

LOCAL GOVERNMENT PENSION SCHEME REGULATIONS 2013

STATEMENTS OF POLICY ABOUT EXERCISE OF DISCRETIONARY FUNCTIONS

SCHEME EMPLOYER DECLARATION

The Scheme employer known as Royal Berkshire Fire Authority has prepared this written statement of policy in relation to its exercise of certain discretionary functions available under the Local Government Pension Scheme Regulations 2013. The Scheme employer declares that it will keep this statement under review and publish the statement (and any amendments made thereto) in a place that is easily accessible to all of its eligible Scheme employees and that it will provide to the administering authority the most up to date version of the statement at all times.

PART A – Formulation of COMPULSORY policy in accordance with Regulation 60 of the Local Government Pension Scheme Regulations 2013

Regulation 16 – Additional Pension Contributions

The Scheme employer may resolve to fund in whole or in part any arrangement entered into by an active scheme member to pay additional pension contributions by way of regular contributions in accordance with **Regulation 16(2)(e)**, or by way of a lump sum in accordance with **Regulation 16(4)(d)**.

The Scheme employer may enter into an APC contract with a Scheme member who is contributing to the MAIN section of the Scheme in order to purchase additional pension of not more than the additional pension limit (£7,579 per year (2023/24 rates) subject to annual increase in line with the Pensions (Increase) Act 1971).

The amount of additional contribution to be paid is determined by reference to actuarial guidance issued by the Secretary of State.

Consideration needs to be given to the circumstances under which the Scheme employer may wish to use their discretion to fund in whole or in part an employee's Additional Pension Contributions.

Scheme Employer's policy concerning the whole or part funding of an active member's additional pension contributions

Royal Berkshire Fire Authority does not consider contributions towards additional pension contributions to be essential. Royal Berkshire Fire Authority has resolved to funding an employee's APCs in exceptional circumstances and subject to the employee's difficult domestic circumstances or in circumstances where there is a financial or practical reason for doing so.

Related to Regulations 13 and 25 under previous Regulations. Resolved by the Fire Authority in 2008 and 1998.

Regulation 30(6) – Flexible Retirement

An active member who has attained the age of 55 or over and who with the agreement of their employer reduces their working hours or grade of employment may, with the further consent of their

employer, elect to receive immediate payment of all or part of the retirement pension to which they would be entitled in respect of that employment as if that member were no longer an employee in local government service on the date of the reduction in hours or grade (*adjusted by the amount shown as appropriate in actuarial guidance issued by the Secretary of State – separate policy required under Regulation 30(8)*).

As part of the policy making decision the Scheme employer must consider whether, in addition to the benefits the member may have accrued prior to 1 April 2008 (which the member must draw), to permit the member to choose to draw all, part or none of the pension benefits they built up after 31 March 2008 and before 1 April 2014 and all, part or none of the pension benefits they built up after 1 April 2014.

Due consideration must be given to the financial implications of allowing an employee to draw all or part of their pension benefits earlier than their normal retirement age.

Scheme Employer's policy concerning flexible retirement

Royal Berkshire Fire Authority has resolved to consider each application on its merits subject to the financial and service implications for the employer.

The Pensions and Retirement Policy sets out the position on this matter.

Covered under what was Regulation 18 in the 2013 Statement (under earlier legislation it was Regulation 35) and the policy was originally resolved by the Fire Authority in 2006).

Regulation 30(8) – Waiving of Actuarial Reduction

Where a Scheme employer's policy under regulation 30(6) (flexible retirement) is to consent to the immediate release of benefits in respect of an active member who is aged 55 or over, or where an employee retires at the age of 55 or over and voluntarily draws benefits before normal pension age under regulation 30(5), those benefits must be adjusted by an amount shown as appropriate in actuarial guidance issued by the Secretary of State (commonly referred to as actuarial reduction or early payment reduction).

A Scheme employer (or former employer as the case may be) may agree to waive in whole or in part and at their own cost, any actuarial reduction that may be required by the Scheme Regulations.

Due consideration must be given to the financial implications of agreeing to waive in whole or in part any actuarial reduction.

Scheme Employer's policy concerning the waiving of actuarial reduction

Royal Berkshire Fire Authority has resolved that a decision to waive any actuarial reduction will be considered on a case by case basis subject to the financial implications for the employer and the employee's exceptionally difficult personal and domestic circumstances.

This was covered under what was Regulation 18 in the 2013 Statement (under earlier legislation it was Regulation 35) and the policy was originally resolved by the Fire Authority in 2006.

Regulation 31 – Award of Additional Pension

A Scheme employer may resolve to award

- (a) an active member, or
- (b) a member who was an active member but dismissed by reason of redundancy, or business efficiency, or whose employment was terminated by mutual consent on grounds of business efficiency,

additional annual pension of, in total (including any additional pension purchased by the Scheme employer under Regulation 16), not more than the additional pension limit (£7,579 from 1st April 2023 subject to annual increase in line with the Pensions (Increase) Act 1971).

Any additional pension awarded is payable from the same date as any pension payable under other provisions of the Scheme Regulations from the account to which the additional pension is attached.

In the case of a member falling within sub-paragraph (b) above, the resolution to award additional pension must be made within 6 months of the date that the member's employment ended.

Scheme Employer's policy concerning the award of additional pension

Royal Berkshire Fire Authority does not consider contributions towards additional pension contributions to be essential. Royal Berkshire Fire Authority has resolved to funding an employee's APCs in exceptional circumstances and subject to the employee's difficult domestic circumstances or in circumstances where there is a financial or practical reason for doing so.

This Regulation is similar to what was Regulation 13 in the 2013 Statement and was originally resolved by the Fire Authority in 2008.

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

Schedule 2 – paragraphs 2 and 3

Where a scheme member retires or leaves employment and elects to draw their benefits at or after the age of 55 and before the age of 60 those benefits will be actuarially reduced unless their Scheme employer agrees to meet the full or part cost of those reductions as a result of the member otherwise being protected under the 85 year rule as set out in previous Regulations.

So as to avoid the member suffering the full reduction to their benefits the Scheme employer can 'switch on' the 85 year rule protections thereby allowing the member to receive fully or partly unreduced benefits but subject to the Scheme employer paying a strain (capital) cost to the Pension Fund

Scheme Employer's policy concerning the 'switching on' of the 85 year rule

Royal Berkshire Fire Authority has resolved that a decision to 'switch on' the 85 year rule will be considered on a case by case basis subject to the financial implications for the employer and the employee's exceptionally difficult personal and domestic circumstances.

New Regulation

**PART B – Formulation of RECOMMENDED policy in accordance with the
Local Government Pension Scheme Regulations 2013**

Regulation 9(1) & (3) – Contributions

Where an active member changes employment or there is a material change which affects the member's pensionable pay during the course of a financial year, the Scheme employer may determine that a contribution rate from a different band (as set out in Regulation 9(2)) should be applied.

Where the Scheme employer makes such a determination it shall inform the member of the revised contribution rate and the date from which it is to be applied.

Scheme Employer's policy concerning the re-determination of active members' contribution bandings at any date other than 1st April

Royal Berkshire Fire Authority has resolved to make changes to employee contribution rates throughout the year from the effective date of any change in employment or material change to the rate of pensionable pay received, in addition to the required re-determination each 1st April.

This was referred to as Regulation 5 in the 2013 Statement and was originally resolved by the Fire Authority in 2008.

Regulation 17(1) – Additional Voluntary Contributions

An active member may enter into arrangements to pay additional voluntary contributions (AVCs) or to contribute to a shared cost additional voluntary contribution arrangement (SCAVCs) in respect of an employment. The arrangement must be a scheme established between the appropriate administering authority and a body approved for the purposes of the Finance Act 2004, registered in accordance with that Act and administered in accordance with the Pensions Act 2004.

The Scheme employer needs to determine whether or not it will make contributions to such an arrangement on behalf of its active members.

Scheme Employer's policy concerning payment of Shared Cost Additional Voluntary Contributions

Royal Berkshire Fire Authority operate a Shared Cost AVC scheme.

Royal Berkshire Fire Authority does not consider contributions towards additional voluntary contributions to be essential. Royal Berkshire Fire Authority has resolved to consider each application on its merits in exceptional circumstances and subject to the financial implications for the employer and where a sufficient benefit to the employer can be justified.

This was referred to as Regulation 25 in the 2013 Statement (and Regulation 67 under earlier legislation) and was originally resolved by the Fire Authority in 1998.

Regulation 22 – Merging of Deferred Member Pension Accounts with Active Member Pension Accounts

A deferred member's pension account is automatically aggregated with their active member's pension account unless the member elects within the first 12 months of the new active member's pension account being opened to retain their deferred member's pension account.

A Scheme employer can, at their discretion, extend the 12 month election period.

Scheme Employer's policy concerning merging of Deferred Member Pension Accounts with Active Member Pension Accounts

Royal Berkshire Fire Authority has resolved to allow an active member to elect not to aggregate a deferred member's pension account to an active member's pension account beyond the 12-month deadline only where there is no financial risk to the employer and it is of benefit to the member.

This relates to what was Regulation 16 in the 2013 Statement (and Regulation 32 under earlier legislation). This was originally resolved by the Fire Authority in 2006.

Regulation 100(6) – Inward Transfers of Pension Rights

A request from an active member to transfer former pension rights from a previous arrangement into the Local Government Pension Scheme as a result of their employment with a Scheme employer must be made in writing to the administering authority and the Scheme employer before the expiry of the period of 12 months beginning with the date on which the employee first became an active member in an employment (or such longer period as the Scheme employer and administering authority may allow).

Scheme Employer's policy concerning the extension of the 12 month transfer application period

Royal Berkshire Fire Authority has resolved not to extend the 12-month deadline, however may consider applications made under this Regulation in the most exceptional circumstances and if:

- **evidence indicates that the Fund had not informed the member about the transfer within the 12 month time limit, or**
- **verifiable evidence indicates that the member made an election to transfer within 12 months of joining the LGPS, but the election form was not received by the Fund.**

This was covered under what was Regulation 83 in the 2013 Statement (and Regulation 121 in earlier legislation) and was resolved by the Fire Authority in 2006.

Regulation 21(5) – Assumed Pensionable Pay

A Scheme employer needs to determine whether or not to include in the calculation of assumed pensionable pay, any 'regular lump sum payment' received by a Scheme member in the 12 months preceding the date that gave rise to the need for an assumed pensionable pay figure to be calculated.

Scheme Employer’s policy concerning inclusion of ‘regular lump sum payments’ in assumed pensionable pay calculations

Royal Berkshire Fire Authority has resolved ‘Regular lump sum payments’ will be included in the calculation of assumed pensionable pay.

New Regulation

Regulation 74 – Applications for Adjudication of Disagreements

Each Scheme employer must appoint a person (“the adjudicator”) to consider applications from any person whose rights or liabilities under the Scheme are affected by:

- (a) a decision under regulation 72 (first instance decisions); or
- (b) any other act or omission by a Scheme employer or administering authority,

and to make a decision on such applications.

Responsibility for determinations under this first stage of the Internal Disputes Resolution Procedure (IDRP) rests with “the adjudicator” as named below by the Scheme employer:

Name: Becci Jefferies
Job Title: Head of Human Resources and Learning and Development
Full Address: Royal Berkshire Fire and Rescue Authority
Newsham Court
Pincents Kiln, Calcot
Reading
Post Code: RG31 7SD

Tel No: 0118 9384670
Email: jefferiesb@rbfrs.co.uk



Adjudicator’s Signature:

Date: 08 June 2023

SCHEME EMPLOYER CONFIRMATION

It is understood that the discretions contained within this statement of policy are applicable to all eligible members of the Scheme. The Scheme rules allow for a revised statement to be issued at least one month in advance of the date that any new policy takes effect. The revised statement must be sent to the administering authority and the employer must publish its statement as revised in a place that is accessible to all of its eligible scheme members.

The policies made above:

Have regard to the extent to which the exercise of the discretions could lead to a serious loss of confidence in the public service;

Will not be used for any ulterior motive;

Will be exercised reasonably;

Will only be used when there is a real and substantial future benefit to the employer for incurring the extra costs that may arise;

Will be duly recorded when applied.



Signed on behalf of the Scheme Employer:

Name in Block Capitals: BECCI JEFFERIES

Position: Head of Human Resources and Learning and Development

Scheme Employer's Name: ROYAL BERKSHIRE FIRE AUTHORITY

Date: 08 June 2023