically fully apply to members who would otherwise be subject to it and who choose to voluntarily draw their deferred benefits (on or after 14 May 2018) on or after age 55 and before age 60, to switch the 85 year rule back on in full for such members. Deferred members who left the scheme after 1 April 1998 are now able to voluntarily retire between ages 55 and 60. If they were a member of the LGPS on 30 September 2006 then some of their benefits could be protected from reductions applied to early payment under the 85 year rule. This rule only applies automatically to members voluntarily retiring from age 60 but the ceding employer has the discretion to "switch it on" for voluntary retirements between age 55 and 60. Where the employer does not choose to "switch on" the rule, then benefits built up would be subject to reduction in accordance with actuarial guidance issued by the Secretary of State regardless of whether a member meets the rule or not.

If the employer does agree to "switch on" the 85 year rule, the employer will have to meet the cost of any strain on fund resulting from the payment of benefits before age 60, i.e. where the member has already met the 85 year rule or will meet it before age 60.
Employer Policy Decision
HIWFRA will not 'switch' back on the 85 year rule where an ex-employee draws their benefits voluntarily between age 55 and 60.

3. b) Whether to grant applications for the early payment of pension benefits on or after age 50 and before age 55 [regulation 31(2) of the LGPS Regulations 1997].
Whether to grant application for early payment of deferred benefits on or after age 50 and before age 55. A member with a deferred benefit who left the scheme between 1 April 1998 – 31 March 2008 can claim their benefits from age 50 with their employer's consent. However, these benefits may be reduced for early payment and/or be subject to an unauthorised payment charge under the Finance Act 2004.
Employer Policy Decision
HIWFRA will not consent to the early payment of deferred benefits to individuals between ages 50 and 55, unless there is no cost to HIWFRA.

3. c) Whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to benefits [regulation 31(5) of the LGPS Regulations 1997 and paragraph 2(1) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014]
Whether to waive any actuarial reduction on compassionate grounds which would normally be applied to benefits which are paid before age 65. Employers should note that the strain cost of any such retirements would need to be met by the employer and paid into the Pension Fund at the appropriate time.
Employer Policy Decision
HIWFRA will not waive any actuarial reductions on compassionate grounds due in the case of employees who receive early payment of deferred benefits before age 65.

4. Discretions that apply to members who ceased active membership before 1 April 1998

4. a) Whether to grant applications for the early payment of deferred pension benefits on or after age 50 and before Normal Retirement Date on compassionate grounds [regulation D11(2)(c) of the LGPS Regulations 1995].
Whether to grant early payment of a deferred benefit on compassionate grounds, on or after age 50 and before Normal Retirement Date. If granted, these benefits may be reduced for early payment and/or be subject to an unauthorised payment charge under the Finance Act 2004.
Employer Policy Decision
HIWFRA will not consent to the early payment of deferred benefits on compassionate grounds to individuals between age 50 and Normal Retirement Date, unless there is no cost to HIWFRA.

- These policies may be subject to review from time to time. Any subsequent change in this Policy Statement will be notified to affected employees.
- If the employer decides to amend the policy, no change can come into effect until one month has passed since the date of the amended policy statement was published.
- Any changes to this policy will be notified to Hampshire Pension Services within one month of the change.

Find the full list of discretions policies on the dedicated government website.

Part B – Optional Discretions

(The six detailed are the most frequently used Regulations, but remain optional – see LGA Discretions for the full list of optional employer discretions)
Membership Aggregation – Post 31 March 2014 deferred benefits Regulation 22(7) and (8) of the LGPS Regulations 2013
Whether to extend the 12 month option period for a member to elect not to join deferred benefits to their current employment/membership. The election to keep separate pension benefits must be made within 12 months of becoming an active member, who must be active at the date of election. An employer may allow a period longer than 12 months.
Employer Policy Decision
HIWFRA will not extend the 12 month period for a member to elect to not combine pension rights from previous local government employment with an ongoing concurrent employment. If the election not to combine is not made within 12 months of the new active membership, then the previous LGPS membership will be combined with the members new LGPS membership.

Membership Aggregation – Pre 1 April 2014 deferred benefits Regulation 10(6) of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 as amended by regulation 27 of the LGPS (Amendment) Regulations 2018
Whether to extend the 12 month option period for a member to elect to join deferred benefits to their current employment/membership. The election to join pension benefits must be made within 12 months of becoming an active member, who must be active at the date of election. An employer may allow a period longer than 12 months.
Employer Policy Decision
HIWFRA will not extend the 12 month period for a member to elect to combine pension rights from previous local government employment with an ongoing concurrent employment. If the election to combine is not made within 12 months of the new active membership, then the previous LGPS membership will not be combined with the members new LGPS membership.

Transfers of Pension Rights Regulation 100(6)
Extend normal time limit for acceptance of a transfer value beyond 12 months from joining the LGPS. Where an active member requests to transfer previous pension rights into the LGPS, the member must make a request within 12 months of becoming an active member. An employer may allow a longer period than 12 months.
Employer Policy Decision
HIWFRA will only accept a request to transfer previous pension rights into the LGPS if the election to do so is made within 12 months of becoming an active member of the LGPS.

Time Limit for a member to elect to purchase additional pension by way of a shared cost additional pension contribution (SCAPC) upon return from a period of absence Regulation 16(16) of the LGPS Regulations 2013
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 force service leave).
Employer Policy Decision
HIWFRA will extend the deadline for a member to elect for a shared cost APC to **60 days**, upon physical return to work from a period of absence from work with permission with no pensionable pay.

Shared Cost Additional Voluntary Contribution arrangement Regulation 17 of the LGPS Regulations 2013 and regulation 15(2A) of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014)
Whether to allow a Shared Cost Additional Voluntary Contribution (SCAVC) arrangement. To determine how much will be allowed to be contributed to the SCAVC arrangement. To define in what circumstances contribution to a SCAVC arrangement will be allowed.
Employer Policy Decision
HIWFRA will pay Salary Sacrifice Shared Cost AVC (SS SC AVC) contributions where an employee has elected to pay AVCs by salary sacrifice. The amount of these employer SS SC AVC contributions will not exceed the amount of salary sacrificed by the employee. This is a HIWFRA discretion which is subject to the employee meeting the service's conditions for acceptance into the salary sacrifice shared cost AVC scheme and may be withdrawn or changed at any time.

Whether, subject to qualification, to substitute a higher level of pensionable pay when calculating assumed pensionable pay (APP) Regulations 21(5A) and 21(5B) of the LGPS Regulations 2013] regulation 7 of the LGPS (Amendment) Regulations 2018
If, in the scheme employer's opinion, the pensionable pay received in relation to an employment (adjusted to reflect any lump sum payments) in the three 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 when calculating APP, having had regard to the level of pensionable pay received by the member in the previous 12 months.
Employer Policy Decision
HIWFRA will substitute a higher level of pensionable pay when calculating assumed pensionable pay (APP), if in their opinion, the pensionable pay received in relation to an employment in the 3 months preceding the commencement of APP, is materially lower than the level of pensionable pay the member would have normally received.

3. Compliance

Local Government Pension Scheme Regulations 2013
Local Government Pension Scheme Regulations (Transitional Provisions, Savings and Amendment) Regulations 2014

4. Core Code of Ethics

HIWFRA is committed to meeting the principles within the UK Fire and Rescue Services Core Code of Ethics and will ensure that the principles in this policy reflect the requirements of the Code.

5. Governance

HIWFRA has responsibility for the functions of the fire and rescue service as specified in legislation.

HIWFRA delegates the operation of the principles contained within the Pensions Discretionary Policy Local Government Pension Scheme to HIWFRS Chief Fire Officer and the Chief Financial Officer, in accordance with its Constitution and the Safety Plan.

6. Appendix