

Section 1 Discretionary policies applicable from 1 April 2014 in relation to post 31 March 2014 active members and post 31 March 2014 leavers

| No | Discretion | Regulation | Discretion Application |
|-----|---|--|---|
| 1.1 | Determine rate of employees' contributions. | 9(1) & (3) of the 2013 Regulations | The employee contribution band will be reviewed each April. The salary used to determine the band will be assessed by taking into account the pensionable pay received in the previous financial year, not taking into account any reductions to pay due to child related absence, or sick pay, and equating to a full year if starting employment during the financial year. We will review the banding in the event of a material change where a member requests such a review. |
| 1.2 | Whether, how much, and in what circumstances to contribute to a shared cost APC scheme. | 16(2)(e) & (4)(d) of the 2013 Regulations | The Council will generally not contribute by either regular contributions (2)(e) or lump sum contribution (4)(d) towards a members additional pension contributions but may determine on a case by case basis if there has been any operational benefit gained by the employer and if so whether the APC should be wholly or partly funded. Strike action will not be funded. |
| 1.3 | 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 forces service leave). | 16(16) of the 2013 Regulations | Delegated authority is given to the Head of People Transactional Services to make a decision on a case by case basis, where it can be evidenced that a member was unaware of the 30 day deadline. Strike action will not be funded. |
| 1.4 | Whether, how much, and in what circumstances to contribute to shared cost AVC arrangements. | 17(1) of the 2013 Regulations | The decision taken by the Investment Committee in 2001 is still relevant, therefore for the time being the Council does not set up a shared cost AVC facility. |
| 1.5 | 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 November 2001). | 15(2A)(b) of the 2013 Regulations & 66(8) & former L66(9)(b) of the 1997 Regulations | Delegated authority is given to the Head of People Transactional Services to make a decision on a case by case basis. |

London Borough of Havering Employing Authority Discretionary Policies (March 2021)

| | | | |
|-------------|--|--|---|
| 1.6 | No right to return of contributions where a member left their employment due to offence of a fraudulent character or grave misconduct in connection with that employment, unless employer directs a total or partial refund is to be made. | 19(2) of the 2013 Regulations | In the first instance contributions will be withheld and all cases will be referred to the Pensions Panel who under delegated authority will decide on any refund they deem applicable. |
| 1.7 | Specify in an employee's contract what other payments or benefits (other than those specified in 20(1)(a) and not otherwise precluded by 20(2)) are to be pensionable. | 20(1)(b) of the 2013 Regulations | Where the Council wishes to specify in a contract of employment that other payments or benefits may also be pensionable delegated authority is given to the Pensions Panel to make a decision on a case by case basis with the appropriate business case being presented. |
| 1.8 | In determining Assumed Pensionable Pay (APP), whether a lump sum payment made in the previous 12 months is a "regular lump sum". | 21(5) of the 2013 Regulations | Delegated authority is given to the Head of People Transactional Services make a decision on a case by case basis. |
| 1.9 | Where in the Employer's opinion, the pensionable pay received in relation to an employment (adjusted to reflect any lump sum payments) in the 3 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 having had regard to the level of pensionable pay received by the member in the previous 12 months | 21(5A) & (5B) of the 2013 Regulations | Delegated authority is given to the Head of People Transactional Services to make a decision on a case by case basis. |
| 1.10 | Whether to extend the 12 month option period for a member to elect that post 31 March 2014 deferred benefits should not be aggregated with a new employment. | 22(8)(b) of the 2013 Regulations | Delegated authority is given to the Head of People Transactional Services to make a decision on a case by case basis taking account of the relevant circumstances. |
| 1.11 | Whether to extend the 12 month option period for a member (who did not become a member of the 2014 Scheme by virtue of TP5(1)) to elect that pre 1 April 2014 deferred benefits should be aggregated with a new employment. | 10(6) of the Transitional Regulations 2014 | Delegated authority is given to the Head of People Transactional Services to make a decision on a case by case basis taking account of the relevant circumstances. |
| 1.12 | Whether to extend the 12 month option period for a member to elect that post 31 March 2014 deferred benefits should not be aggregated with an ongoing concurrent employment. | 22(7)(b) of the 2013 Regulations | Delegated authority is given to Head of People Transactional Services to make a decision on a case by case basis taking account of the relevant circumstances. |

London Borough of Havering Employing Authority Discretionary Policies (March 2021)

| | | | |
|------|--|--|---|
| 1.13 | Whether all or some benefits can be paid if an employee reduces their hours or grade (flexible retirement). | 30(6) of the 2013 Regulations & 11(2) of the Transitional Regulations 2014 | <p>The Council has decided to allow flexible retirement in cases where there is normally no or minimal cost to the Council. Delegated authority is given to the Pensions Panel to make a decision on a case by case basis, ensuring the detailed merits of each individual case is taken into account. The request must be in line with the current Flexible Retirement Policy. The following criteria apply:</p> <ul style="list-style-type: none"> • there must be at least at 25% reduction in pay or hours • the member may not move to another promotion post with the Council and/or increase their hours following flexible retirement • will not be granted a 2nd or subsequent flexible retirement |
| 1.14 | Whether to waive, in whole or in part, actuarial reduction on benefits paid on flexible retirement. | 30(8) of the 2013 Regulations | <p>In exceptional circumstances the Council may consider waiving the actuarial reduction where it is in the Council's interest to do so. Delegated authority is given to the Pensions Panel to make a decision on a case by case basis.</p> |
| 1.15 | 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). | 30(8) of the 2013 Regulations | <p>The Council may waive actuarial reduction on benefits which a member voluntarily draws before normal pension age (other than on the grounds of flexible retirement) where they consider the retirement to be on compassionate grounds.</p> <p>Retirement on compassionate grounds is normally defined as:</p> <ul style="list-style-type: none"> • The applicant had to leave employment to care for a dependent who is suffering from long term illness/incapacity. For this purpose dependent normally includes a partner, child or parent; and • That the dependant's need is for constant supervision for both day and night and that this is supported by confirmation from the Benefits Agency that an Attendance Allowance at the higher rate is payable; and • That the dependant has no recourse to alternative means of support from his/her immediate family nor the financial resources to provide independent care support (for this purpose a certified statement of income and expenditure will be required); and • That the applicant is suffering or facing severe financial hardship, that the applicant has no other significant source of income and that their personal financial circumstances |

London Borough of Havering Employing Authority Discretionary Policies (March 2021)

| | | | |
|------|--|--|---|
| | | | <p>are unlikely to improve. For this purpose the applicant will be required to submit a certified statement of income and expenditure covering both the applicant and any partner living with them; and</p> <ul style="list-style-type: none"> • That the applicant's opportunities for employment are severely limited by the nature of the care duties they are undertaking. <p>Delegated authority is given to the Pensions Panel to make a decision on a case by case basis</p> |
| 1.16 | <p>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).</p> | <p>Sch 2 para 1(2) & (1)(c) of the Transitional Regulations 2014</p> | <p>The Council will not usually exercise discretion to fund additional costs applicable to the 85 Year Rule for 55 to 60 year olds. However, in exceptional circumstances the Council may consider applying the 85 year rule in this scenario where it is in the Council's interest to do so. Delegated authority is given to the Pensions Panel to make a decision on a case by case basis.</p> |
| 1.17 | <p>Whether to agree to waive any 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) on:</p> <p>a) 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 not in the Scheme before 1 October 2006,</p> <p>b) 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) compassionate grounds (pre 1 April 2016 membership) and in whole or in part on any grounds</p> | <p>30(5), 30A(5) of the Benefits Regulations 2007 & 3(1) & Schedule 2, para2(a) of the Transitional Regulations 2014</p> | <p>Delegated authority is given to the Pensions Panel to make a decision on a case by case basis.</p> <p>The waiving of an actuarial reduction on compassionate grounds will be reviewed with the following criteria taken into consideration–</p> <ul style="list-style-type: none"> • Required to care for dependent • Dependents need for constant supervision • No recourse to alternative care • Suffering severe hardship • Opportunity for employment severely limited <p>If all the above criteria are met the Pension Panel will consider such cases. Any actuarial reduction that may apply will not be waived other than in extreme circumstances where the application has been enforced on the member due to unforeseen circumstances or circumstances beyond their control. Any costs that are incurred will be paid by the relevant service/department.</p> |

London Borough of Havering Employing Authority Discretionary Policies (March 2021)

| | | | |
|------|--|--|--|
| | <p>(post 31 March 2016 membership) if the member was in the Scheme before 1 October 2006 and will be 60 by 31 March 2016,</p> <p>d) compassionate grounds (pre 1 April 2020 membership) and 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.</p> | | |
| 1.18 | <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 £7,194 p.a. on 1 April 2020 - this figure is inflation proofed annually).</p> | 31 of the 2013 Regulations | The Council does not generally apply the discretion to award additional pension but may in extreme cases where the full cost and benefit is presented in a business case. Delegated authority is given to the Pensions Panel to make a decision on a case by case basis. |
| 1.19 | <p>Whether to agree 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.</p> | 12(6) of the Transitional Regulations 2014 | Delegated authority is given to the Head of People Transactional Services to make a decision on a case by case basis. |
| 1.20 | <p>Determine whether person in receipt of Tier 3 ill health pension has started gainful employment.</p> | 37(3) & (4) of the 2013 Regulations | Delegated authority is given to the Pensions Panel to make a decision on a case by case basis. |
| 1.21 | <p>Whether to recover any overpaid Tier 3 pension following commencement of gainful employment.</p> | 37(3) of the 2013 Regulations | Where pension payments have continued to be paid after the date of discontinuance they should be recovered in all cases with the individual being notified of the repayment procedure and timescales. |
| 1.22 | <p>Determine whether on review of a Tier 3 ill health retirement, the pension should be uplifted to Tier 2</p> | 37(7) of the 2013 Regulations | Where, in the opinion of the medical adviser, the member at the time of the review of their Tier 3 ill health entitlement, satisfies the requirements of a Tier 2 ill health pension the Council agrees and determines to put the increased ill health pension into payment. Where the member does not satisfy the requirements of a Tier 2 ill health pension all the facts of the case are presented to the Pension Panel for a final determination on a case by case basis. |

London Borough of Havering Employing Authority Discretionary Policies (March 2021)

| | | | |
|-------------|---|-----------------------------------|---|
| 1.23 | 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) of the 2013 Regulations | Delegated authority is given to the Pensions Panel to make a decision on a case by case basis taking account of the opinion of the IRMP and all relevant facts. |
| 1.24 | 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) of the 2013 Regulations | Delegated authority is given to the Pensions Panel to make a decision on a case by case basis taking account of the opinion of the IRMP and all relevant facts. |
| 1.25 | Whether to apply to Secretary of State for a forfeiture certificate where member is convicted of a relevant offence (a relevant offence is an offence committed in connection with an employment in which the person convicted is a member, and because of which the member left the employment). | 91(1)&(8) of the 2013 Regulations | The Council will seek recovery of any loss it has suffered and delegated authority is given to the Pensions Panel to make a decision on a case by case basis. |
| 1.26 | Where forfeiture certificate is issued, whether to direct that benefits are to be forfeited (other than rights to GMP – but see R95 below). | 91(4) of the 2013 Regulations | The Council will seek recovery of any loss it has suffered and delegated authority is given to the Pensions Panel to make a decision on a case by case basis. |
| 1.27 | 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) of the 2013 Regulations | The Council will seek recovery of any loss it has suffered and delegated authority is given to the Pensions Panel to make a decision on a case by case basis. |
| 1.28 | 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 R95 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) of the 2013 Regulations | The Council will seek recovery of any loss it has suffered and delegated authority is given to the Pensions Panel to make a decision on a case by case basis. |
| 1.29 | 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 R91 or recovery of a monetary obligation under R93 should deprive the member or the member's surviving spouse or civil partner of any GMP entitlement. | 95 of the 2013 Regulations | The Council will seek recovery of any loss it has suffered and delegated authority is given to the Pensions Panel to make a decision on a case by case basis. |

London Borough of Havering Employing Authority Discretionary Policies (March 2021)

| | | | |
|-------------|---|--|--|
| 1.30 | Agree to bulk transfer payment. | 98(1)(b) of the 2013 Regulations | Delegated authority is given to the Head of People Transactional Services, in consultation with the Pension Fund Actuary, to make a decision on a case by case basis. |
| 1.31 | Extend normal time limit for acceptance of a transfer value beyond 12 months from joining the LGPS. | 100(6) of the 2013 Regulations | Each case is determined on a case by case basis with delegated authority being given to the Head of People Transactional Services upon collection of all the relevant facts. |
| 1.32 | Whether to allow a member to select final pay period for fees to be any 3 consecutive years ending 31 March in the 10 years prior to leaving. | 3(6), 4(6)(c), 8(4), 10(2)(a), 17(2)(b) of the Transitional Regulations 2014 & 11(2) of the Benefits Regulations 2007 | Where a scheme member's final pay consists of fees then the use of a period of three years ending on 31st March in last ten will be permitted so as to have a fairer fee figure used in the calculation of benefits. |
| 1.33 | Issue a certificate of protection of pension benefits where member fails to apply for one (pay cuts / restrictions occurring pre 1 April 2008). | 3(1)(a) of the Transitions Regulations 2014, Schedule 1 of the Transitional Regulations 2008 & 23(4) of the 1997 Regulations | It will be deemed that a certificate has been issued in this situation and the most favourable pay will be used in calculations. |

Section 2 Discretionary policies in relation to scheme members (excluding councillor members) who ceased active membership on or after 1 April 2008 and before 1 April 2014.

| No | Discretion | Regulation | Discretion Application |
|-----|--|--|--|
| 2.1 | Allow late application to convert scheme AVCs into membership credit i.e. allow application more than 30 days after cessation of active membership. | Schedule 1 of the Transitional Regulations 2008, 66(8) & former 66(9)(b) of the 2007 Regulations | Delegated authority is given to the Head of People Transactional Services to make a decision on a case by case basis. |
| 2.2 | No right to return of contributions where member left their employment due to offence of a fraudulent character or grave misconduct in connection with that employment, unless employer directs a total or partial refund is to be made. | 47(2) of the Administration Regulations 2008 | In the first instance contributions will be withheld, all cases will be referred to the Pensions Panel who under delegated authority will decide on any refund they deem is applicable |
| 2.3 | Whether to apply to Secretary of State for a forfeiture certificate where member is convicted of a relevant offence (a relevant offence is an offence committed in connection with an employment in which the person convicted is a member, and because of which the member left the employment). | 72(1) & (6) of the Administration Regulations 2008 | The Council will seek recovery of any loss it has suffered and delegated authority is given to the Pensions Panel to make a decision on a case by case basis. |
| 2.4 | Where forfeiture certificate is issued, whether to direct that benefits are to be forfeited. | 72(3) of the Administration Regulations 2008 | The Council will seek recovery of any loss it has suffered and delegated authority is given to the Pensions Panel to make a decision on a case by case basis. |
| 2.5 | 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) of the Administration Regulations 2008 | The Council will seek recovery of any loss it has suffered and delegated authority is given to the Pensions Panel to make a decision on a case by case basis. |
| 2.6 | Whether to recover from Fund any monetary obligation or, if less, the value of the member's benefits (other than transferred in 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. | 74(2) of the Administration Regulations 2008 | The Council will seek recovery of any loss it has suffered and delegated authority is given to the Pensions Panel to make a decision on a case by case basis. |

London Borough of Havering Employing Authority Discretionary Policies (March 2021)

| | | | |
|------|---|---|---|
| 2.7 | Whether to recover from Fund any financial loss caused by fraudulent offence or grave misconduct of employee (who has left employment because of that fraudulent offence or grave misconduct), or amount of refund if less. | 76(2)&(3) of the Administration Regulations 2008 | The Council will seek recovery of any loss it has suffered and delegated authority is given to the Pensions Panel to make a decision on a case by case basis. |
| 2.8 | Whether to “switch on” the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60. | Sch 2 of the Transitional Regulations 2014 | The Council will not usually exercise discretion to fund additional costs applicable to the 85 Year Rule for 55 to 60 year olds. However, in exceptional circumstances the Council may consider applying the 85 year rule in this scenario where it is in the Council’s interest to do so. Delegated authority is given to the Pensions Panel to make a decision on a case by case basis. |
| 2.9 | Whether to consent to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early under B30 for a member or pensioner member with deferred benefits. | 30(5) and 30A(5) of the Benefits Regulations 2007 | Delegated authority is given to the Pensions Panel to make a decision on a case by case basis. The Panel will only agree to the waiving of an actuarial reduction in extreme circumstances where the application has been enforced on the member due to unforeseen circumstances or circumstances beyond their control. |
| 2.10 | Whether to consent 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. | Sch 2 of the Transitional Regulations 2014 | The Council will not usually exercise discretion to fund additional costs applicable to the 85 Year Rule for 55 to 60 year olds. However, in exceptional circumstances the Council may consider applying the 85 year rule in this scenario where it is in the Council’s interest to do so. Delegated authority is given to the Pensions Panel to make a decision on a case by case basis. |
| 2.11 | Decide whether deferred beneficiary meets permanent ill health and reduced likelihood of gainful employment criteria. | 31(4) of the Benefits Regulations 2007 | Delegated authority is given to the Pensions Panel to make a decision on a case by case basis taking account of the opinion of the IRMP and all relevant facts. |
| 2.12 | Decide whether a suspended ill health tier 3 member is permanently incapable of undertaking any gainful employment. | 31(7) of the Benefits Regulations 2007 | Delegated authority is given to the Pensions Panel to make a decision on a case by case basis taking account of the opinion of the IRMP and all relevant facts. |

Section 3 Discretionary policies in relation to councillor members who ceased active membership on or after 1 April 1998 and any other scheme members who ceased active membership on or after 1 April 1990 and before 1 April 2008.

It should be noted that elected Councillors at the London Borough of Havering did not elect to become members of the LGPS and therefore discretions referring only to councillor members have been omitted from this document.

| No | Discretion | Regulation | Discretion Application |
|-----|---|--|---|
| 3.1 | Whether to grant application for early payment of deferred benefits on or after age 50 and before age 55. | 31(2) of the 1997 Regulations | <p>Early payment of benefits prior to age 55 will not be permitted except in compassionate cases with the following criteria taken into consideration–</p> <ul style="list-style-type: none"> • Required to care for dependent • Dependents need for constant supervision • No recourse to alternative care • Suffering severe hardship • Opportunity for employment severely limited <p>Where all the above criteria are met delegated authority is given to the Pensions Panel to make a decision on a case by case basis.</p> |
| 3.2 | 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. | Sch 2 para 1(2) & (1)(f) of the Transitional Regulations 2014 & 60 of the 2013 Regulations | <p>The Council will not usually exercise discretion to fund additional costs applicable to the 85 Year Rule for 55 to 60 year olds. However, in exceptional circumstances the Council may consider applying the 85 year rule in this scenario where it is in the Council's interest to do so. Delegated authority is given to the Pensions Panel to make a decision on a case by case basis.</p> |
| 3.3 | Whether to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early | Sch 2 para 2(1) of the Transitional Regulations 2014 & 31(5) of the 1997 Regulations | <p>Delegated authority is given to the Pensions Panel to make a decision on a case by case basis. The Panel will only agree to the waiving of an actuarial reduction in extreme circumstances where the application has been enforced on the member due to unforeseen circumstances or circumstances beyond their control.</p> |
| 3.4 | Decide, in the absence of an election from the member within 3 months of being able to elect, which benefit is to be paid 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. | 34(1)(b) of the 1997 Regulations | <p>Delegated authority is given to the Pensions Panel to make a decision on a case by case basis.</p> |

London Borough of Havering Employing Authority Discretionary Policies (March 2021)

| | | | |
|------------|--|------------------------------------|---|
| 3.5 | Consent to a member's former employer assigning to the new employer rights under any SCAVC life assurance policy. | 71(7)(a) of the 1997 Regulations | No SCAVC payments are permitted. |
| 3.6 | Forfeiture of pension rights on issue of Secretary of State's certificate following a relevant offence (a relevant offence is an offence committed in connection with an employment in which the person convicted is a member, and because of which the member left the employment). | 111(2)&(5) of the 1997 Regulations | Delegated authority is given to the Pensions Panel to make a decision on a case by case basis. |
| 3.7 | 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. | 112(1) of the 1997 Regulations | Delegated authority is given to the Pensions Panel to make a decision on a case by case basis. |
| 3.8 | 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). | 113(2) of the 1997 Regulations | The Council will seek recovery of any loss it has suffered and delegated authority is given to the Pensions Panel to make a decision on a case by case basis. |
| 3.9 | Recovery from Fund of financial loss caused by employee, or amount of refund if less. | 115(2)&(3) of the 1997 Regulations | The Council will seek recovery of any loss it has suffered and delegated authority is given to the Pensions Panel to make a decision on a case by case basis. |

Section 4 Discretionary policies in relation to members who ceased active membership before 1 April 1998.

| No | Discretion | Regulation | Discretion Application |
|-----|---|---|---|
| 4.1 | Whether to grant application for early payment of deferred benefits on or after age 50 on compassionate grounds. | 3(5A)(vi) of the Transitional Regulations 2013, 4 of the Transitional Regulations 1995, 106(1) of the 1997 Regulations & D11 (2)(c) of the 1995 Regulations | <p>Early payment of benefits on or after age 50 will be considered with the following criteria taken into account–</p> <ul style="list-style-type: none"> • Required to care for dependent • Dependents need for constant supervision • No recourse to alternative care • Suffering severe hardship • Opportunity for employment severely limited <p>Where all the above criteria are met delegated authority is given to the Pensions Panel to make a decision on a case by case basis.</p> |
| 4.2 | Decide, in the absence of an election from the member within 3 months of being able to elect, which benefit is to be paid 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. | D10 of the 1995 Regulations | Delegated authority is given to the Pensions Panel to make a decision on a case by case basis. |

Section 5 Discretionary policies in relation to employees of an employing authority that is defined under regulation 2 of The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (as amended)

| No | Discretion | Regulation | Discretion Application |
|-----|--|---|---|
| 5.1 | Whether to base redundancy payments on an actual week's pay where this exceeds the statutory week's pay limit. | 5 of the Early Termination of Employment Regulations 2006 | The Council agrees to increase the minimum statutory redundancy payment by removing the weekly pay cap under the Employment Rights Act 1996 and basing the payment on the employee's actual weekly pay. Redundancy payments may not exceed the cap determined by the Havering Pay Policy Statement. |
| 5.2 | Whether to award lump sum compensation of up to 104 week's pay in cases of redundancy, termination of employment on efficiency grounds, or cessation of a joint appointment. | 6 of the Early Termination of Employment Regulations 2006 | The Council does not apply this discretion. |

Section 6 Discretionary policy under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 (as amended).

| No | Discretion | Regulation | Discretion Application |
|-----|---|---|--|
| 6.1 | Mandatory written policy How to apportion any surviving spouses or civil partner's annual compensatory added years' payment where the deceased person is survived by more than one spouse or civil partner. | 21(4) of the Early Termination of Employment Regulations 2000 | Delegated authority is given to the Pensions Panel to make a decision on a case by case basis. |
| 6.2 | Mandatory written policy 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. | 25(2) of the Early Termination of Employment Regulations 2000 | Delegated authority is given to the Pensions Panel to make a decision on a case by case basis. |

London Borough of Havering Employing Authority Discretionary Policies (March 2021)

| | | | |
|-----|---|---|---|
| 6.3 | 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. | 21(7) of the Early Termination of Employment Regulations 2000 | Delegated authority is given to the Pensions Panel to make a decision on a case by case basis. |
| 6.4 | 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. | 21(5) of the Early Termination of Employment Regulations 2000 | Delegated authority is given to the Pensions Panel to make a decision on a case by case basis. |
| 6.5 | 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 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. | 21(7) of the Early Termination of Employment Regulations 2000 | Delegated authority is given to the Pensions Panel to make a decision on a case by case basis. |
| 6.6 | To what extent to reduce or suspend the member's annual compensatory added year's payment during any period of re-employment in local government. And How to reduce the member's annual compensatory added year's payment following the cessation of a period of re-employment in local government | 17 & 19 of the Early Termination of Employment Regulations 2000 | The Council will abate the pension payable on account of reemployment when the pensioner could re-enter the LGPS and the pensioner's overall income upon commencement of re-employment by way of re-employed earnings and annual retirement benefits otherwise payable exceeds the level of pensionable earnings of the relevant former employment. |

Section 7 The Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011

:

| No | Discretion | Regulation | Discretion Application |
|-----|---|---|---|
| 7.1 | 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. and Amount of 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. | 3(1),(4) and 8 of the Injury Allowances Regulations | The Council will not adopt an injury benefit scheme |
| 7.2 | Determine whether person continues to be entitled to an injury allowance awarded under regulation 3(1) (reduction in remuneration as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job). | 3(2) of the Injury Allowances Regulations | The Council will not adopt an injury benefit scheme |
| 7.3 | Whether to grant an injury 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 and 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 course of carrying out duties of the job. | 4(1),(3) & 8 of the Injury Allowances Regulations | The Council will not adopt an injury benefit scheme |
| 7.4 | Determine whether person continues to be entitled to an injury allowance awarded under regulation 4(1) (loss of employment through permanent incapacity). | 4(2) of the Injury Allowances Regulations | The Council will not adopt an injury benefit scheme |
| 7.5 | Whether to suspend or discontinue injury allowance awarded under regulation 4(1) (loss of employment through permanent incapacity) if person secures paid employment for not less than 30 hours per week for a period of not less than 12 months. | 4(5) of the Injury Allowances Regulations | The Council will not adopt an injury benefit scheme |

London Borough of Havering Employing Authority Discretionary Policies (March 2021)

| | | | |
|-----|--|---|---|
| 7.6 | Whether to grant an injury allowance following cessation of employment with entitlement to immediate LGPS pension where a regulation 3 payment (reduction in remuneration as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job) was being made at date of cessation of employment but regulation 4 (loss of employment through permanent incapacity) does not apply and Determine amount of any injury allowance to be paid under regulation 6(1) (payment of injury allowance following the cessation of employment). | 6(1) of the Injury Allowances Regulations | The Council will not adopt an injury benefit scheme |
| 7.7 | Determine whether and when to cease payment of an injury allowance payable under regulation 6(1) (payment of injury allowance following the cessation of employment). | 6(2) of the Injury Allowances Regulations | The Council will not adopt an injury benefit scheme |
| 7.8 | Whether to grant an injury allowance to the spouse, civil partner, co-habiting partner (the requirement to nominate a co-habiting partner has ceased entirely under these regulations due to the outcome of the Elmes v Essex high court judgement) 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. and Determine amount of any injury allowance to be paid to the spouse, civil partner, nominated co-habiting partner (for awards made on or after 1 April 2008 the requirement to nominate a co-habiting partner has ceased due to the outcome of the Elmes v Essex high court judgement) or dependent of an employee under regulation 7(1) (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),(2) & 8 of the Injury Allowances Regulations | The Council will not adopt an injury benefit scheme |
| 7.9 | Determine whether and when to cease payment of an injury allowance payable under regulation 7(1) (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(3) of the Injury Allowances Regulations | The Council will not adopt an injury benefit scheme |

Section 8 The Local Government (Discretionary Payments) Regulations 1996 (as amended)

| No | Discretion | Regulation | Discretion Application |
|-----|---|--|---|
| 8.1 | Suspend or discontinue injury allowance if person becomes capable of working again. | 34(4) of the Discretionary Payments Regulations | The Council will not adopt an injury benefit scheme |
| 8.2 | Amount of injury allowance following reduction in pay after sustaining an injury or contracting a disease as a result of anything required to do in carrying out duties of job. | 35(3) & 38 of the Discretionary Payments Regulations | The Council will not adopt an injury benefit scheme |
| 8.3 | Amount and duration of injury allowance following cessation of employment where regulation 35 payment (injury allowance following reduction in pay after sustaining an injury or contracting a disease as a result of anything required to do in carrying out duties of job) was being made but regulation 34 (injury allowance following loss of employment through permanent incapacity after sustaining an injury or contracting a disease as a result of anything required to do in carrying out duties of job) does not apply. | 36 of the Discretionary Payments Regulations | The Council will not adopt an injury benefit scheme |
| 8.4 | Amount and duration of a dependant's, spouse's or civil partner's injury allowance following death of employee after sustaining an injury or contracting a disease as a result of anything required to do in carrying out duties of job. | 37(3),(6) & 38 of the Discretionary Payments Regulations | The Council will not adopt an injury benefit scheme |
| 8.5 | Reinstate spouse's or civil partner's injury allowance following earlier cessation due to cohabitation, remarriage or registration of a new civil partnership. | 37(4) of the Discretionary Payments Regulations | The Council will not adopt an injury benefit scheme |
| 8.6 | Amount of gratuity payable to surviving dependant, spouse or civil partner where amount of annuity payments fall short of their capital value at date of award. | 41(4) of the Discretionary Payments Regulations | The Council does not use annuities where a gratuity is payable. |

London Borough of Havering Employing Authority Discretionary Policies (March 2021)

| | | | |
|------------|--|---|---|
| 8.7 | Amount of gratuity payable to surviving dependant, spouse or civil partner where amount of redundancy annuity payments fall short of their capital value at date of award. | 42(4) of the Discretionary Payments Regulations | The Council does not use annuities where a gratuity is payable. |
| 8.8 | Amount of gratuity payable to any other surviving dependant, spouse or civil partner where amount of annuity payments paid under 42(4) fall short of their capital value at date of award. | 47(7) of the Discretionary Payments Regulations | The Council does not use annuities where a gratuity is payable. |
| 8.9 | Formulate and keep under review the injury allowance and gratuity policies to be operated by the authority. | 46A of the Discretionary Payments Regulations | The Council will review as and when required. |

(Section 9 is only applicable to Wales and section 10 has no Employing Authority discretions)