

## REVIEW OF HUMAN RESOURCES POLICIES

**EXECUTIVE MEMBER:** Councillor Gillian Troughton  
**LEAD OFFICER & REPORT AUTHOR** Zoe Pluckrose, Head of People Resources

### Why has this report come to the Executive?

As referenced in the Constitution, all policies referring to employment matters need to be recommended by Personnel Panel to the Executive.

**Recommendation:** That Executive agree to

- a) approve amendments to Copeland Borough Council Special Leave Policy & Flexible Working Policy for employees; and
- b) approve the Councils Pension Discretion – Statement of Policy (as requested by the Pensions administrator).

### 1 Introduction

Executive is asked to approve the revised Special Leave Policy. These changes are required as Copeland Borough Council has given its support to Cumbria County Councils Foster Friendly campaign. This entitles employees to 5 days special leave for attending the approval training related to fostering children.

Executive is asked to approve the revised Flexible Working Procedure. Due to a change in legislation all employees with 26 weeks continuous service have to right to apply to work flexibly. Previously the right only applied to those with child care responsibilities.

Executive is asked to approve the Councils Pension Discretion – Statement of Policy. This is a new policy, which is required following the changes in the Pension scheme regulations. All Councils are required to have in place a Pension Discretions Policy.

## **2 Background**

### **Special Leave Policy**

Section 15 has been added to the policy.

### **Flexible Working Procedure**

The procedure has been amended throughout to remove references to child care responsibilities, and timescales for processing the applications have been changes in line with legal advice.

### **Councils Pension Discretion – Statement of Policy**

The Councils Pension Discretion - Statement of Policy include 3 sections.

Part A – Covers areas where mandatory written policy statements have to be published in relation to the requirements under the Local Government Pension Scheme regulations.

Part B - Covers areas where although mandatory written policy statements are not required it would be useful for employers to establish a clear policy intention in relation to the exercise of the employers functions under the Local Government Pension Scheme regulations.

Part C - Covers areas where mandatory written policy statements have to be published in relation to the requirements under the Local Government discretionary payments and compensation regulations.

The information contained in the statement is drawn from our existing policies and the custom and practice that employee can apply for discretionary benefits, but any approval of a discretionary benefits rests with Directors/ Head of Paid Service based on cost/ benefit analysis.

The discretion policy in the main allows employees to apply, but the decision whether to grant the discretion would be based on financial/business benefit.

## **4 Matters to be Determined**

Approval of the attached policies within the Appendices.

## **5 Key Stages of the Review**

HR Policies are reviewed on a continual basis with application and legal changes.

## **6 Conclusions**

Changes are required to the existing policies on Special Leave Policy and Flexible Working Procedure due to external factors (changes in legislation and support to Foster Friendly initiative).

Copeland Borough Council Pension Discretions – Statement of Policy has been requested by the Pension administrator.

- a. **The Monitoring Officers comments are:** These policies require approval by Executive following their consideration and recommendation by Personnel Panel.
- b. **The Section 151 Officers Comments are:** The proposed changes are necessary to update our HR policies.
- c. **EIA Comments:** The Council seeks to promote equality of opportunity for employees including through the use of appropriate policies and procedures. No groups are advantageously or disadvantageously affected by the proposals in the report.
- d. **Policy Framework Comment:** HR policies and procedures are integral part of the Council’s corporate policy framework.

**List of Appendices:**

**Appendix 1 – Special Leave Policy**

**Appendix 2 – Flexible Working Procedure**

**Appendix 3 – Copeland Borough Council Pension Discretions -  
Statement of Policy**



# Special Leave Policy

## Human Resources

Nov 2014

# Special Leave Policy

## **POLICY STATEMENT**

This policy has been developed to help you to balance your work and private life. The Policy ensures that we are treated in an equal, fair and consistent manner. This document is to ensure everyone is aware of their responsibilities, to ensure effective management of leave requests, and to provide support for employees in a variety of circumstances.

This policy applies to all employees across the Council.

If you have any questions or concerns, please don't hesitate to contact HR.

## **INTRODUCTION**

We recognise that you have a range of responsibilities in addition to those that you take on at work, arising from family, community and public life. For occasions when you are faced with conflicting demands on your time Special Leave can be granted.

Throughout the policy, the term close family member is referred to. The term "close family member" normally includes:

- Parent, guardian or step parent
- Brother, sister, step brother, step sister
- Son, daughter, step son, step daughter
- Spouse, partner
- Grandparent or grandchild

In all cases, applications special leave for any reason must be made to your manager as far in advance as possible, or as soon as reasonably possible in the case of unforeseen circumstances. If any period of special leave needs to be extended you must talk to your manager. It is really important to have these conversations with your manager about any application and keep them informed, particularly if you want your leave to be extended.

The Special Leave Application Form must be completed electronically and e-mailed to HR. The document can be found by searching "Special Leave Application Form" on the Intranet. Managers must also ensure all requests are recorded on Zeus, or Annual Leave Cards for employees who do not have access to Zeus, either in advance of the leave or, if this has not been possible, immediately following your return to work.

## **POLICY AREAS**

This policy covers special leave in situations of:

1. Bereavement
2. Family Illness
3. Attendance for interview for other Local Authority posts
4. Jury Service
5. Maternity and Paternity
6. Training courses or examinations
7. Selection for sporting representation at International level
8. Adverse Weather Conditions
9. Religious Observance, including Religious Festivals
10. Disability-related need
12. Treatment relating to infertility
13. Medical/Dental Appointments
14. Public Service
15. Meetings/training in connection with fostering children
16. Other exceptional circumstances

### **1. BEREAVEMENT LEAVE**

We will provide you with support at a time when you have suffered the bereavement, particularly after the loss of a close family member.

It is difficult to predict precisely the effect of bereavement on any individual, and how much time away from work may be appropriate.

Bereavement leave will be granted in the unfortunate event of the death of a close family member.

The duration of the leave will be up to 5 days depending on your relationship to the deceased and any responsibilities that you have in regard to the funeral arrangements, legal matters, probate etc. Each decision for duration of leave will be based on individual circumstances.

Any bereavement is a tremendously upsetting time; however we ask that you contact your manager to request bereavement leave.

Requests for additional bereavement leave will be considered by the Head of Service/Director.

Bereavement leave may be granted exceptionally in respect of other relatives or friends to whom you are very close or where you have responsibilities in connection with the funeral. Paid leave for attendance at the funeral service of a work colleague will be authorised, providing your manager is able to release you from your duties.

You will be required to take annual leave, unpaid leave or flex time providing your manager is able to release you from your department, to attend the funeral service of extended family members or friends.

## **2 FAMILY ILLNESS**

We appreciate that there will be instances where you will require special leave to care for immediate family members who have suffered a short-term, sudden, acute or serious illness. This enables you to be available to support family members at a time of a family emergency.

If you have on going responsibility for caring for children, family members with illness or disabilities or elderly relatives, you need to talk to your manager about these issues and refer to the Flexible Working Policy.

There may be an option to arrange more flexible working where possible, to allow you to reduce your working hours for an agreed period, or work away from your normal place of work (if practicable).

The duration of the paid family illness leave will be up to 5 days in any leave year, you need to speak to your manager for him/her to confirm the period of leave.

It will be possible for you to use available annual leave, accumulated flexi time or time off in lieu, bring forward annual leave from the next year or take unpaid leave to extend the period needed to care for a family member suffering from an acute, serious illness.

Family illness leave may exceptionally be granted in respect of other relatives or friends to whom you are very close, if appropriate.

## **3 ATTENDANCE FOR INTERVIEW FOR LOCAL AUTHORITY POSTS OUTSIDE COPELAND BC**

You will be granted leave to attend interviews with other local authorities. Prior to the interview please share your invite to interview letter with your manager.

## **4 JURY SERVICE**

You will continue to be paid whilst on Jury Service.

If you are no longer required to attend court, you will need to return to work.



You will need to inform your manager of any request to attend jury service and provide a copy of your confirmation letter.

## **5 MATERNITY/PATERNITY/ADOPTION LEAVE**

This is covered within the Council's Maternity and Paternity Policy.

## **6 TRAINING COURSES OR EXAMINATIONS**

Where training (or travel connected with a course) occurs outside normal working hours, then it will be covered by flexi time/lieu time. Please see the Flexi Time Scheme Policy.

If approved training involves attending a course during a person's normal working hours, time off with pay is given. You may claim a maximum of 9hrs 30minutes for attending an approved training course (including any travelling time).

Where an approved training course involves sitting professional examinations or tests, paid time will be granted provided they are in your normal working hours. Study leave of up to three days in any twelve month period is also allowed, provided that you manager has authorised it beforehand.

## **7 LEAVE TO REPRESENT YOUR COUNTRY IN A SPORTING EVENT**

Paid time off will be granted by the Head of Service/Director if you are participating in or representing your country in a major sporting event. The amount of time off which can be taken under this leave will depend on individual circumstances. Generally, the leave should be sufficient to assist you to participate in the event only.

## **8 ADVERSE WEATHER CONDITIONS**

On occasions, you may be faced with difficulty in attending work due to extreme weather conditions. You will need to make all reasonable efforts to get into work during period of adverse weather. We do not however want anyone to take unreasonable risks to their own safety in trying to get to work.

If you are unable to get into work, the following alternatives should be considered:

- Working from an alternative office
- Working from home, if appropriate for the role and operational requirements
- Using alternative travel methods
- Adapting working hours, dependent upon the weather conditions and/or use of alternative travel methods.

In this event, you must contact your manager to discuss this as soon as possible.

More information is available in the adverse weather guidelines.

## **9. TIME OFF FOR RELIGIOUS OBSERVANCE**

We will endeavor to grant you reasonable time off during working hours for religious observance insofar as this is possible and practicable, taking into account the needs of the department and whether or not such arrangements might cause disruption to others.

Your manager will always try their best to accommodate your request for time off for religious observance, however your manager may need to refuse such a request where they consider it will cause difficulties for the department.

If you request time off at a particularly busy time or at a time when your absence would otherwise cause difficulties for the department, or where the amount of time off requested is unreasonable or excessive (taking into account the needs of the department), the Council reserves the right to refuse to grant some or all of any of the time off requested. It is advised that you provide your manager with good notice of the event.

We will all be treated equally in respect of requests for time off for religious observance or requests for alterations to our working patterns for religious reasons.

## **10. TIME OFF TO ATTEND RELIGIOUS FESTIVALS**

We are all entitled to paid time off for public holidays, some of which are Christian festivals. If you require time off to attend any other religious festivals, you will be expected to take leave from your annual holiday entitlement to enable you to do so. This includes Eid al-Adha, Diwali, Honicka, Ash Wednesday, Saints Day, etc.

The normal annual leave approval process would apply.

## **11. DISABILITY RELATED LEAVE**

There may be circumstances where you are unable to attend work for a reason relating to a disability, but not due to ill health e.g. due to a breakdown in support arrangements or because your mobility aids are not functioning.

Where alternative arrangements cannot be made and it is not appropriate for you to work from home, a short period of paid leave may be appropriate until the situation is resolved. You will need to discuss this issue with your manager and agree a temporary solution.

## **12. LEAVE FOR TREATMENT RELATING TO INFERTILITY**

If you are undergoing a programme of treatment relating to infertility, the Council will provide you with leave for up to 2 IVF cycles for fertility treatment. Requests for leave

must be supported by appointment cards/medical evidence and discussed with your manager.

### **13. TIME OFF FOR MEDICAL/DENTAL APPOINTMENTS**

You are expected to arrange medical/dental appointments outside the working day. Where this is not possible or where they are required to attend a hospital appointment in normal working hours, you may be allowed paid leave. You will need to provide an appointment card or confirmation letter, and discuss with your manager.

### **14 PUBLIC SERVICE**

The guidelines cover the following categories of public service as:

- County Councillor
- District Councillor
- Parish Councillor
- School Governor
- Justice of the Peace
- Special Police Constable
- Retained Fire Fighter
- Territorial Army/Auxiliary Forces serviceperson
- Member of a Board of Visitors (e.g. Prison)
- Member of a Liaison Committee
- Election Duties

If you undertake the roles listed above designated offers (Chief Executive, Directors or Heads of Service ) are granted the discretion to approve up to 208 hours paid leave to carry out the duties related to that role.

### **15 TIME OFF IN RELATION TO FOSTERING CHILDREN**

Anyone who has committed to attending pre approval training related to fostering children will be granted up to 5 days special leave.

### **16 EXCEPTIONAL CIRCUMSTANCES LEAVE**

We do recognise that occasionally you may need to take further leave following any of the circumstances set out above. Normally it will be made up from your annual leave allowance, flex time accumulated, time off in lieu or from annual leave “borrowed” from the following year’s allowance.

However, if these allowances are exhausted, the Chief Executive may agree to up to 2 weeks’ additional paid leave or unpaid leave in any leave year. In coming to a decision on this, the Chief Executive will take into account your attendance record and the

continuing impact on the department of your absence. There is an expectation that you will have spoken to your manager prior to any applications to the Chief Executive.

The amount of leave required will vary according to the circumstances and each request will be dealt with on an individual basis.

## **17 UNAUTHORISED/EXCESSIVE ABSENCE**

If your absence is not approved, it will be classed as unauthorised. In these circumstances your pay may be stopped and you may be subject to disciplinary action. If the volume of requests for leave is giving cause for concern, your manager will meet with you to discuss.

Your manager may discuss with you any concerns they have in relation to the regularity/ volume of the special leave request.



# Special Leave Application Form

**This form should be completed electronically and forwarded to HR and can be accessed by searching “Special Leave Application Form” on the Intranet.**

Employee details:

<b>Name</b>	
<b>Department</b>	

Employee application for special leave  
I wish to apply for special leave on the following dates:

<b>First day of leave</b>		<b>Last day of leave</b>	
<b>Reason for request:</b>			
<b>Signed:</b>			<b>Date:</b>

Authorisation by Manager:  
I have authorised the above request in accordance with the Council’s policy on special leave.

<b>Signed:</b>	<b>Date:</b>
<b>Comments:</b>	



# Flexible Working Procedure

## Human Resources

Nov 2014

# Flexible Working Policy

## **POLICY STATEMENT**

As a result of the changes in legislation from 1<sup>st</sup> July 2014, we all have the right to request a variation to our contracts so that we can work more flexibly. We will consider requests seriously related to hours, times and place of work and are able to refuse where there is a clear business case only.

Changes agreed are permanent and there is no right for an individual to revert back to the former arrangement, unless a temporary change with a set timeframe is agreed. In order to qualify, employees have to meet certain criteria.

### **1. Who can apply**

You must meet the following criteria:

- ❖ Have 26 weeks' continuous service at the date of application.

Only service with the Council will count for continuous service purposes and not previous continuous service with other local government bodies.

If you have less than 26 weeks service or are an agency worker, you do not have a statutory right to request flexible working.

You can only make one application per year.

### **2. What can be requested?**

Changes to:

- The number of hours you are required to work.
- The times you are required to work.
- Where you are required to work – at home or another place of business
- Homeworking
- Job sharing
- Locality of work

If a manager is unable to approve a request in a team where a number of team members are already working flexibly and any more flexible working arrangements impact adversely upon the business, it would be good practice to consider calling for volunteers from existing flexible working employees to change their contracts.

The law requires that all requests, including appeals, must be considered and decided upon within a period of three months from first receipt, unless an extension is agreed with the employee.



Any change that is agreed in your working pattern will be a permanent change to your terms and conditions of employment and unless agreed at this point in time you have no right revert back to your previous working pattern.

### **3. Making an application**

You must apply in writing using the form attached and state:

- That it is an application under the legal right to request flexible working
- State whether a previous application has been made and if so when
- Set out the change applied for, e.g. a new working pattern and the date they wish it to become effective
- Explain the effect that they envisage the change will have on their employer, including how it might be accommodated
- Sign and date the application.

### **4. CONSIDERING THE APPLICATION**

If your manager agrees with the proposal, he/she will notify you of the variation that has been agreed to and the date on which it will take effect.

If your manager does not agree, he/she will meet with you to discuss the request at a mutually convenient time and you should be allowed to be accompanied by a representative or colleague. A meeting about flexible working should take place in a location where it cannot be overheard. Your manager will consider the request carefully, looking at the benefits of the requested changes in the working conditions and the department and weighing these against adverse impacts.

You and your manager may agree a compromise to a discussion, such as a temporary agreement.

If a variation is agreed, your manager will set out the agreement and the date on which it is to take effect.

If the request is refused, your manager will give you a notice setting out the grounds for their refusal, explaining why they apply in the circumstances, and set out the appeal procedure.

A copy of any agreements or confirmation of refusals needs to be sent to HR.

It is good practice to set regular reviews where you can both discuss the arrangements.

## **5. THE APPEAL**

You have 14 days after the date of notification of the decision to appeal in writing, setting out the grounds of appeal.

If your manager then decides to accept the request, they must notify you of the variation and the date it is to start.

If your manager does not accept the request, they must inform HR who will arrange an Appeals Panel.

Another manager will hold the appeal meeting to discuss the appeal. They will invite you and your manager to discuss the original refusal and reasons why it was refused. The manager will adjourn the meeting in order to make a decision which will be confirmed following the adjournment and will be confirmed in writing.

If it is accepted, HR will be informed of the variation agreed to and the date on which it is to take effect.

We will endeavour to arrange all meetings at a time and place convenient to both you and the manager.

## **6. GROUNDS FOR REFUSAL**

If the request is rejected the manager must inform the employee in writing, setting out the grounds for refusal. The only valid grounds for rejecting a request are provided in section 80G of the Employment Rights Act 1996. These are as follows:


- The burden of additional costs.
- Detrimental effect on ability to meet customer demand.
- Inability to re-organise work among existing team.
- Inability to recruit additional employees.
- Detrimental impact on quality.
- Detrimental impact on performance.
- Insufficiency of work during the periods the employee proposes to work.
- Planned structural changes.

Your manager will provide a sufficient explanation as to why the business reason applies in the circumstances.

## **7. WITHDRAWAL OF APPLICATION**

If you wish to withdraw the application, it can initially be done verbally, but you should follow up in writing.

# Forms for Employees

 <p><b>Copeland</b> borough council</p> <p><i>Proud of our past. Energised for our future.</i></p>	<h2>Flexible Working Application Form</h2>
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Note to the employee.

You can use this form to make an application to work flexibly under the right provided in Law. Before completing this form, you should first read the policy and check that you are eligible to make a request.

You should note that under the right, it may take up to 12 weeks to consider a request before it can be implemented and possibly longer where difficulties arise. You should, therefore, ensure that you submit your application to the appropriate person well in advance of the date you wish the request to take effect.

It will help your manager to consider your request if you provide as much information as you can about your desired working pattern. It is important that you complete all the questions as otherwise your application may not be valid. When completing sections 3 and 4, think about what effect your change in working pattern will have both on the work that you do and on your colleagues. Once you have completed the form, you should immediately forward it to your manager (you might want to keep a copy). Your manager will arrange a meeting with you to discuss your request. If the request is granted, this will be a permanent change to your terms and conditions unless other arrangements are agreed at this point in time.

1. Personal Details

Name	Position
Manager	

I would like to apply to work a flexible working pattern that is different to my current working pattern under my right provided in law. I confirm I meet each of the eligibility criteria as follows:

I have worked continuously as an employee of the Council for the last 26 weeks.  
I have not made a request to work flexibly under this right during the past 12 months.

2a. Describe your current working pattern (days/hours/times worked):

2b. Describe the working pattern you would like to work in future (days/hours/times worked).

2c. I would like this working pattern to commence from                      Date:.....

3.        Impact of the new working pattern.  
I think this change in my working pattern will affect my employer and colleague as follows:

4.        Accommodating the new working pattern  
I think the effect on my employer and colleagues can be dealt with as follows:

5.        Are you making a request in relation to the Equality Act 2010?

Signed .....                      Date.....

.....

	<h2>Flexible Working Application Appeal Form</h2>
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Note to the employee

If your application has been refused, you may appeal against your manager's decision. You can use this form to make your appeal. You should set out the grounds on which you are appealing, and do so within 14 days of receiving written notice that your application for flexible working has been turned down.

Note to the Manager

This is a formal appeal made under the legal right to apply for flexible working. Another manager will convene a hearing panel and invite you and the employee and their representative along.

Dear.....

I wish to appeal against your decision to refuse my application for flexible working. I am appealing on the following grounds:

Signed ..... Date.....

# Forms for Managers



## Flexible Working Application Acceptance Form

### Note to the manager

You must write to your employee following the meeting with your decision. This form can be completed by you when accepting an application to work flexibly. If you cannot accommodate the requested working pattern, you may still wish to explore alternatives to find a working pattern suitable to you both. Please refer to the policy for guidance in considering the application.

Please note that Form C Flexible Working Application Rejection Form should be used if the employee's working pattern cannot be changed and no other suitable alternatives can be found.

Dear..... Date.....

Following receipt of your application and our meeting on .....

- I am pleased to confirm that I am able to accommodate your application
- I am unable to accommodate your original request. However, I am able to offer the alternative pattern which we have discussed and you agreed would be suitable to you.

Your new working pattern will be as follows:

Your new working arrangements will begin from: Date.....


We will review these arrangements Date.....

### *Note to the employee*

*Please note that the change in your working pattern will be a permanent change to your terms and conditions of employment and unless agreed at this point in time you have no right in law to revert back to your previous working pattern.*

If you have any questions on the information provided on this form please contact me to discuss them as soon as possible. Copy to HR.



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Note to the manager

You must write to your employee following the meeting with your decision. This form can be completed by you when declining an application. Before completing this form, you must ensure that full consideration has been given to the application. You must state the business ground(s) as to why you are unable to agree to a new working pattern and the reasons why the ground(s) applies in the circumstances. Please see the policy for the list of permissible business grounds under which a request may be refused.

Dear.....

Following receipt of your application and our meeting on .....

I am sorry but I am unable to accommodate your request for the following business ground(s):


The grounds apply in the circumstances because:

(You should explain why any other work patterns you have discussed at the meeting are also inappropriate).

Signed ..... Date.....

You have the right to appeal against this decision. You must do so in writing within 14 days of receiving this written notice of decision.

Copy to HR.

 <p><b>Copeland</b> borough council <i>Proud of our past. Energised for our future.</i></p>	<h2 style="text-align: center;">Flexible Working Appeal Reply Form</h2>
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**To be completed by a separate manager not previously involved**

Dear.....

Following our meeting on .....I have considered your appeal against the decision to refuse your application to work a flexible working pattern.

I accept your appeal against the decision. I am therefore able to accommodate your original request to change your working pattern as follows:

Your new working arrangements will begin from    Date.....

**Note to employee**

Please note that the change in your working pattern will be a permanent change to your terms and conditions of employment and you have no right in law to revert back to your previous working pattern.

I am sorry but I must reject your appeal for the following ground(s):

Signed ..... Date.....  
Copy to HR.

# Copeland Borough Council Pension Discretions

## Statement of Policy

# Employers Discretions

## EMPLOYER DISCRETIONS – STATEMENT OF POLICY

**EMPLOYER NAME: COPELAND BOROUGH COUNCIL**

The employer stated above has prepared this written statement of policy in relation to its exercise of certain discretionary functions available under the above regulations.

### **PART A – Mandatory policy statements – Formulation of policy in accordance with:**

Regulation 60 of the Local Government Pension Scheme (LGPS) Regulations 2013  
 Paragraph 2 (2) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014  
 Regulation 66 of the Local Government Pension Scheme (Administration) Regulations 2008  
 Regulation 106 of the Local Government Pension Scheme Regulations 1997

### **PART A1 – Discretions from 1 April 2014 in relation to post 31 March 2014 active members and post 31 March 2014 leavers (excluding councillor members)**

<p><b>1. Power of Scheme employer to award additional pension</b>  <small>(Regulation 31 of the LGPS Regulations 2013)</small></p>	<p><b>Employer's policy:</b></p>
<p>An employer can grant extra annual pension of up to a maximum £6,500 (figure at 1 April 2014) to an active Scheme member or within 6 months of leaving to a member whose employment was terminated on the grounds of redundancy or business efficiency. This maximum figure that can be initially awarded will be index linked and the level increased on the 1<sup>st</sup> April each year.</p>	<p>The Council may exercise discretion in exceptional circumstances only where this can be justified in terms of merit and worth. The Councils general policy in respect of discretions will be not to exercise them, unless there is a financial or clear business benefit.</p>
<p><b>2. Power of Scheme employer to contribute towards the cost of a member purchasing additional pension</b>  <small>(Regulation 16 (2) (e) and 16 (4) (e) of the LGPS Regulations 2013)</small></p>	<p><b>Employer's policy:</b></p>
<p>Where an active Scheme member wishes to purchase extra annual pension of up</p>	<p>The Council may exercise discretion in exceptional circumstances only where</p>

<p>to £6,500 (figure at 1 April 2014) by making Additional Pension Contributions (APCs), the employer may voluntarily contribute towards the cost of purchasing that extra pension via a Shared Cost Additional Pension Contribution. This maximum figure that can be initially purchased will be index linked and the level increased on the 1<sup>st</sup> April each year.</p>	<p>this can be justified in terms of merit and worth. The Councils general policy in respect of discretions will be not to exercise them, unless there is a financial or clear business benefit.</p>
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<p><b>3. Flexible retirement</b>          (Regulation 30 (6) and (8) of the LGPS Regulations 2013, Regulations 3 (5), 11(2) and 11(3) of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 and regulation 18(3) of the LGPS (Benefits, Membership and Contributions) Regulations 2007)</p>	<p><b>Employer's policy:</b></p>
<p>The Local Government Pension Scheme allows scheme members who have attained the age of 55 to draw all or part of their retirement benefits under flexible retirement arrangements even though they have not retired providing that:</p> <ul style="list-style-type: none"> <li>• the employer consents, and</li> <li>• there has been a reduction in hours, or</li> <li>• a reduction in grade.</li> </ul> <p>Specifically where the employer consents to flexible retirement then, in addition to the benefits the member has accrued prior to 1 April 2008 (which the member must draw), the employer can also allow the member to choose to draw all, part or none of the pension benefits they accrued after 31 March 2008.</p> <p>However, benefits taken on flexible retirement will be subject to a potential actuarial reduction if they are being drawn earlier than the members normal retiring age (flexible retirement provisions may be operated for members potentially up to a member's 75<sup>th</sup></p>	<p>Not to waive any actuarial reduction in pension or lump sum arising where an employee is permitted to take flexible retirement.</p>

<p>birthday). The reductions applied will be in accordance with guidance issued by the government actuary. Employers can if they choose waive, in whole or in part, any reductions that might apply.</p>	
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<p><b>4. Early retirement and waiving actuarial reductions</b>  (Schedule 2 paragraphs 1(2), 2(1), 2(2) and Regulation 3 (1) of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014, Regulation 30(8) of the LGPS Regulations 2013 and regulation 30(5) and 30A(5) of the LGPS (Benefits, Membership and Contributions) Regulations 2007)</p>	<p><b>Employers policy:</b></p>
<p>If a member leaves a local government employment before he is entitled to the immediate payment of retirement benefits, then if he is age 55 or more (or having attained age 55 and have previously been awarded deferred benefits after 01 April 2014) he may choose to receive payment of them immediately.</p> <p>Any benefits payable may be reduced as appropriate in accordance with guidance issued by the Government Actuary. Employers can if they choose waive, in whole or in part, any reductions that might apply and the employer must pay to the Pension Fund a sum representing the capital cost of waiving those reductions.</p> <p>Due to the complexity in the level of protected benefits that now apply to different members, establishing what level of benefits can be waived can be difficult. Appendix 1 lists the options available to employers in terms of the level of reductions that can be waived and the grounds under which they may be waived.</p>	<p>The Council may exercise discretion in exceptional circumstances only where this can be justified in terms of merit and worth. The Councils general policy in respect of discretions will be not to exercise them, unless there is a financial or clear business benefit.</p>

**PART A2 – Discretions in relation to scheme members who ceased active membership on or after 1 April 2008 and before 1 April 2014 (excluding councillor members)**

<p><b>5. Power of Scheme employer to award additional membership</b> (Regulation 3 (10) of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 and regulation 12 of the LGPS (Benefits, Membership and Contributions) Regulations 2007)</p>	<p><b>Employer's policy:</b></p>
<p>An employer can within 6 months of the date of termination grant extra membership in the pension scheme to a Scheme member whose employment was terminated before 1 April 2014 on the grounds of redundancy or business efficiency. Note that this is a time limited discretion which expires on 30 September 2014 for those whose employment is terminated on 31 March 2014.</p>	<p>The Council may exercise discretion in exceptional circumstances only where this can be justified in terms of merit and worth. The Councils general policy in respect of discretions will be not to exercise them, unless there is a financial or clear business benefit.</p>
<p><b>6. Early release of deferred benefits with employer consent</b> (Regulations 30(2), (5), 30A(3) and (5) of the LGPS (Benefits, Membership and Contributions) Regulations 2007)</p>	<p><b>Employer's policy:</b></p>
<p>A policy decision concerning early release of benefits needs to be made in relation to members who have left the scheme between 1 April 2008 and 31 March 2014 with deferred benefits (or suspended tier 3 benefits) who make an application to release benefits on or after age 55 and before age 60.</p> <p>In addition a further policy decision is required to determine whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to deferred benefits which are paid before age 65.</p>	<p>The Council may exercise discretion in exceptional circumstances only where this can be justified in terms of merit and worth. The Councils general policy in respect of discretions will be not to exercise them, unless there is a financial or clear business benefit.</p>

**PART A3 – Discretions in relation to scheme members who ceased active membership on or after 1 April 1998 and before 1 April 2008 and active councillor members and councillor members who ceased active membership on or after 1 April 1998**

<p><b>7. Early release of deferred benefits with employer consent</b> (Regulations 31(2) and (5) of the LGPS Regulations 1997)</p>	<p><b>Employer's policy:</b></p>
<p>A policy decision concerning early release of benefits needs to be made in relation to active members who have left the scheme between 1 April 1998 and 31 March 2008 with deferred benefits and councillor members who left after 1 April 1998 who make an application to release benefits on or after age 50* and before age 60.</p> <p>In addition a further policy decision is required to determine whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to deferred benefits which are paid before age 65.</p>	<p>The Council may exercise discretion in exceptional circumstances only where this can be justified in terms of merit and worth. The Councils general policy in respect of discretions will be not to exercise them, unless there is a financial or clear business benefit.</p>

<p><b>8. PART A4 – Discretions in relation to scheme members who ceased active membership before 1 April 1998</b> (Regulation D11(2) (c) of the LGPS Regulations 1995)</p>	<p><b>Employer's policy:</b></p>
<p>A policy decision concerning early release of benefits needs to be made in relation to active members who have left the scheme before 1 April 1998 who make an application on compassionate grounds to release benefits on or after age 50* and before age 60. Under these rules the sole discretion for an employing authority is that they may determine on compassionate grounds that benefits are to become payable on an unreduced basis.</p>	<p>The Council may exercise discretion in exceptional circumstances only where this can be justified in terms of merit and worth. The Councils general policy in respect of discretions will be not to exercise them, unless there is a financial or clear business benefit.</p>



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

As highlighted in the employer bulletin, there are a number of other discretions which Scheme employers may exercise under the LGPS Regulations 2013. There is, however, no requirement to have a written policy in respect of these. However the following areas of discretion would be useful for scheme members, in order for them to establish the clear policy intention that the employers hold in these particular areas.

<p><b>9. Shared Cost Additional Voluntary Contributions (SCAVCs)</b> (Regulation 17 of the LGPS Regulations 2013, Regulations 15(1)(d) of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014, Regulation 25(3) of the LGPS (Administration) Regulations 2008 and Regulation 15(3) of the LGPS (Benefits, Membership and Contributions) Regulations 2007)</p>	<p><b>Employer's policy:</b></p>
<p>An active member may elect to pay AVCs into a scheme established under contract between his appropriate administering authority and a body approved for the purposes of the Finance Act 2004.</p> <p>An employer can, at its discretion, contribute to the AVC scheme and where they do the AVC scheme is known as a shared cost additional voluntary contributions arrangement (SCAVC). An employer should establish whether, how much and in what circumstances to either continue with an existing SCAVC or enter into a new SCAVC.</p>	<p>The Council may exercise discretion in exceptional circumstances only where this can be justified in terms of merit and worth. The Councils general policy in respect of discretions will be not to exercise them, unless there is a financial or clear business benefit.</p>

<p><b>10. Late transfer requests</b> (Regulation 100(6) and 22(7) and (8) of the LGPS Regulations 2013)</p>	<p><b>Employer's policy:</b></p>
<p>The Local Government Pension Scheme Regulations allow for the acceptance of transfer value payments into the fund (subject to the Pension Fund administering authorities approval) to enable members to transfer pension rights accrued prior to joining the scheme into the LGPS, and thereby count additional pension. This election should</p>	<p>Not to exercise the discretion to allow any extension to the 12 month period whereby an employee is to transfer pension rights.</p>

<p>be made within 12 months of first joining the LGPS in the employment.</p> <p>The discretion allowed under regulation 100(6) relates to the acceptance of transfers relating to non LGPS membership, where the member makes a request after the expiry of the first 12 months of joining the LGPS.</p> <p>Previous LGPS rights are automatically aggregated unless an election to keep those accrued benefits separate is received. Regulations 22 (7) and (8) allow an employer to extend the 12 month time limit within which a Scheme member who has a deferred LGPS benefit in England or Wales following the cessation of employment (or cessation of a concurrent employment) to elect not to have the deferred benefits aggregated with their new LGPS employment (or on-going concurrent LGPS employment) if the member has not made an election to retain separate benefits within 12 months of commencing membership of the LGPS in the new employment (or within 12 months of ceasing the concurrent membership).</p>	
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<p><b>11. Contributions payable by active members</b> (Regulation 9 and 10 of the LGPS Regulations 2013)</p>	<p><b>Employer's policy:</b></p>
<p>An active member shall make contributions to the Scheme at the relevant contribution rate, from his pensionable pay, in each employment in which he is an active member. The contribution rate to be applied to his pensionable pay in any financial year is the rate determined by the employer with reference to the tiered contribution pay bands stated in the regulations where there is a material change to a member's pensionable pay in the course</p>	<p>The Council may exercise discretion in exceptional circumstances only where this can be justified in terms of merit and worth. The Councils general policy in respect of discretions will be not to exercise them, unless there is a financial or clear business benefit.</p>

<p>of a financial year, the employer may re-determine the contribution rate to be applied.</p>	
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<p><b>12. Assumed Pensionable Pay</b> (Regulation 21(4) and (5) of the LGPS Regulations 2013)</p>	<p><b>Employer's policy:</b></p>
<p>Whether or not, when calculating assumed pensionable pay when a member :</p> <ul style="list-style-type: none"> <li>- is on reduced contractual pay or no pay on due to sickness or injury, or</li> <li>- is absent during ordinary maternity, paternity or adoption leave or during paid additional maternity, paternity or adoption leave, or</li> <li>- is absent on reserve forces service leave, or</li> <li>- retires with a Tier 1 or Tier 2 ill health pension, or</li> <li>- dies in service</li> </ul> <p>to include in the calculation the amount of any 'regular lump sum payment' received by the member in the 12 months preceding the date the absence began or the ill health retirement or death occurred. 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.</p>	<p>The Council may include any regular lump sum payment in the calculation of assumed pensionable pay.</p>

**PART C – Mandatory policy statement\* – Formulation of policy in accordance with:**

Regulation 7 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006  
 Regulation 26 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000  
 Regulation 14 of the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011

\*The mandatory requirements for a written policy under these regulations do not extend to employers whose employees are members of the LGPS by virtue of an admission agreement however as the provisions still apply it would be deemed appropriate for a policy statement to be in place

**PART C1 – Discretions in relation to the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006**

<p><b>13. Redundancy and Compensation Payments</b>            (Regulation 5 and 6 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006)</p>	<p><b>Employer's policy:</b></p>
<p>These regulations provide a discretionary power to award a one-off lump sum payment of up to 2 years pay (104 weeks), inclusive of any redundancy payment made. This applies to any member who terminates their employment on the grounds of redundancy, efficiency or in the case of a joint appointment (not job shares) where termination arises because the other holder of the joint appointment has left it.</p> <p>The provisions apply to all employees who are eligible for participation in the LG Pension Scheme, whether or not they are current members of the scheme.</p> <p>There is also a discretionary power to waive the weekly pay ceiling placed on statutory redundancy payments and to calculate, instead, on pay up to the actual week's pay.</p>	<p>The Council may exercise discretion in exceptional circumstances only where this can be justified in terms of merit and worth. The Councils general policy in respect of discretions will be not to exercise them, unless there is a financial or clear business benefit.</p>

**PART C2 – Discretions in relation to the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000**

<p><b>14. Redundancy and Compensatory Added Years payments</b>  (Regulation 17,19,21 and 25 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000)</p>	<p><b>Employer's policy:</b></p>
<p>Prior to the 2006 discretionary regulations employers could award employees additional service following a redundancy or efficiency retirement where that employee was over age 50. Although this facility is no longer available to current active employees, there are still discretionary decisions to be made in respect of employees who are already in receipt of additional service. These include:</p> <ul style="list-style-type: none"> <li>• How to apportion any surviving spouse's or civil partners annual compensatory added years payment where the deceased person is survived by more than one spouse or civil partner.</li> <li>• How the annual added years will be apportioned amongst any eligible children.</li> <li>• 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 ignored i.e. whether the spouse's or civil partner's annual compensatory added years payments should continue to be paid or if the authority's policy is to apply the normal suspension rules, whether the spouse's or civil partner's annual compensatory added years</li> </ul>	<p>The Council will apportion any surviving spouse or civil partners payments equally where there is more than one surviving spouse or civil partner.</p> <p>The Council will apportion any eligible children's payment equally.</p> <p>The Council may pay the Compensatory added years in cases of remarriage or new civil partnership.</p> <p>The Council will fully suspend any compensatory added years payments during any period of re-employment in the Local Government.</p>

<p>payment should be reinstated after the end of the remarriage, new civil partnership or cohabitation.</p> <ul style="list-style-type: none"> <li>• Whether and to what extent to reduce or suspend the member's annual compensatory added years payment during any period of re-employment in local government and how to reduce the member's annual compensatory added years payment following the cessation of a period of re-employment in local government.</li> </ul>	
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**PART C3 – Discretions in relation to the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011**

<p><b>15. Injury Allowance payments</b> (Regulations 3 to 7 of the Local Government (Discretionary Compensation) (Injury Allowances) Regulations 2011)</p>	<p><b>Employer's policy:</b></p>
<p>Under the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011 Scheme employers must formulate, publish and keep under review a policy on:</p> <p>a) whether or not 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 of which they:</p> <ul style="list-style-type: none"> <li>- suffer a reduction remuneration, or</li> <li>- cease to be employed as a result of an incapacity which is likely to be permanent and which was caused by the injury or disease, or</li> </ul>	<p>The Council will not operate a discretionary injury allowance scheme</p>

<p>- die leaving a surviving spouse, civil partner or dependant, and</p> <p>b) if the Scheme employer has a policy to make such payments, how it will determine the amount of injury allowance to be paid</p>	
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**Declaration**

It is understood that the above discretions are applicable to all eligible members of the Scheme. In respect of the mandatory policy requirements, a written statement should be published indicating the policy which is being applied by that employer in the exercise of its functions. A copy of the scheme employer's policy decisions should be sent to Your Pension Service within one month of the date the policy is revised.

Any change to the discretions exercised under the LGPS Regulations can take immediate effect from the date the Scheme employer agrees the change.

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 Scheme employer publishes a statement of its amended policy.

**The policies made above:**

- i. Must have regard to the extent to which the exercise of the discretions could lead to a serious loss of confidence in the public service;
- ii. Will not be used for any ulterior motive;
- iii. Will be exercised reasonably;
- iv. Will only be used when there is a real and substantial future benefit to the employer for incurring the extra costs that may arise;
- v. Will be duly recorded when applied.

**Signed on behalf of the Employing Authority:**

**Name in Block Capitals: ZOE PLUCKROSE**

**Position: HEAD OF PEOPLE RESOURCES**

**Employing Authority: COPELAND BOROUGH COUNCIL**

**Date: 24<sup>TH</sup> NOV 2014**

**Signed on behalf of the Employing Authority:**

**Name in Block Capitals:**

**Position:**

**Employing Authority:**

**Date:**



**Appendix 1 – if voluntarily retiring**

**If there is an actuarial reduction regarding the particular tranche of membership, the employer has the right to -**

	<b>Group 1</b>	<b>Group 2</b>	<b>Group 3</b>	<b>Group 4</b>
<b>Part A</b>	Waive all or none on compassionate grounds.	Waive all or none on compassionate grounds	Waive all or none on compassionate grounds.	Waive all or none on compassionate grounds.
<b>Part B1</b>	Waive all or none on compassionate grounds.	Waive all or none on compassionate grounds.	Waive all or none on compassionate grounds.	Waive all or none on this on compassionate grounds.
<b>Part B2</b>	Waive all or none on compassionate grounds.	Waive all or none on compassionate grounds.	Waive all, some or none on any grounds.	Waive all, some or none on any grounds.
<b>Part C</b>	Waive all, some or none on any grounds.	Waive all or none on compassionate grounds.	Waive all, some or none on any grounds.	Waive all, some or none on any grounds.
<b>Part D1</b>	Waive all, some or none on any grounds.	Waive all, some or none on any grounds.	Waive all, some or none on any grounds.	Waive all, some or none on any grounds.

Part A = membership to 31 March 2008

Part B1= membership 1 April 2008 to 31 March 2014

Part B2 = membership 1 April 2014 to 31 March 2016

Part C = membership 1 April 2016 to 31 March 2020

Part D1 = membership 1 April 2020 onwards

Group 1 member = a member who was an active member prior to 1 October 2006 and who was born on 31 March 1956 or earlier

Group 2 member = a member who was an active member prior to 1 October 2006, was born between 1 April 1956 and 31 March 1960 inclusive, and who would reach their CRA by 31 March 2020

Group 3 member = a member who was an active member prior to 1 October 2006 and who is not a Group 1 or Group 2 member

Group 4 member = a member who was not a member prior to 1 October 2006.

**If member retires on flexible retirement, the employer may waive all, some or none of any reduction on any grounds.**