



Fife Council LGPS Employer Discretion

Policy Statement

Purpose

Fife Council recognises that in some circumstances it is in the interests of the Council to exercise discretions available under the Local Government Pension Scheme (LGPS).

This policy statement lists the LGPS employer discretions exercised by Fife Council.

Employer Discretions

Shared Cost Additional Voluntary Contribution (SCAVC) Scheme (Regulation 17)	Fife Council has a Salary Sacrifice Shared Cost AVC Scheme with Prudential.
Late Application to Convert Scheme Additional Voluntary Contributions (AVCs) (Earlier regulations)	Fife Council shall allow late applications to convert scheme AVCs into membership after ceasing membership provided the application is made within six months of membership ceasing.
Additional Pension Contributions following authorised unpaid leave (Regulation 16)	Fife Council shall allow a late application to repay contributions for authorised unpaid leave (including unpaid child related leave) beyond 30 days, provided the application is made within six months of the employee returning from that leave.
Shared Cost Additional Pension Contribution (SCAPC) Scheme (Regulation 16)	Fife Council will not contribute towards a Shared Cost Additional Pension Contribution Scheme
Award of additional pension (Regulation 30)	Fife Council shall not award additional pension in any circumstances.
Late Election to Request Transfer of Pension Rights (Regulation 95)	Fife Council shall only allow a late election to request a transfer of pension rights beyond 12 months of date of joining in exceptional circumstances.

Certificates of Protection of Pension Benefits (Regulation 90)	Fife Council shall issue certificates of protection of pension benefits where an eligible scheme member fails to apply for one.
Flexible Retirement (Regulation 29)	Fife Council will consider requests on a case by case basis in accordance with the policy. Actuarial reductions may be waived, where it is in Council interest to do so. In practice, reductions are always applied.
Early Retirement – waiving of reductions¹	Fife Council can choose to apply the rule of 85 ² for those aged under 60 (it is automatically applied for those aged 60 and over); and/or waive actuarial reductions in full or in part on a case by case basis. Such circumstances under which this apply would be extremely rare.
Early payment of deferred benefits – waiving actuarial reduction	Waiving actuarial reductions will be considered on a case by case basis. Such circumstances under which this apply would be extremely rare.

Regulations

The employer discretions come under the following regulations:

- Local Government Pension Scheme (Scotland) Regulations 2018
- Local Government Pension Scheme (Transitional Provisions and Savings) (Scotland) Regulations 2014
- Local Government Pension Scheme (Administration) (Scotland) Regulations 2008
- Local Government Pension Scheme (Benefits, Membership and Contributions) (Scotland) Regulations 2008 (as amended)
- Local Government Pension Scheme (Transitional Provisions) (Scotland) Regulations 2008
- Local Government Pension Scheme (Scotland) Regulations 1998 (as amended)
- Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998

¹ Where an employee is leaving through redundancy or in the interests of business efficiency, actuarial reduction will be waived in accordance with the LGPS Regulations.

² The rule of 85 will be applied in accordance with LGPS rules and the level of protection offered will depend on an individual's age and scheme membership. The rule is automatically applied if the member is aged 60 or over.