



NOTTINGHAMSHIRE
Fire & Rescue Service
Creating Safer Communities

Nottinghamshire and City of Nottingham
Fire and Rescue Authority
Human Resources Committee

DISCRETIONS UNDER THE LOCAL GOVERNMENT PENSIONS SCHEME

Report of the Chief Fire Officer

Date: 10 October 2014

Purpose of Report:

To seek Member approval on the Service policy statement in relation to the discretions that exist under the Local Government Pension Scheme

CONTACT OFFICER

Name : Craig Parkin
Assistant Chief Fire Officer

Tel : 0115 9670880

Email : craig.parkin@notts-fire.gov.uk

**Media Enquiries
Contact :** Bridget Aherne
(0115) 967 5830 bridget.aherne@notts-fire.gov.uk

1. BACKGROUND

- 1.1 Under the Local Government Pension Scheme there are a number of specific discretions which can be exercised by the employer.
- 1.2 These are detailed within the relevant Local Government Pensions Scheme Regulations.
- 1.3 Members previously approved discretions under the Local Government Pension Scheme at the HR Committee meeting dated 27 January 2012.
- 1.4 The Service has reviewed the existing policy on employer discretions following recent changes to the Local Government Pension Scheme in April 2014.

2. REPORT

- 2.1 Under the Local Government Pension Scheme Regulations employers are required to provide a statement outlining how discretions will be exercised by the employer.
- 2.2 Appendix A sets out Nottinghamshire Fire and Rescue Service's statement of policy in relation to the application of employer discretions under the Local Government Pension Scheme.

3. FINANCIAL IMPLICATIONS

For a number of the discretions set out in Appendix A, the implication of allowing or not allowing that discretion is generally that the financial position of the Authority is protected. Where it is proposed that discretions are allowed, the financial implications cannot be estimated because in each case this may depend on factors such as age and length of service of the employee as well as actuarial assumptions about the pension fund. In some cases, the choice of whether or not to exercise the discretion will be made by either the Service Discretionary Compensation Payments Board or by a Principal Officer, and the financial implications of exercising these particular discretions will be clear at the time the decisions are made.

4. HUMAN RESOURCES AND LEARNING AND DEVELOPMENT IMPLICATIONS

- 4.1 Under the Local Government Pensions Scheme Regulations, the Nottinghamshire Fire and Rescue Service is required to provide a statement of its policy towards the application of employer discretions.
- 4.2 The Human Resources Department will be responsible for ensuring that the discretions are applied in line with the approved policy.

5. EQUALITIES IMPLICATIONS

An equality impact assessment has not been undertaken as the discretions do not disproportionately affect one particular group of employees.

6. CRIME AND DISORDER IMPLICATIONS

There are no crime and disorder implications arising from this report.

7. LEGAL IMPLICATIONS

The Service is required to comply with the Local Government Pension Scheme Regulations.

8. RISK MANAGEMENT IMPLICATIONS

Failure to comply and implement pension scheme regulations would lead to potential challenge by the Pensions Ombudsman.

9. RECOMMENDATIONS

That Members approve the attached Service policy statement regarding application of employer discretions under the Local Government Pension Scheme.

10. BACKGROUND PAPERS FOR INSPECTION (OTHER THAN PUBLISHED DOCUMENTS)

None.

John Buckley
CHIEF FIRE OFFICER

DISCRETIONS UNDER THE LOCAL GOVERNMENT PENSION SCHEME

APPENDIX A

Local Government Pension Scheme (LGPS) Regulations Policy Statement

Discretions from 01.04.14 in relation to post 31.03.14 active members (excluding councillor members) and post 31.3.14 leavers (excluding councillor members) being discretions under:

- the local Government Pension Scheme Regulations 2013 (prefix R)
- the local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 (prefix TP)
- the Local Government Pension Scheme (Administration) Regulations 2008 (prefix A)
- the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended) (prefix B)
- the Local Government Pension Scheme (Transitional Provisions) Regulations 2008 (prefix T)
- the Local Government Pension Scheme Regulations 1997 (as amended) (prefix L)

<u>Discretion</u>	<u>Regulation</u>	<u>NFRS policy</u>	<u>Explanation / process exercising discretion</u>
Determine rates of employees' contributions	R9(1)&R9(3)	Yes	To be reviewed on monthly basis
Whether, how much, and in what circumstances to contribute to a shared APC scheme	R16(2)(e) & R16(4) (d)*	No	
Whether, how much, and in what circumstances to continue to contribute to a shared cost AVC arrangement entered into on or after 1/4/14	TP15(1)(d) & A25(3)	No	The Authority will not contribute towards the shared costs of an AVC scheme
Whether, how much, and in what circumstances to continue to contribute to a shared cost AVC arrangement entered into before 1/4/14	R17 (1) & definition of SCAVC in RSch1	No	The Authority will not contribute towards the shared costs of an AVC scheme
Allow late application to convert scheme AVC's into membership credit ie allow application more than 30 days after	TP15(1)(b) & L66(8) & former L66 (9)(b)	Yes on a case by case basis	The Director of Finance and Resources to consider each case on an individual basis

cessation of active membership (where AVC arrangement was entered into before 13/11/01)			
No right to return of contributions if member left due to offence of a fraudulent character or grave misconduct unless employer directs a total or partial refund is to be made	R19 (2)	Yes	There will be no right to return contributions in these circumstances
Specify in an employee's contract what other payments or benefits, other than those specified in R20(1) (a) and not otherwise precluded by R20(2), are to be pensionable	R20(1)(b)	No	NFRS do not specify which pension payments or benefits may be pensionable within the employment contract
Whether to extend the 12 month option period for a member to elect that deferred benefits should not be aggregated with a new employment	R22(8)(b)	No	Employees with more than 12 months service must include previous service for aggregation of deferred benefits
Whether to extend the 12 month option period for a member to elect that deferred benefits should not be aggregated with a new employment	R22(7)(b)	No	Employees with more than 12 months service must include previous service for aggregation of deferred benefits
Whether all or some benefits can be paid if an employee reduces their hours or grade (flexible retirement)	R30 & TP11(2)	Yes	In line with Service flexible retirement policy
Whether to waive, in whole or in part, actuarial reduction on benefits paid on flexible retirement	R30(8)*	Yes (in exceptional circumstances)	It is the general policy of the Authority not to waive the actuarial reduction unless exceptional circumstances apply. The Discretionary Compensation Payments Board will give consideration to such exceptional circumstances. In general, such a waiver would only be enacted where it would be at least cost neutral to the Authority or in the interests of the Authority. Refer flexible retirement policy

Whether to waive, in whole or in part, actuarial reduction on benefits which a member voluntarily draws before normal pension age	R30(8)*	No	
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, paras 1(2) and 2(2)	Yes Case by case basis	Consideration by Principal Officer
Whether to waive any actuarial reduction on pre and/or post April 2014 benefits	TP3(1), TPSch 2, paras 2(1) and 2(2), B30(5) and B30A(5)	Yes Case by case basis	Consideration by Principal Officer
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 £6,500 pa)	R31*	Yes Case by case basis	Consideration by the Discretionary Compensation Payments Board
Whether 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	TP12(6)	Yes	Consideration by Principal Officer
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	R38(3)	Yes	Applications from deferred beneficiary would be considered to establish whether they met permanent ill health criteria Consideration by Principal Officer
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	R38(6)	Yes Case by case basis	Consideration by Principal Officer
Whether to extend six month period to lodge a stage one IDRP appeal	R74(4)		Consideration by the Service Pensions Adjudicator
Whether to apply to Secretary of State for a forfeiture certificate (where member is	R91(1) & (8)	Yes	The Service would apply for a certificate in these circumstances

convicted of a relevant offence)			
Where forfeiture certificate is issued, whether to direct that benefits are to be forfeited (other than rights to GMP – but see R95 below)	R91(4)	Yes	The Service would direct that benefits are forfeited
Where forfeiture certificate is issued, whether to direct interim payments out of Pension Fund until decision is taken to either apply the certificate or pay benefits	R92(1) & (2)	Yes	The Service would direct interim payments out of the pension fund in this circumstance
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	R93(2)	Yes	The Service would recover from any monetary obligation incurred in these circumstances
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	R95	Yes Case by case basis	Consideration by Principal Officer
Agree to bulk transfer payment	R98(1)(b)	Yes	
Extend normal time limit for acceptance of	R100(68)	Yes	Consideration by Director of Finance and

a transfer value beyond 12 months from joining the LGPS		Case by case basis	Resources
Whether to allow a member to select final pay period for fees to be any 3 consecutive years ending 31 st march in the 10 years prior to leaving	TP3(6), TP(6)(c), TP8(4), TP10(2)(a), TP17(2)(b) & B11(2)	Yes	Where an employee's pensionable pay includes an element of variable fees then the employer may allow averaging of these fees to be used to calculate pension

* These matters about which the regulations require there must be a written policy

Discretions in relation to scheme members (excluding councillor members) who ceased active membership on or after 1.04.08 and before 1.1.14 being discretions under:

- the Local Government Pension Scheme (Administration) Regulations 2008 (prefix A)
- the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended) (prefix B)
- the Local Government Pension Scheme (Transitional Provisions) Regulations 2008 (prefix T)
- the Local Government Pension Scheme (Transitional Provisions and Savings) Regulations 2014 (prefix TP)
- the Local Government Pension Scheme Regulations 2013 (prefix R)
- the Local Government Pension Scheme Regulations 1997 (as amended) (prefix L)

<u>Discretion</u>	<u>Regulation</u>	<u>NFRS policy</u>	<u>Explanation / process exercising discretion</u>
Whether, for a member leaving on the grounds of efficiency of redundancy or business efficiency on or before 31 march 2014, to augment membership (by up to 10 years). The resolution to do so would have to be made within 6 months of the date of leaving. Hence this discretion is spent entirely after 30 September 2014.	B12*	Refer NFRS discretionary compensation payments scheme	This allows the Authority to increase pension membership by up to 10 years in special circumstances At discretion of Discretionary Compensation Payments Board
Allow late application to convert scheme AVC's into membership credit ie allow application more than 30 days after cessation of active membership	TSch1 7L66 (8) & former L66 (9)(b)	Yes Case by case basis	The service will consider each case on an individual basis Report to be submitted to Head of Human Resources
No right to return of contributions due to offence of a fraudulent character or grave	A47(2)	Yes	There will be no right to return contributions in these circumstances

misconduct unless employer directs a total or partial refund is to be made			
Contribution of equivalent premium (CEP) in excess of the certified amount (CA) recovered from a refund of contributions can be recovered from the Pension Fund	A49(1) & (2)	Yes	This means that if an employee transfers out into a non-contracted out scheme the employer, if required to make a refund to the employee, must deduct a Certified Amount. If this amount exceeds the value of the refund this discretion allows the employer to take the balance from the fund.
Whether to extend six month period to lodge a stage One IDRPs appeal	A58(7) (b)		Consideration by the Service Pension Adjudicator
Whether to apply to Secretary of State for a forfeiture certificate (where member is convicted of a relevant offence)	A72(1) & (6)	Yes	The Service would apply for a certificate in these circumstances
Where forfeiture certificate is issued, whether to direct that benefits are forfeited	A72(3)	Yes	The Service would direct that benefits are forfeited in these circumstances
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	A73(1) & (2)	Yes	The Service would direct interim payments out of the pension fund in this circumstance
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 AVC's/SCAVC's) 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	A74(2)	Yes	The Service would recover from the fund any monetary obligation incurred in these circumstances
Whether to recover from Fund any financial loss caused by fraudulent offence or grave misconduct of employee	A76(2) & (3)	Yes	The Service would recover from the fund to cover any financial loss

(who has left because of that), or amount of refund if less			
Whether to allow a member to select final pay period for fees to be any 3 consecutive years ending 31 st March in the 10 years prior to leaving	B11 (2)	Yes	Where an employee's pensionable pay includes an element of variable fees then the employer may allow an averaging of these fees to be used to calculate pension
Whether to grant application for early payment of deferred benefits on or after age 55 and before age 60	B30(2)*	Yes Case by case basis	Under the provisions of the Service Discretionary Compensation Payments Scheme Consideration by the Discretionary Compensation payments Board
Whether to waive, on compassionate grounds the actuarial reduction applied to deferred benefits paid early under B30	B30(5)*	Yes in exceptional circumstances	Each case to be considered by the Discretionary Compensation Payments Board
Whether to grant an application for early payment of a suspended tier 3 ill health pension on or after age 55 and before age 60	B30A(3)*	Yes Case by case basis	Consideration by Principal Officer
Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early under B30A	B30A(5)*	Yes Case by case basis	Consideration by Principal Officer
Decide whether deferred beneficiary meets permanent ill health and reduced likelihood of gainful employment criteria	B31(4)	Yes	Applications from deferred beneficiary would be considered to establish whether they met permanent ill health criteria. Consideration by Principal Officer
Decide whether a suspended ill health tier 3 member is permanently incapable of undertaking any gainful employment	B31(7)	Yes	Consideration by Principal Officer

* These matters about which the regulations require there must be a written policy

Discretions under the Local Government Pension Scheme Regulations 1997 (as amended) in relation to:

- active councillor members, and
- councillor members who ceased active membership on or after 1.4.98
- any other scheme members who ceased active membership on or after 1.4.98 and before 1.4.08

<u>Discretion</u>	<u>Regulation</u>	<u>NFRS policy</u>	<u>Explanation / process exercising discretion</u>
Allow post 31.3.98 / pre 01.04.08 non – councillor leaver to select final pay period for fees to be a period of not less than 3 or more than 5 years back from date of leaving	22(1)(b)	Yes	
Issue certificate of protection of pension benefits where eligible non councillor member fails to apply for one (pay cuts / restrictions occurring pre 1.04.08)	23(4)	Yes	
Grant application from a post 31.3.98/pre 1.4.08 leaver or from a councillor for early payment of benefits on or after age 50/55 and before age 60 (see Note below)	31(2)*	Yes	The service would consider applications on a case by case basis on compassionate grounds Consideration by Principal Officer
Waive, on compassionate grounds, the actuarial reduction applied to benefits paid for a post 31.3.98/pre 01.04.08 leaver or a councillor leaver	31(5)*	Yes	As above

Councillor optants out and pre 01.04.08 employee optants out only to get benefits paid from normal retirement date if employer agrees	31(7A)*	Yes	
Decide, in the absence from a post 31.3.98 / pre 1.04.08 leaver 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)	Yes	There are some circumstances under which two types of benefit can be payable from the fund. It is common for employers to exercise this discretion but to make clear that it will be made in the interests of the authority and not the employee. They will normally be notified and may appeal. Consideration by Principal Officer
Consent to a member's former employer assigning to the new employers rights under any SCAVC life assurance policy (pre 01.04.08 non councillor leavers)	71(7)(a)	N/A	This does not apply as the Service does not have a SCAVC life assurance policy.
No right to return of contributions due to offence of a fraudulent character unless employer directs a total or partial refund is to be made (councillors and pre 1.4.08 leavers)	88(2)	Yes	Service to decide on return of contributions in these circumstances Report to be submitted to the Head of Human Resources.
Contribution Equivalent Premium (CEP) in excess of the Certified Amount (CA) recovered from a refund of contributions can be recovered from the Pension Fund (councillor leavers and pre 01.04.08 leavers)	92	Yes	This means that if an employee transfers out into a non-contracted out scheme the employer, if required to make a refund to the employee, must deduct a Certified Amount. If this amount exceeds the value of the refund this discretion allows the employer to take the balance from the fund.

Forfeiture of pension rights on issue of Secretary of State's certificate (councillors and pre 1.4.08 leavers)	111(2) &(5)	Yes	The Service will exercise its rights on issue of certificate
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 (councillors and pre 1.04.08 leavers)	112(1)	Yes	The Service will direct interim payments out of pension fund in these circumstances
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) (councillors and pre 1.4.08 leavers)	113(2) 7 (3)	Yes	The Service will recover monetary obligation from the fund of the member in these circumstances
Recovery from Fund of financial loss caused by employee, or amount of refund if less (councillors and pre 1.04.08 leavers)	115(2) & (3)	Yes	The service will recover financial losses

* These matters about which the regulations require there must be a written policy

NOTE: benefits paid on or after aged 50 and before age 55 are subject to an unauthorised payments charge and, where applicable, an unauthorised payments surcharge under the Finance Act 2006. Also, any part of the benefits which had accrued after 5 April 2006 would generate a scheme sanction charge.

Discretions under the Local Government Pension Scheme Regulations 1995 (as amended) in relation to scheme members who ceased active membership before 1.04.98

<u>Discretion</u>	<u>Regulation</u>	<u>NFRS policy</u>	<u>Explanation / process exercising discretion</u>
Grant application from a pre 1.4.98 leaver for early payment of deferred benefits on or after age 50 on compassionate grounds (see NOTE below)	D11(2)(c)	Yes	The Discretionary Compensation Payments Board will consider applications on a case by case basis
Decide, in the absence from a pre 1.4.98 leaver 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	Yes	There are some circumstances under which two types of benefit can be payable from the fund. It is common for employers to exercise this discretion but to make clear that it will be made in the interests of the authority and not the employee. They will normally be notified and may appeal. Consideration by the Discretionary Compensation payments Board.

NOTE: benefits paid on or after aged 50 and before age 55 are subject to an unauthorised payments charge and, where applicable, an unauthorised payments surcharge under the Finance Act 2006. Also, any part of the benefits which had accrued after 5 April 2006 would generate a scheme sanction charge.

Discretions under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (as amended)

Under Regulation 7 of the Discretionary Compensation Regulations, each Authority (other than and Admitted Body) is required to formulate and keep under review a policy which applies in respect of exercising their discretion in relation to:

<u>Discretion</u>	<u>Regulation</u>	<u>NFRS policy</u>	<u>Explanation / process exercising discretion</u>
To base redundancy payments on an actual weeks pay where this exceeds the statutory week's pay limit	5	Yes	In line with the provisions of the Service Discretionary Payments Compensation Scheme. Consideration by the Discretionary Compensation Payments Board
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	Yes Case by case basis	In line with the provisions of the Service's compensation payments scheme Consideration by the Discretionary Compensation payments Board.

Discretions under the Local Government (Early Termination of Employment) (Discretionary Compensation)(England and Wales) Regulations 2000 (as amended)

Under Regulation 26 of the Discretionary Compensation Regulations, each authority (other an Admitted Body) is required to formulate and keep under review a policy which applies in respect of exercising their discretion in relation to:

<u>Discretion</u>	<u>Regulation</u>	<u>NFRS policy</u>	<u>Explanation / process exercising discretion</u>
How to apportion any surviving spouses or civil partners annual compensatory added years payment where the deceased person is survived by more than one spouse or civil partner	21(4)	Yes	Consideration by the Discretionary Compensation Payments Board
How it will decide to whom any children annual compensatory added years payments are to 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)	Yes	Consideration by the Discretionary Compensation Payments Board
Whether, in respect of the spouse of a person who ceased employment before 1 April 1198 and where the spouse or civil partner remarries, enters into a new civil	21(7)	Yes	The annual compensatory added years payments will continue to be paid in these circumstances

partnership or cohabits after 1 April 1998, the normal pension suspension rules should be dis-applied ie whether the spouse's or civil partner's annual compensatory added years payments should continue to be paid			
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 dis-applied ie whether the spouses' or civil partners' annual CAY payments should continue to be paid to both of them	21(7)	Yes	The Service will not seek to remove pension from surviving partners
Whether and to what extent to reduce or suspend the member's annual compensatory added years payment during any period or re-employment in local government	17	Yes	Discretionary Compensation Payments Board will determine whether and to what extent to reduce or suspend annual compensatory added years payments in these circumstances
How to reduce the member's annual compensatory added years payment following the cessation of a period of re-employment in local government	19	Yes	The Service would take measures to re-introduce annual compensatory added years payments in these circumstances

Discretions under the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011

Under Regulation 14 of the Injury Allowances Regulations, each LGPS employer (other than an admitted Body) is required to formulate, publish and keep under review the policy that it will apply in the exercise of its discretionary powers to make any award under the Injury Allowances Regulations in respect of leavers, deaths and reductions in pay that occurred post 15 January 2012.

<u>Discretion</u>	<u>Regulation</u>	<u>NFRS policy</u>	<u>Explanation / process exercising discretion</u>
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	3(1)	Yes	Consideration by Discretionary Compensation Payments Board. Annual review by DCPB.
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(4) & 8	Yes	Consideration by Discretionary Compensation Payments Board. Amount cannot be more than previous salary.
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)	Yes Case by case basis	Consideration by Discretionary Compensation Payments Board. Capped at 85% of the amount of the previous salary and allowance.
Amount of the injury allowance following cessation of employment as a result of permanent incapacity caused by sustaining an injury or contracting	4(3) and 8	Yes Case by case basis	Consideration by Discretionary Compensation Payments Board

a disease in the course of carrying out duties of the job.			
Whether to suspend or discontinue injury allowance awarded under Regulation 4(1) if person secures paid employment for not less than 30 hours per week for a period of not less than 12 months	4(5)	Yes Case by case basis	Consideration by Discretionary Compensation Payments Board
Whether to grant an injury allowance following cessation of employment with entitlement to immediate LGPS pension where a Reg 3 payment was being made at date of cessation of employment but Reg 4 does not apply	6(1)	Yes Case by case basis	Consideration by Discretionary Compensation Payments Board
Determine amount of any injury allowance payable under regulation 6(1)	6(1)	Yes Case by case basis	Consideration by Discretionary Compensation Payments Board
Determine whether and when to cease payment of an injury allowance payable under regulation 6(1)	6(2)	Yes Case by case basis	Consideration by Discretionary Compensation Payments Board
Whether to grant an injury allowance to the spouse, civil partner, nominated co-habiting partner 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)	Yes Case by case basis	Consideration by Discretionary Compensation Payments Board

Determine amount of any injury allowance to be paid under regulation 7(1)	7(2) & 8	Yes Case by case basis	Consideration by Discretionary Compensation Payments Board
Determine whether and when to cease payment of an injury allowance payable under regulation 7 (1)	7 (3)	Yes Case by case basis	Consideration by Discretionary Compensation Payments Board

Discretions under the Local Government (Discretionary Payments) Regulations 1996 (as amended)

The following discretions under the Discretionary Payments Regulations:

- a) which relates to injury allowances, apply only in respect of leavers, deaths and reductions in pay that occurred before 16 January 2012; and
- b) which relate to gratuities, apply only in respect of leavers and deaths that occurred before 16 January 2012

<u>Discretion</u>	<u>Regulation</u>	<u>NFRS policy</u>	<u>Explanation / process exercising discretion</u>
Amount of 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	34(2)	Yes	The Discretionary Compensation payments Board
Suspend or discontinue injury allowance if person becomes capable of working again	34(4)	Yes	The Discretionary Compensation Payments Board would takes measures to suspend or discontinue injury allowance in these circumstances
Amount of injury allowance following reduction in pay after sustaining an injury or contracting a disease as result of anything required to do in carrying our duties of job	35(3) & 38	Yes	The Discretionary Compensation Payments Board would determine the level of injury allowance (if any) in these circumstances
Amount and duration of injury allowance following cessation of employment where Reg 35	36	Yes	The Discretionary Compensation Payments Board would determine the level of injury allowance (if

payment was being made but Reg 34 does not apply			any) in these circumstances
Amount and duration of 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), 37(6) & 38	Yes	The Discretionary Compensation Payments Board would determine the level of injury allowance (if any) in these circumstances
Reinstate spouse's or civil partners injury allowance following earlier cessation due to cohabitation, remarriage or registration of a new civil partnership	37(4)	Yes	The Discretionary Compensation Payments Board would determine the level of injury allowance (if any) in these circumstances
Amount of death in service gratuity payable to surviving dependant, spouse or civil partner	40	Yes	The Discretionary Compensation Payments Board would determine the level of injury allowance (if any) in these circumstances
Amount of retirement gratuity payable	41	Yes	The Discretionary Compensation Payments Board would determine the level of injury allowance (if any) in these circumstances
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)	Yes	The Discretionary Compensation Payments Board would determine the level of injury allowance (if any) in these circumstances

Amount if redundancy gratuity payable	42	Yes	The Discretionary Compensation Payments Board would determine the level of injury allowance (if any) in these circumstances
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)	Yes	The discretion would allow a gratuity to be paid where an employee has been in the scheme for at least 5 years or if over 60 for 1 year. This allows the Authority to exercise its discretion properly. Consideration by the Discretionary Compensation Payments Board
Amount of gratuity payable to any other surviving dependant, spouse or civil partner where the amount annuity payments paid under 42(4) fall short of their capital value at date of award	42(7)	Yes	Consideration by Discretionary Compensation Payments Board