

POLICY / PROCEDURE TITLE		DATE OF APPROVAL
NCG LGPS Pensions Discretions		October 2024
APPROVED BY	VERSION NO.	VALID UNTIL
Executive Board	2	October 2027

OWNER	Payroll & Pensions Manager		
GROUP EXECUTIVE LEAD	Chief Finance Officer		
DOCUMENT TYPE	Policy <input checked="" type="checkbox"/> Group Procedure <input type="checkbox"/> Local Procedure <input type="checkbox"/>		
PURPOSE	The document sets out the NCG position on the Local Government Pension Scheme (LGPS) discretions, both mandatory and optional. This is relevant to support staff in the Tyne & Wear Pension Fund and London Pension Fund Authority.		
APPLICABLE TO	The policy is relevant to support staff in the Tyne & Wear Pension Fund and London Pension Fund Authority.		
EQUALITY ANALYSIS COMPLETED [POLICIES ONLY]	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
KEY THINGS TO KNOW ABOUT THIS POLICY	Whilst this Policy Statement sets out the general position, NCG Corporation must consider every application on its merit. Where there are extraordinary or justifiable circumstances, a departure from policy may be appropriate.		
EXPECTED OUTCOME	Readers are expected to understand the organisational position LGPS pension discretions, know their responsibilities in relation to the policy and comply with the terms of the policy.		

MISCELLANEOUS	
LINKED DOCUMENTS	<ul style="list-style-type: none"> • LGPS Pensions Appeals Process Policy • NCG Senior Post Holders Salary Supplement Policy
KEYWORDS	<ul style="list-style-type: none"> • Pension • Local Government Pension Scheme (LGPS) • Discretions • Mandatory

Equality Impact Assessment

EQUALITY IMPACT ASSESSMENT			
	Yes	No	Explanatory Note if required
EIA 1 - Does the proposed policy/procedure align with the intention of the NCG Mission and EDIB Intent Statement in Section 2?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The answer to this must be YES
EIA 2 - Does the proposed policy/procedure in any way impact unfairly on any protected characteristics below?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
Disability / Difficulty	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
Gender Reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
Marriage and Civil Partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
Religion or Belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
Sexual Orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
EIA3 - Does the proposed policy/processes contain any language/terms/references/ phrasing that could cause offence to any specific groups of people or individuals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
EIA4 - Does the policy/process discriminate or victimise any groups or individuals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
EIA 5 - Does this policy/process positively discriminate against any group of people, or individuals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
EIA 5 - Does this policy/process include any positive action to support underrepresented groups of people, or individuals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this could be yes or no as positive action is lawful. However, an explanation must be provided for clarity.
EIA 6 - How do you know that the above is correct?	The policy has been reviewed to ensure that it has been updated to the latest guidance posted by each of the pension schemes. It will undergo a review by the Policy Review Council before being submitted to the Executive Board for approval.		

1. GENERAL POLICY STATEMENT

This document sets out below the discretions to be applied within NCG.

In formulating and reviewing its policy, NCG must have regard to the extent to which the exercise of its discretionary powers could lead to serious loss of confidence in the public service.

Whilst this Policy Statement sets out the general position, the Corporation must consider every application on its merit. Where there are extraordinary or justifiable circumstances, a departure from policy may be appropriate. Any departure from the Policy Statement must be authorised by the Appraisal and Remuneration Committee for Senior Post Holders or the Chief Financial Officer (CFO) or Group Financial Controller (GFC) for all other staff. If the CFO or GFC have a conflict of interest the Chief Executive Officer (CEO) will make the decision.

2. MANDATORY DISCRETIONS UNDER LGPS 2014

2.1 Scheme employers, participating in the LGPS in England and Wales are required to formulate, publish and maintain a written statement of policy on certain discretions set out in the Local Government Pension Scheme Regulations.

2.2 Funding of Additional Pension – R16(2)(e) & R16(4)(d)

Employers will determine whether, how much, and in what circumstances to contribute to a Shared Cost Additional Pension Contribution (SCAPC).

Policy

The Corporation will not establish a Shared Cost Additional Pension Contribution scheme for any of its employees unless there is a clear financial or operational advantage to be gained by the Corporation by so doing.

2.3 **Flexible Retirement – R30(6) & TP11(2)**

Employers will determine whether to permit an application for flexible retirement for an active LGPS member, age 55 or over who wishes to reduce their working hours or grade.

Policy

Any application for flexible retirement will be considered on an individual basis. Normally, they will only be approved where it can be demonstrated to be in NCG's interests to do so. If an application was accepted, the Corporation would not agree to waive any actuarial reduction

2.4 Waiving of actuarial reduction – R30(8)

Employers will determine 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).

Whether, in addition to the benefits accrued prior to 1 April 2008 (which must be paid), to permit the member to choose to draw:

- All, part or none of the pension benefits accrued after 31 March 2008 and before 1 April 2014 and/or
- All, part or none of the pension benefits accrued after 31 March 2014

Policy

This discretion will not normally be exercised.

2.5 Award of Additional Pension – R31

Employers will determine 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 £8,344 p.a. on 1 April 2024 - this figure is inflation proofed annually).

Policy

This discretion will not normally be exercised.

2.6 Switch back on the 85-year rule* – TPSch 2 para 1(2) & 1(1)(c)

Employers will determine whether to switch back on the 85-year rule for members voluntarily retiring on or after age 55 and before age 60.

Policy

This discretion will not normally be exercised.

* If a member paid into the LGPS before 1 October 2006, the LGPS pension benefits will be protected by a regulation known as the 85-year rule. When a member meets the 85 year rule, some (or all) of their pension will not be subject to [early retirement reductions](#) if the pension is put into payment earlier than normal pension age.

2.7 Employers will determine whether 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 1st April 2014 and post 31st March 2014 membership). TP3(1), TPSch 2, para 2(1), B30(5) & B30A(5)

- a) On compassionate grounds (pre 1st April 2014 membership) and in whole or in part on any grounds (post 31st March 2014 membership) if the member was not in the Scheme before 1st October 2016.

Policy

This discretion will not normally be exercised.

- b) On compassionate grounds (pre 1st April 2014 membership) and in whole or in part on any grounds (post 21st March 2014 membership) if the member was in the scheme before 1st April 2006, will not be 60 by 31st March 2016 and will not attain 60 between 1st April 2016 and the 31st March 2020 inclusive.

Policy

This discretion will not normally be exercised.

- c) On compassionate grounds (pre 1st April 2016 membership) and in whole or in part on any grounds (post 31st March 2016 membership) if the member was in the Scheme before 1st October 2006 and will be 60 by 31st March 2016.

Policy

This discretion will not normally be exercised.

- d) On compassionate grounds (pre 1st April 2020 membership) and in whole or in part on any grounds (post 31st March 2020 membership) if the member was in the Scheme before 1st October 2006 and will

not be 60 by 31st March 2016 and will attain 60 between 1st April 2016 and 31st March 2020 inclusive.

Policy

This discretion will not normally be exercised.

3. OPTIONAL DISCRETIONS UNDER LGPS 2014

3.1 There are a number of other discretions, which Scheme employers may exercise under the LGPS Regulations 2013, where a written policy is not required; however, it is appropriate that these are listed to ensure clarity on the employer's stance on these matters.

3.2 Funding of Additional Voluntary Contributions – R17(1) & definition of SCAVC on RSch 1

Employers will determine whether, how much, and in what circumstances to contribute to a Shared Cost Additional Voluntary Contribution (SCAVC).

Policy

The Corporation will pay SCAVC contributions where an employee has elected to pay AVCs by salary sacrifice. The amount of these employer SCAVC contributions will be equal to the amount of salary sacrificed by the employee. This is a Corporation discretion which is subject to the employee meeting the Corporation's conditions for acceptance into the salary sacrifice shared cost AVC scheme and may be withdrawn or changed at any time. The salary sacrifice will be a pensionable emolument and will not affect the employee's pension accrual in the main scheme.

3.3 **Permit a late transfer in of previous pension rights – R100(6)**

Employers, with the agreement of the Administering Authority, will determine whether to permit a Scheme member to elect to transfer other pension rights into the LGPS if the member has not made an election within 12 months of joining the Scheme.

Policy

This discretion will not be exercised.

3.4 Permit a late election to retain separate LGPS benefits – R22(7)(b) & R22(8)(b).

Employers will determine whether to permit an extension to the 12-month time limit within which a Scheme member may elect not to aggregate a previous deferred benefit with their new LGPS employment (or ongoing concurrent LGPS employment).

Policy

The Corporation will consider each case on its merits, the length of any longer period allowed to be determined having regard to the facts of the particular case.

3.5 Allocation of pension contribution band – R9(1) & R9(3)

Employers will determine how the pension contribution band to which an employee is to be allocated on joining the Scheme and at each subsequent April will be decided and the circumstances in which the contribution band will be reviewed in the course of a Scheme year.

Policy

The Corporation will inform the Administering Authority of any changes that result in a change to the member's contribution rate during the year. The employee will be notified of the change to their contribution rate.

73.6 Calculation of assumed pensionable pay R21(5)

Employers will determine whether to include the amount of any 'regular lump sum payment', received by the member in the 12-months preceding the commencement of a period of absence or the date at which ill health retirement or death occurred, in the calculation for assumed pensionable pay. A 'regular lump sum payment' is a payment for which the member's employer determines there is a reasonable expectation that such a payment would be paid on a regular basis.

Policy

The Corporation does not include any "regular lump sum" to determine Assumed Pensionable Pay for periods of absence, except when determining calculations for ill health retirement or death in service when the Corporation will consider each case on its merits. In such cases, the primary criteria will be whether it could reasonably be expected that the member would have been likely to receive that regular payment for the foreseeable future.

4. SUMMARY OF THE DISCRETIONS TO BE EXERCISED ON AND AFTER 1 APRIL 2014 IN RELATION TO SCHEME MEMBERS WHO CEASED ACTIVE MEMBERSHIP BETWEEN 1 APRIL 2008 AND 31 MARCH 2014

4.1 Scheme employers are required to prepare, publish and review a written policy in relation to: -

4.2 Whether to "switch on" the 85-year rule for a member voluntarily drawing benefits on or after age 55 and before age 60. TPSch 2, para 1(2) & 1(1)(c)

Policy

This discretion will not be exercised.

4.3 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)

Policy

This discretion will not be exercised.

4.4 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)

Policy

This discretion will not be exercised.

- 4.5 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)

Policy

This discretion will not be exercised.

- 4.6 **Early payment of suspended tier 3 ill health pension – B31(7).**

Employers will determine whether a suspended ill health tier 3 member is permanently incapable of undertaking any gainful employment.

Policy

NCG will determine in line with the medical assessment as stated on the ill health certificate.

5. SUMMARY OF THE DISCRETIONS TO BE EXERCISED ON AND AFTER 1 APRIL 2014 IN RELATION TO SCHEME MEMBERS WHO CEASED ACTIVE MEMBERSHIP BETWEEN 1 APRIL 1998 AND 31 MARCH 2008

- 5.1 Scheme employers are required to prepare and keep under review a written policy in relation to: -

- 5.2 **Early payment of pension benefits – 31(2)**

Employers will determine whether to grant applications for the early payment of pension benefits on or after age 50 and before age 55.

Policy

This discretion will not be exercised.

- 5.3 **Waive actuarial reduction on compassionate grounds – 31(5) & TPSch2 Para 2(1).**

Employers will determine whether to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early.

Policy

This discretion will not be exercised.

- 5.4 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.

Policy

This discretion will not be exercised.

6. SUMMARY OF THE DISCRETIONS TO BE EXERCISED ON AND AFTER 1 APRIL 2014 IN RELATION TO SCHEME MEMBERS WHO CEASED ACTIVE MEMBERSHIP BEFORE 1 APRIL 1998

- 6.1 Scheme employers are recommended to formulate, publish and keep under review a statement of policy in relation to: -

6.2 Early payment of deferred pension benefits – TP3(5A)(vi), TL4, L106(1) & D11(2)(c)

Grant application for early payment of deferred benefits on or after age 50 on compassionate grounds. Although the common provisions of the 1997 Transitional provisions regulations do not specify regulation D11 (2)(c), their intention was that it should apply to this regulation.

Policy

Each case will be considered on its merits, permission will only be granted where it is in the interests of NCG to do so. To be clear permission will not normally be granted where there is a cost to NCG.

7. SUMMARY OF THE DISCRETIONS TO BE EXERCISED UNDER THE LOCAL GOVERNMENT (EARLY TERMINATION OF EMPLOYMENT) (DISCRETIONARY COMPENSATION) (ENGLAND AND WALES) REGULATIONS 2006

- 7.1 Scheme employers are required to formulate, publish and keep under review a statement of policy on two discretions under the above regulations and must be satisfied that the policy is workable, affordable and reasonable having regard to the foreseeable costs.

7.2 Calculation of Redundancy Payment – 5

Employers will determine whether to base a redundancy payment on an employee's actual week's pay where it exceeds the statutory week's pay limit.

Policy

NCG will base redundancy payments on the statutory guidance.

7.3 Make a termination payment – 6

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.

Policy

This discretion will not be exercised.

8. SUMMARY OF THE DISCRETIONS TO BE EXERCISED UNDER THE LOCAL GOVERNMENT (EARLY TERMINATION OF EMPLOYMENT) (DISCRETIONARY COMPENSATION) (ENGLAND AND WALES) REGULATIONS 2000

8.1 Although the 2000 Compensation Regulations have been revoked, they still apply to any Compensatory Added Years previously awarded by a Scheme employer before 1 April 2007.

8.2 Scheme employers, who made awards of Compensatory Added Years are required to formulate, publish and keep under review a statement of policy under the above regulations and must be satisfied that the policy is workable, affordable and reasonable having regard to the foreseeable costs.

8.3 Apportionment of annual compensatory added years' payment for children's pensions - 25 (2)

How NCG 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.

Policy

NCG will not award any additional Compensatory Added Years, where a member has such an award already each case will be decided on its merits.

8.4 Apportionment of annual compensatory added years - 21 (4)

Employers will determine how any surviving spouses or civil partner's annual compensatory added years is to be apportioned where the deceased is survived by more than one spouse or civil partner.

Policy

Each case will be decided on its merits.

8.5 Suspension of spouse's annual compensatory added years - 21 (7)

Employers will determine whether the annual compensatory added years, paid to a spouse of a person who ceased employment before 1 April 1998, will continue to be paid if they remarry, enter into a civil partnership or cohabit after 1 April 1998.

Policy

Each case will be decided on its merits.

- 8.6 If, under the preceding decision, the authority's policy is to apply the normal suspension rules, whether the spouses or civil partners annual compensatory added year's payment should be re-instated after the end of the re-marriage, new civil partnership or co-habitation. – 21(5)

Policy

Each case will be decided on its merits.

- 8.7 Whether, in respect of the spouse or civil partner of a person who ceased employment before 1st April 1998 and where the spouse or civil partner re-marries or co-habits or enters into a civil partnership on or after the 1st April 1998 with another person who is also entitled to a spouses or civil partners annual Compensatory Added Years (CAY) payment, the normal rule

requiring one of them to forego payment whilst the period of marriage, civil partnership or cohabitation 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)

Policy

Each case will be decided on its merits.

- 8.8 Whether and to what extent to reduce or suspend the members annual compensatory added year's payment during any period of re-employment within local government. - 17

Policy

Each case will be decided on its merits.

- 8.9 How to reduce the member's annual compensatory added year's payment following the cessation of a period of re-employment in local government. - 19

Policy

Each case will be decided on its merits.

9. SUMMARY OF THE DISCRETIONS TO BE EXERCISED UNDER THE LOCAL GOVERNMENT (DISCRETIONARY PAYMENTS) (INJURY ALLOWANCES) REGULATIONS 2011

- 9.1 Scheme employers are required to formulate, publish and keep under review a statement of policy under the above regulations and must be satisfied that the policy is workable, affordable and reasonable having regard to the foreseeable costs.

9.2 Injury Awards 3(1)

Employers will determine whether to make an injury award to those who sustain an injury or contract a disease as a result of anything they were required to do in performing the duties of their job and, in consequence:

- Suffer a reduction in remuneration.

- Cease to be employed as a result of an incapacity which is likely to be determined and which was caused by the injury or disease.
- Die leaving a surviving spouse, civil partner or dependant.

Policy

This discretion will not be exercised.

9.3 Amount of Injury Award 3(4) & (8)

Where a policy to make injury award payments exists, employers will determine the amount of injury allowance to be paid.

- 9.4 To determine whether a person continues to be entitled to an injury allowance under regulation 3(1) (Reduction in remuneration as a result of sustaining an injury or contracting a disease in the course of carry out duties of the job). – 3(2)

Policy

This discretion will not be exercised.

- 9.5 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. 4(1)

Policy

This discretion will not be exercised.

- 9.6 Amount of injury allowance following cessation of employment as a result of permanent incapacity caused by sustaining and injury or contracting a disease in the course of carrying out the duties of the job. 4(3) & 8

Policy

This discretion will not be exercised.

- 9.7 Determine whether a person continues to be entitled to an injury allowance awarded under regulation 4(1) (loss of employment through permanent incapacity). 4(2)

Policy

This discretion will not be exercised.

- 9.8 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)

Policy

This discretion will not be exercised.

- 9.9 Whether to grant an injury allowance following cessation of employment with entitlements 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. 6(1)

Policy

This discretion will not be exercised.

- 9.10 Determine amount of any injury allowance to be paid under regulation 6(1) (payment of injury allowance following the cessation of employment).

Policy

This discretion will not be exercised.

- 9.11 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(1)

Policy

This discretion will not be exercised.

- 9.12 Whether to grant an injury allowance to the spouse, civil partner, cohabiting partner (the requirement to nominate a cohabiting 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. 7(1)

Policy

This discretion will not be exercised.

- 9.13 To determine an amount of any injury to be paid to the spouse, civil partner, nominated cohabitating partner (for awards made on or after the 1st April 2008 the requirement to nominate a cohabiting 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(2) & 8

Policy

This discretion will not be exercised.

- 9.14 To determine whether and when to cease payment of any 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)

Policy

This discretion will not be exercised.

10. MISCELLANEOUS

- 10.1 Any change to the discretions exercised under the LGPS Regulations can take immediate effect from the date the changes to the policies are agreed.
- 10.2 Any change to the discretions exercised under the Discretionary Compensation Regulations 2000, the Discretionary Compensation Regulations 2006 or the Injury Allowances Regulations 2011 cannot take effect until one month after the date the statement of the amended policy is published.
- 10.3 A copy of any revised policy should also be sent to the Administering Authorities within one month of its revision.

11. STATEMENT ON IMPLEMENTATION

Upon approval, this policy will be uploaded to the policy portal and communicated to staff via The Business Round-Up and NCG intranet and internet.

12. STATEMENT ON EQUALITY AND DIVERSITY

NCG is committed to providing equality of opportunity. Further details of our aims and objectives are outlined in our [Equality Diversity Inclusion and Belonging Strategy](#).

This policy has been assessed to identify any potential for adverse or positive impact on specific groups of people protected by the Equality Act 2010 and does not discriminate either directly or indirectly. In applying this policy, we have considered eliminating unlawful discrimination, promoting equality of opportunity and promoting good relations between people from diverse groups.

13. STATEMENT ON CONSULTATION

This policy has been reviewed in consultation with senior finance colleagues and as part of the consultation process will be presented to the Policy Review Council and Executive Board for approval.

VERSION CONTROL				
Version No.	Documentation Section/Page No.	Description of Change and Rationale	Author/Reviewer	Date Revised
1	N/A	New policy	Payroll and Pensions Manager	March 2021
2	Full Review	Discretion to allow transfers in from previous schemes outside of the 12 months from date of joining removed.	Payroll and Pensions Manager	May 2024

Appendix 1 – discretions in use by NCG				
Section	Mandatory Discretion?	Discretion	Description	Policy
2.3	Yes	Flexible Retirement – R30(6) & TP11(2)	Employers will determine whether to permit an application for flexible retirement for an active LPGS member, age 55 or over who wishes to, reduce their working hours or grade.	Any application for flexible retirement will be considered on an individual basis. Normally, they will only be approved where it can be demonstrated to be in NCG's interests to do so. If an application was accepted, the Corporation would not agree to waive any actuarial reduction.
3.2	No	Funding of Additional Voluntary Contributions – R17(1) & definition of SCAVC on RSch 1	Employers will determine whether, how much, and in what circumstances to contribute to a Shared Cost Additional Voluntary Contribution (SCAVC).	The Corporation will pay SCAVC contributions where an employee has elected to pay AVCs by salary sacrifice. The amount of these employer SCAVC contributions will not exceed the amount of salary sacrificed by the employee. This is a Corporation discretion which is subject to the employee meeting the Corporation's conditions for acceptance into the salary sacrifice shared cost AVC scheme and may be withdrawn or changed at any time.
3.4	No	Permit a late election to retain separate LGPS benefits – R22(7)(b) & R22(8)(b).	Employers will determine whether to permit an extension to the 12-month time limit within which a Scheme member may elect not to aggregate a previous deferred benefit with their new LGPS employment (or ongoing concurrent LGPS employment).	The Corporation will consider each case on its merits, the length of any longer period allowed to be determined having regard to the facts of the particular case.

Appendix 1 – discretions in use by NCG

Section	Mandatory Discretion?	Discretion	Description	Policy
3.5	No	Allocation of pension contribution band – R9(1) & R9(3)	Employers will determine how the pension contribution band to which an employee is to be allocated on joining the Scheme and at each subsequent April will be decided and the circumstances in which the contribution band will be reviewed in the course of a Scheme year.	The Corporation will inform the Administering Authority of any changes that result in a change to the member's contribution rate during the year. The employee will be notified of the change to their contribution rate.
4.6	No	Early payment of suspended tier 3 ill health pension – B31(7).	Employers will determine whether a suspended ill health tier 3 member is permanently incapable of undertaking any gainful employment.	NCG will determine in line with the medical assessment as stated on the ill health certificate
6.2	No	Early payment of deferred pension benefits – TP3(5A)(vi), TL4, L106(1) & D11(2)(c)	Grant application for early payment of deferred benefits on or after age 50 on compassionate grounds. Although the common provisions of the 1997 Transitional provisions regulations do not specify regulation D11 (2)(c), their intention was that it should apply to this regulation.	Each case will be considered on its merits, permission will only be granted where it is in the interests of NCG to do so. To be clear permission will not normally be granted where there is a cost to NCG.
8.4	No	Apportionment of annual compensatory added years - 21 (4)	Employers will determine how any surviving spouses or civil partner's annual compensatory added years is to be apportioned where the deceased is survived by more than one spouse or civil partner.	Each case will be decided on its merits.

Appendix 1 – discretions in use by NCG

Section	Mandatory Discretion?	Discretion	Description	Policy
8.5	No	Suspension of spouse's annual compensatory added years - 21 (7)	Employers will determine whether the annual compensatory added years, paid to a spouse of a person who ceased employment before 1 April 1998, will continue to be paid if they remarry, enter into a civil partnership or cohabit after 1 April 1998.	Each case will be decided on its merits.
8.6	No		If, under the proceeding decision, the authority's policy is to apply the normal suspension rules, whether the spouses or civil partners annual compensatory added year's payment should be re-instated after the end of the re-marriage, new civil partnership or co-habitation. – 21(5)	Each case will be decided on its merits.

Appendix 1 – discretions in use by NCG

Section	Mandatory Discretion?	Discretion	Description	Policy
8.7	No		Whether, in respect of the spouse or civil partner of a person who ceased employment before 1st April 1998 and where the spouse or civil partner re-marries or co-habits or enters into a civil partnership on or after the 1st April 1998 with another person who is also entitled to a spouses or civil partners annual CAY payment, the normal rule requiring one of them to forego payment whilst the period of marriage, civil partnership or cohabitation 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)	Each case will be decided on its merits.
8.8	No		Whether and to what extent to reduce or suspend the members annual compensatory added year's payment during any period of re-employment within local government. - 17	Each case will be decided on its merits.
8.9	No		How to reduce the member's annual compensatory added year's payment following the cessation of a	Each case will be decided on its merits.

Appendix 1 – discretions in use by NCG				
Section	Mandatory Discretion?	Discretion	Description	Policy
			period of re-employment in local government. - 19	