



# Fioretti Trust

## Local Government Pension Scheme Discretions Policy Statement

<b>Approved by:</b>	FAR Committee	<b>Date:</b> 05.12.25
<b>Last review:</b>	July 2022	
<b>Next review:</b>	December 2028	<b>Cycle:</b> 3 years

This policy supersedes all previous Local Government Pension Scheme Discretions Policy Statement.



## **Local Government Pension Scheme Discretions Policy Statement**

### **General Principles**

1.1. Under the rules of the Local Government Pension Scheme (“LGPS”) the employer has the right to authorise discretion on a number of matters regarding the administration of the pension scheme.

1.2. For a number of discretions there is a statutory requirement to publicise the approach the employer will take.

1.3. The approach to exercising discretion in this policy is to allow the employer to make a reasonable decision in individual cases but also to be clear as to the factors it will take into account in making that decision.

1.4. In formulating and reviewing its policy statements the employer is required to:

- Have regard to the extent to which the exercise of their discretionary powers, unless properly limited, could lead to a serious loss of confidence in the public service, and,
- Be satisfied that the policy is workable, affordable and reasonable having regard to the foreseeable costs.

1.5. Any complaints relating to decisions in these matters would need initially to be raised under the pension scheme’s Internal Disputes Resolution Procedure, details of which are available from the pension scheme administrator.

1.6. This policy confers no contractual rights.

1.7. Fioretti Trust retains the right to change this policy at any time.

1.8. Only the policy which is current at the time a relevant event occurs to the scheme member will be the one applied to that member.

### **This policy deals with the Employing Authority’s Discretions Under the following legislation:**

The Local Government Pension Scheme (Administration) Regulations 2008 (as amended)

The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended)

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

The Local Government Pension Scheme Regulations 2013

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

The Local Government Pension Scheme Regulations 1995

## Summary

Issue	Policy Decision
Whether and how much to contribute to a shared cost Additional Pension Contribution scheme	Fioretti Trust will not apply this discretion.
Whether and how much to contribute to share cost AVC arrangements entered in to on or after 1 April 14	Fioretti Trust will not apply this discretion.
Whether and how much to continue to contribute to share cost AVC arrangements entered in to before 1 April 14	Fioretti Trust will not apply this discretion.
Whether all or some benefits can be paid if an employee reduces their hours or grade after age 55 (ie flexible retirement)	<p>Fioretti Trust will not normally exercise the discretion.</p> <p>Any such cases would be considered on its merits and only if there is a sound business case</p> <p>The person must not be financially better off once in receipt of pension and new salary than they were on the salary prior to reduction.</p>
Whether to waive, in whole or part, any actuarial reduction on benefits paid on flexible retirement	Fioretti Trust will not waive any reduction
Whether to augment (ie increase) membership (by up to 10 years) for an active member leaving on grounds of redundancy or business efficiency, or within 6 months of ceasing to be an active member	Fioretti Trust will not apply this discretion
Whether to grant additional pension to an active member of within 6 months of ceasing to be an active member by reason of redundancy or business efficiency (up to £6500)	Fioretti Trust would not normally exercise this discretion unless exceptional circumstances and a sound business case to do so
Whether to grant application for early payment of benefits after age 55 and before age 60	Fioretti Trust will not exercise this discretion unless there are exceptional circumstance and a sound business case to do so
Whether to waive, in whole or part, any actuarial reduction on benefits paid early	Fioretti Trust will not waive any reduction

Whether to “switch on” the “85 year rule” for a member voluntarily drawing benefits on or after age 55 and before age 60	Fioretti Trust will not normally exercise this discretion unless there are exceptional circumstances and a sound business case to do so
Whether to waive on compassionate grounds the actuarial reduction applied to benefits from pre April 14 membership due to the “85 year rule” for a member voluntarily drawing benefits on or after age 55 and before age 60	Fioretti Trust will not waive any reduction
Whether to grant application for early payment of deferred benefits	Fioretti Trust will not apply this discretion
Whether to waive the actuarial reduction applied to deferred benefits	Fioretti Trust will not apply this discretion.
Whether to grant application for early payment of a suspended tier 3 ill health pension from age 55 to age 60	Fioretti Trust will not normally apply this discretion unless there are exceptional circumstances, and in any event only where such discretion does not result in a cost to the Fioretti Trust.
To extend the period of time that an employee has to transfer pension rights into the LGPS above 12 months	Fioretti Trust will not extend this period unless there has been maladministration by the Local Governing Body or the Trust
To extend the period of time that an employee has to elect that deferred benefits should not be aggregated with a new employment / ongoing concurrent employment	Fioretti Trust will not extend this period unless there has been maladministration by the Governing Body
Determination of employee contribution rate	Fioretti Trust will set the band within which contributions are to be based annually on 1 April and will only change this during the year if there is a significant change in earnings
Discretion to increase redundancy payments above the statutory weekly pay limit	Fioretti Trust will base redundancy payments on actual weekly pay, or on the statutory maximum weekly pay limit, whichever is the lower
Additional Compensation of up to 104 weeks in cases of redundancy	Fioretti Trust will not exercise this discretion

**Monitoring**

Fioretti Trust will ensure they monitor all requests made under the policy, the decision(s) taken and the reason(s) why, to ensure discretions are exercised in a fair and equitable manner and in accordance with their Equality Policy.

**End of statement.**

