



**Local Government Pension Scheme – Policy Statement Update**

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**Date of meeting** 3 November 2023

**Date of report** 9 October 2023

**Report by Director of Finance & Corporate Support**

**1. Object of report**

To recommend approval of a revised Local Government Pension Scheme (LGPS) – Policy Statement, which will now be subject to consultation with the recognised Trade Unions.

**2. Background to report**

SPT’s, LGPS – Policy Statement has been updated to ensure that it is in line with the current policies of the LGPS and Strathclyde Pension Fund Office (SPFO).

**3. Outline of proposals**

A list of the additions and deletions to SPT’s current Pension Policy Statement can be found at Appendix 1, with the full revised policy being found at Appendix 2. The updates to the policy statement ensure that SPT keeps up to date with changes in the overall LGPS environment.

**4. Committee action**

The Committee is recommended to:

- (i) note the changes to SPT’s, LGPS – Policy Statement; and
- (ii) approve SPT’s revised LGPS – Policy Statement subject to consultation with the recognised Trade Unions.

**5. Consequences**

Policy consequences	<i>Policy updated to reflect LGPS changes.</i>
Legal consequences	<i>Policy complies with legislation.</i>
Financial consequences	<i>None directly.</i>
Personnel consequences	<i>HR to initiate consultation with Employee Representatives.</i>
Equalities consequences	<i>None directly.</i>
Risk consequences	<i>Not updating policies may result in non-compliance with best practice.</i>

Climate Change, Adaptation & Carbon consequences      *None.*

**Name**    Neil Wylie  
**Title**     **Director of Finance & Corporate Support**

**Name**    Valerie Davidson  
**Title**     **Chief Executive**

For further information, please contact Neil Wylie, Director of Finance & Corporate Support on 0141 333 3380.

## APPENDIX 1

### Changes to the Current LGPS – Policy Statement

#### Additions – Regulations and Discretions

Table	Regulation	Discretion	SPT's policy on the exercise of this discretion
1	R22(7B)	Whether to extend the 12 month option period for a member to elect that post 2015 deferred benefits should not be aggregated with an ongoing concurrent employment	SPT will not normally extend the 12 month time limit but may do so if exceptional circumstances can be demonstrated. Each case will be considered on its merits.
1	R22(8B)	Whether to extend the 12 month option period for a member to elect that post 2015 deferred benefits should not be aggregated with a new employment	SPT will not normally extend the 12 month time limit but may do so if exceptional circumstances can be demonstrated. Each case will be considered on its merits.
1	TP10(6)	Whether to extend the 12 month option period for a member to elect that pre 2015 deferred benefits for a member who re-joined post 31 March 2015 can be aggregated to purchase an amount of CARE pension	SPT will not normally extend the 12 month time limit but may do so if exceptional circumstances can be demonstrated. Each case will be considered on its merits.

2	All the entries under table 2 are new and relate to scheme members who ceased active membership on or after 01/04/2015 and before 30/05/2018.
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### Deletions – Regulations and Discretions

Table	Regulation	Discretion	SPT's policy on the exercise of this discretion
1	TP12(4)	Whether to use a certificate produced by an IRMP under the 2009 Scheme for the purposes of making an ill health determination under the 2015 Scheme.	SPT will use a certificate produced by a qualified occupational health practitioner registered and approved by the Strathclyde Pension Fund to make such a decision. Each case will be considered on its individual merits.
2 Old or 3 New	B30(2)	Whether to grant application for early payment of benefits on or after age 50/55 and before age 60	SPT does not have a general policy of granting early payment of benefits on or after age 50/55 and before age 60 but will consider requests on a case by case basis. SPT may exercise this discretion where a sound business case can be made for doing so or where other exceptional circumstances arise that make payment of those benefits justifiable and in accordance with the Early Retirement/Severance Policy.
4 Old Or N/a New	E2(6)(b)	Grant application from a pre 1 April 1998 leaver for early payment of benefits on or after age 50 and before age 60.	SPT will not have a general policy of granting early payment of benefits on or after age 50/55 and before age 60 but will consider requests on a case by case basis. SPT may exercise this discretion where a sound case can be made for doing so, or where other exceptional circumstances arise that make payment of those benefits justifiable and in accordance with the

			Early Retirement/Severance Policy.
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## APPENDIX 2

### Strathclyde Partnership for Transport Employers Policy Statement – LGPS Regulations

**Employer:** Strathclyde Partnership for Transport

**Lead officer (for any questions):** Neil Wylie, Director of Finance & Corporate Support

**Contact details of lead officer:** Neil.Wylie@spt.co.uk 0141 333 3380

**Date of policy statement:** xx xxxxx 2023

**Date for further review:** As required by changes in related regulations.

We are aware of our obligations under:

- the LGPS (Scotland) Regulations 2018
- the LGPS (Transitional Provisions and Savings) (Scotland) Regulations 2014
- the LGPS (Scotland) Regulations 2014
- the LGPS (Administration) (Scotland) Regulations 2008 (in respect of leavers between 1 April 2009 and 31 March 2015)
- the LGPS (Scotland) Regulations 1998 (in respect of leavers between 1 April 1998 and 31 March 2009)

In developing our policy statement, we are aware that the LGPC has produced a document called “Discretions Policies” that contains tips for employers, see:  
<http://www.lgpsregs.org/index.php/scotland/admin-guides>

**Note:** \* in the following tables beside a regulation denotes the discretions where we are required to have a policy statement under the regulations

Table 1 details our discretions under the LGPS (Scotland) regulations 2018

Table 2 details our discretions in relation to scheme members who ceased active membership on or after 01 04 15 and before 31 05 18.

Table 3 details our discretions in relation to scheme members who ceased active membership on or after 01 04 09 and before 01 04 15.P

Table 4 details our discretions under the LGPS (Scotland) Regulations 1998 (as amended) in relation to pre 01 04 09 scheme leavers.

Table 5 details our discretions under the Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998 (as amended).

**TABLE 1**

**The following table details our discretions from 01/06/2018 in relation to post 01/06/2018 active members and post 01/06/2018 leavers, being discretions under:**

- the LGPS (Scotland) Regulations 2018 [prefix **R**]
- the LGPS (Scotland) Regulations 2014 [prefix **R2**]
- the LGPS (Transitional Provisions and Savings) (Scotland) Regulations 2014 [prefix **TP**]
- the LGPS (Administration) (Scotland) Regulations 2008 [prefix **A**]
- the LGPS (Benefits, Membership and Contributions) (Scotland) Regulations 2008 (as amended) [prefix **B**]
- the LGPS (Transitional Provisions) (Scotland) Regulations 2008 [prefix **T**]
- the LGPS (Scotland) Regulations 1998 (as amended) [prefix **L**]

<b>Regulation</b>	<b>Discretion</b>	<b>SPT's policy on the exercise of this discretion</b>
<b>R3(1)(b)</b>	Decide which employees to nominate for membership (admission bodies)	SPT exercises this discretion through delegation to Director of Finance & Corporate Support, in accordance with its admission agreement with SPFO.
<b>RSch 2, Part 2, para 12(c)</b>	Whether, in respect of an admission body providing a service in respect of outsourced work, to set off against payments due to that body any sums due from that body to the Fund	SPT will consider any application of this discretion on a case by case basis.
<b>R9(1) to R9(4)</b>	Determine the rate of employee's contributions	The employee's rate of contributions will be determined in accordance with these Regulations and from the guidance issued by the Scottish Ministers.
<b>R9(8)</b>	Determine intervals at which employees' contributions are to be made	Employees' contributions will be aligned to the SPT's set pay periods.
<b>R16(2)(e)* &amp; R16(4)(d)*</b>	Whether, how much, and in what circumstances to contribute to a shared cost APC scheme	SPT has elected not to set up additional shared contribution scheme. Employees already have access to AVC's (currently Prudential) which accepts member only contributions.
<b>R16(16)</b>	Whether to extend 30 day deadline for member to elect for a shared cost APC upon return from a period of absence from work with permission with no pensionable pay (otherwise than because of illness or	Not applicable – member only contribution scheme.

	injury, relevant child-related leave or reserve force service leave)	
<b>R17(1) &amp; definition of SCAVC in RSch 1</b>	Whether, and in what circumstances to contribute to a shared cost AVC scheme.	SPT does not exercise this discretion.
<b>TP15(1)(b) &amp; L65(8) &amp; former L65(9)(b)</b>	Allow late application to convert scheme AVCs into membership credit i.e. allow application more than 30 days after cessation of active membership (where AVC arrangement was entered into before 30/6/05)	SPT does not exercise this discretion.
<b>R19(2)</b>	No right to a return of contributions due to an offence of a fraudulent character or grave misconduct unless the employer directs a total or partial refund is to be made	SPT will not return contributions in the event of an offence of a fraudulent character or grave misconduct.
<b>R20(1)(b)</b>	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	Elements of pay received by an employee other than those specified in these regulations and not otherwise precluded will only be pensionable if specified as such in the member's contract of employment.
<b>R21(5)</b>	In determining Assumed Pensionable Pay (APP), whether a lump sum payment made in the previous 12 months is a "regular lump sum"	Any consideration to exercise this discretion will be considered on a case by case basis having regard to all of the circumstances.
<b>R22(7B)</b>	Whether to extend the 12 month option period for a member to elect that post 2015 deferred benefits should not be aggregated with an ongoing concurrent employment	SPT will not normally extend the 12 month time limit but may do so if exceptional circumstances can be demonstrated. Each case will be considered on its merits.
<b>R22(8B)</b>	Whether to extend the 12 month option period for a member to elect that post 2015 deferred benefits should not be aggregated with a new employment	SPT will not normally extend the 12 month time limit but may do so if exceptional circumstances can be demonstrated. Each case will be considered on its merits.



<p><b>TP10(6)</b></p>	<p>Whether to extend the 12 month option period for a member to elect that pre 2015 deferred benefits for a member who re-joined post 31 March 2015 can be aggregated to purchase an amount of CARE pension</p>	<p>SPT will not normally extend the 12 month time limit but may do so if exceptional circumstances can be demonstrated. Each case will be considered on its merits.</p>
<p><b>R29(7)* &amp; TP11(2)</b></p>	<p>Whether all or some benefits can be paid if an employee reduces their hours or grade prior to age 60 (flexible retirement)</p>	<p>SPT agrees to apply this discretion by delegated authority to the Director of Finance &amp; Corporate Support, subject to financial constraints and in accordance with the Flexible Retirement Policy, where there would be positive benefits to SPT in terms of skills retention, efficiency savings etc. In order to qualify for flexible retirement there must be a reduction in the employee's hours of work of at least 40%. An employee aged 55 or over may request to be redeployed to a lower graded post, and further request the release of accrued pension benefit. Where these requests are approved and implemented, pay will reduce to the rate of pay for the new post and the employee will receive pension benefit accrued only for previous service.</p>
<p><b>R29(9)* and TPSch 2, para 2(1)</b></p>	<p>Whether to waive, in whole or in part, any actuarial reduction on benefits paid on flexible retirement. <b>Note: any resultant strain cost from the exercise of this discretion will be charged to the employer regardless of the member's age at date of retirement.</b></p>	<p>SPT will only exercise this discretion in exceptional circumstances where there is a sound business case accordance with the Flexible Retirement Policy.</p>
<p><b>R29(9)*</b></p>	<p>Whether to waive, in whole or in part, actuarial reduction on benefits which a member voluntarily draws before normal pension age, other than on the grounds of flexible retirement (where the member only has post 31/3/15 membership) <b>Note: any resultant strain costs due to the exercise of this discretion will be charged to the employer regardless of the employee's age.</b></p>	<p>SPT will only exercise this discretion in exceptional circumstances where there is a sound business case accordance with the Flexible Retirement Policy.</p>

<p><b>TPSch 2, paras 1(2) and 2(1)*</b></p>	<p>Whether to apply the 85 year rule for a member voluntarily drawing benefits, with employer consent, on or after age 55 and before age 60 (other than on the grounds of flexible retirement).</p>	<p>SPT does not have a general policy of applying the rule of 85 for a member voluntarily drawing benefits, with employer consent, on or after age 55 and before age 60 but will consider requests on a case by case basis and in accordance with the Early Retirement/Severance Policy.</p> <p>Where SPT does not apply the rule of 85, the member's pension will be actuarially reduced to cover the strain on the fund cost. Where SPT apply the rule of 85 the SPT will meet the strain on the fund cost.</p>
<p><b>TP3(1), TPSch 2, para 2(1) *</b></p>	<p>Whether to waive, in whole or in part, any actuarial reduction on pre and post April 2015 benefits which a member voluntarily draws before normal pension age other than on the grounds of flexible retirement (where the member has both pre 1/4/15 and post 31/3/15 membership and is subject to the 85 year rule)</p>	<p>SPT does not have a general policy of waiving any actuarial reduction on pre and post April 2015 benefits which a member voluntarily draws before normal pension age but will consider requests on a case by case basis and in accordance with the Early Retirement/Severance Policy.</p>
<p><b>TP3(1), (5) and (12), TPSch 2, para 2(1)</b></p>	<p>Whether to waive, in whole or in part, any actuarial reduction on pre and post April 2015 benefits which a member voluntarily draws before normal pension age other than on the grounds of flexible retirement (where the member has both pre 1/4/15 and post 31/3/15 membership)</p>	<p>SPT does not have a general policy of waiving any actuarial reduction on pre and post April 2015 benefits which a member voluntarily draws before normal pension age but will consider requests on a case by case basis and in accordance with the Early Retirement/Severance Policy.</p>
<p><b>R30*</b></p>	<p>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 £5,000 p.a.)</p>	<p>SPT does not have a general policy to grant additional pension to a member (by up to £5,000p.a.) but may consider doing so where a sound business case can be made for exercising this discretion. Each case will be considered on its individual merits and in accordance with the Early Retirement/Severance Policy.</p>
<p><b>R86(1) &amp; (8) R86(4)</b></p>	<p>Whether to apply to Scottish Ministers for a forfeiture certificate (where a member is convicted of a relevant offence) and subsequently whether to direct that benefits are to be forfeited (other than rights to GMP – but see R89 below)</p>	<p>SPT will in general apply for a forfeiture certificate where a member is convicted of a relevant offence and, following the issue of the certificate, direct that benefits are to be forfeited. Each case will be considered on its individual merits.</p>

<b>R87(2)</b>	Whether to recover from the fund any monetary obligation or, if less, the value of the member's benefits (other than transferred in pension rights or AVCs / SCAVCs) where the obligation was 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 the employment.	SPT may recover from pension benefits any loss arising from criminal, negligent or fraudulent act by a former employee, provided that all other efforts to recover monetary obligations have been exhausted, in the interests of maintaining confidence in the public service.
<b>R89</b>	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 <b>R86</b> or recovery of a monetary obligation under <b>R87</b> should deprive the member or the member's surviving spouse or civil partner of any GMP entitlement	SPT will in general apply for a forfeiture certificate where a member is convicted of a relevant offence and, following the issue of the certificate, direct that benefits are to be forfeited. Each case will be considered on its individual merits.
<b>R93(5)</b>	Decide whether to issue a Certificate of Protection if the member does not request one within 12 months of a reduction or restriction in pay	SPT will not exercise this discretion.
<b>R95(1)(b)</b>	Agree to bulk transfer payment	SPT will consult with SPFO and the fund actuaries in this regard.
<b>R85(6)</b>	Extend normal time limit for acceptance of a transfer value beyond the 12 month time limit from joining the LGPS	SPT will not generally extend the normal time limit for acceptance of a transfer value beyond 12 months from joining the scheme but may do so where exceptional circumstances can be proved. In any event the maximum extension will be a period of two years from the member's date of joining the scheme. Each case will be considered on its individual merits.
<b>TP3(6), TP4(6)(c), TP8(4), TP10(2)(a), TP17(2)(b) &amp; B11(2)</b>	Whether to allow a member to select final pay period for fees to be any 3 consecutive years ending in the 10 years prior to leaving and ending on the anniversary of the date of leaving	SPT will allow a member to select final pay for fees to be any three consecutive years ending 31 <sup>st</sup> March in the 10 years prior to leaving. SPT agree that this will automatically be done by SPF.

<p><b>TP3(1)(a), A43(5)</b></p>	<p>Issue a certificate of protection of pension benefits where eligible non-councillor member fails to apply for one (pay cuts / restrictions occurring pre 01 04 15)</p>	<p>SPT will issue a certificate of protection of pension benefits if requested by the employee within twelve months of the date of reduction. A certificate may be issued on application from the member outwith the 12 month period specified in the regulations if exceptional circumstances can be proved such as the employee being unaware of this facility.</p>
<p><b>R2 29 (6) and 29 (9)</b></p>	<p>Whether to grant application to waive all or part of the actuarial reduction applied for early payment of benefits on or after age 55</p>	<p>SPT does not have a general policy to waive in whole or in part, any actuarial reduction which a member voluntarily draws before normal pension age other than on the grounds of flexible retirement but may consider doing so where a sound business case can be made for exercising this discretion. Each case will be considered on its individual merits.</p>

**TABLE 2**

The following table details discretions in relation to scheme members who ceased active membership on or after 01/04/2015 and before 30/05/2018, being discretions under:

- the Local Government Pension Scheme (Administration) (Scotland) Regulations 2008 [prefix **A**]
- the Local Government Pension Scheme (Benefits, Membership and Contributions) (Scotland) Regulations 2008 (as amended) [prefix **B**]
- the Local Government Pension Scheme (Transitional Provisions) (Scotland) Regulations 2008 [prefix **T**]
- the Local Government Pension Scheme (Transitional Provisions and Savings) (Scotland) Regulations 2014 [prefix **TP**]
- the Local Government Pension Scheme (Scotland) Regulations 2014 [prefix **R2**]
- the Local Government Pension Scheme (Scotland) Regulations 2018 [prefix **R**]
- the Local Government Pension Scheme (Scotland) Regulations 1998 (as amended) [prefix **L**]

Regulation	Discretion	SPT policy on the exercise of this discretion
<b>TP15(1)(b) &amp; L65(8) &amp; former L65(9)(b)</b>	Allow late application to convert scheme AVCs into membership credit i.e. allow application more than 30 days after cessation of active membership (where AVC arrangement was entered into before 30/6/05)	SPT will not have a general policy to allow late application to convert scheme AVCs into membership credit but may do so if exceptional circumstances can be proved such as the member being unaware of this right. Each case will be considered on its individual merits.
<b>TP10(6)</b>	Whether to extend the 12 month option period for a member to elect that pre 2015 deferred benefits for a member who re-joined post 31 March 2015 can be aggregated to purchase an amount of CARE pension	SPT will not normally extend the 12 month time limit but may do so if exceptional circumstances can be demonstrated. Each case will be considered on its individual merits.
<b>R2 ~ 29(9)*</b>	Whether to waive, in whole or in part, actuarial reduction on benefits which a member voluntarily draws before normal pension age, other than on the grounds of flexible retirement (where the member only has post 31/3/15 membership) <b>Note: any resultant strain costs due to the exercise of this discretion will be charged to the employer regardless of the employee's age.</b>	SPT will not normally waive the actuarial reduction applied to benefits paid before normal pension age but may do so if exceptional circumstances can be demonstrated.
<b>TPSch 2, paras 1(2) and 2(1)*</b>	Whether to apply the 85 year rule for a member voluntarily drawing benefits, with employer consent, on or after age 55 and before age 60 (other than on the grounds of flexible retirement).	SPT will not have a general policy of applying the rule of 85 for a member voluntarily drawing benefits, with employer consent, on or after age 55 and before age 60 but will consider requests on a case by case basis and in accordance with the Early Retirement/Severance Policy.

<b>TP3(1), TPSch 2, para 2(1) *</b>	Whether to waive, in whole or in part, any actuarial reduction on pre and post April 2015 benefits which a member voluntarily draws before normal pension age other than on the grounds of flexible retirement (where the member has both pre 1/4/15 and post 31/3/15 membership and is subject to the 85 year rule)	SPT will not have a general policy of waiving any actuarial reduction on pre and post April 2015 benefits which a member voluntarily draws before normal pension age but will consider requests on a case by case basis and in accordance with the Early Retirement/Severance Policy.
<b>TP3(1), (5) and (12), TPSch 2, para 2(1)</b>	Whether to waive, in whole or in part, any actuarial reduction on pre and post April 2015 benefits which a member voluntarily draws before normal pension age other than on the grounds of flexible retirement (where the member has both pre 1/4/15 and post 31/3/15 membership)	SPT will not have a general policy to waive in whole or in part, any actuarial reduction on pre and post April 2015 benefits which a member voluntarily draws before normal pension age but will consider requests on a case by case basis and in accordance with the Early Retirement/Severance Policy.
<b>R2 ~ 86(1) &amp; (8) R2 ~ 86(4)</b>	Whether to apply to Scottish Ministers for a forfeiture certificate (where a member is convicted of a relevant offence) and subsequently whether to direct that benefits are to be forfeited (other than rights to GMP – but see <b>R2 ~ 89</b> below)	SPT will in general apply for a forfeiture certificate where a member is convicted of a relevant offence and, following the issue of the certificate, direct that benefits are to be forfeited. Each case will be considered on its individual merits.
<b>R2 ~ 87(2)</b>	Whether to recover from the fund any monetary obligation or, if less, the value of the member's benefits (other than transferred in pension rights or AVCs / SCAVCs) where the obligation was 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 the employment.	SPT may recover from pension benefits any loss arising from criminal, negligent or fraudulent act by a former employee, provided that all other efforts to recover monetary obligations have been exhausted, in the interests of maintaining confidence in the public service.
<b>R2 ~ 89</b>	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 <b>R90</b> or recovery of a monetary obligation under <b>R91</b> should deprive the member or the member's surviving spouse or civil partner of any GMP entitlement	SPT will in general apply for a forfeiture certificate where a member is convicted of a relevant offence and, following the issue of the certificate, direct that benefits are to be forfeited. Each case will be considered on its individual merits.0
<b>R2 ~ 93(5)</b>	Decide whether to issue a Certificate of Protection if the member does not request one within 12 months of a reduction or restriction in pay	SPT will not exercise this discretion.
<b>R2 ~ 95(1)(b)</b>	Agree to bulk transfer payment	SPT will consult with SPFO and the fund actuaries in this regard.

<p><b>TP3(6), TP4(6)(c), TP8(4), TP10(2)(a), TP17(2)(b) &amp; B11(2)</b></p>	<p>Whether to allow a member to select final pay period for fees to be any 3 consecutive years ending in the 10 years prior to leaving and ending on the anniversary of the date of leaving</p>	<p>SPT will allow a member to select final pay for fees to be any three consecutive years ending 31st March in the 10 years prior to leaving. SPT agree that this will automatically be done by SPFO.</p>
<p><b>TP3(1)(a), A43(5)</b></p>	<p>Issue a certificate of protection of pension benefits where eligible non-councillor member fails to apply for one (pay cuts / restrictions occurring pre 01 04 15)</p>	<p>SPT will issue a certificate of protection of pension benefits if requested by the employee within twelve months of the date of reduction. A certificate may be issued on application from the member outwith the 12 month period specified in the regulations if exceptional circumstances can be proved such as the employee being unaware of this facility.</p>
<p><b>R2 29 (6) and 29 (9)</b></p>	<p>Whether to grant application to waive all or part of the actuarial reduction applied for early payment of benefits on or after age 55</p>	<p>SPT will not have a general policy to waive in whole or in part, any actuarial reduction which a member voluntarily draws before normal retirement age other than on the grounds of flexible retirement but may consider doing so where a sound business case can be made for exercising this discretion. Each case will be considered on its individual merits.</p>

**TABLE 3**

The following table details discretions in relation to scheme members who ceased active membership on or after 01/04/2019 and before 01/04/2015, being discretions under:

- the Local Government Pension Scheme (Administration) (Scotland) Regulations 2008 [prefix **A**]
- the Local Government Pension Scheme (Benefits, Membership and Contributions) (Scotland) Regulations 2008 (as amended) [prefix **B**]
- the Local Government Pension Scheme (Transitional Provisions) (Scotland) Regulations 2008 [prefix **T**]
- the Local Government Pension Scheme (Transitional Provisions and Savings) (Scotland) Regulations 2014 [prefix **TP**]
- the Local Government Pension Scheme (Scotland) Regulations 2014 [prefix **R2**]
- the Local Government Pension Scheme (Scotland) Regulations 2014 [prefix **R**- the Local Government Pension Scheme (Scotland) Regulations 1998 (as amended) [prefix **L**]

<b>Regulation</b>	<b>Discretion</b>	<b>SPT Policy on the exercise of this discretion</b>
<b>A42(2)</b>	No right to a return of contributions due to an offence of a fraudulent character or grave misconduct unless the employer directs a total or partial refund is to be made	SPT will not direct a return of contributions in the event of an offence of a fraudulent character or grave misconduct.
<b>A43(5)</b>	Employer may issue a certificate of protection where an employee fails to apply for one.	SPT will issue a certificate of protection of pension benefits if requested by the employee within twelve months of the date of reduction. A certificate may be issued on application from the member outwith the 12 month period specified in the regulations if exceptional circumstances can be proved such as the employee being unaware of this facility.
<b>A45 (1) &amp; (2)</b>	Whether Contribution Equivalent Premium (CEP) in excess of the Certified Amount (CA) recovered from a refund of contributions can be recovered from the Pension Fund	SPT will consider each case on its merits.
<b>A66 (2) &amp; (6) A67 (1) &amp; (2)</b>	Whether to apply for a forfeiture certificate (where a member is convicted of a relevant offence) and subsequently whether to direct that benefits are to be forfeited.	SPT will in general apply for a forfeiture certificate where a member is convicted of a relevant offence and, following the issue of the certificate, direct that benefits are to be forfeited. Each case will be considered on its individual merits.



<b>A68(2)</b>	Whether to recover from the fund any monetary obligation or, if less, the value of the member's benefits (other than transferred in pension rights or AVCs / SCAVCs) where the obligation was 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 the employment.	SPT may recover from pension benefits any loss arising from criminal, negligent or fraudulent act by a former employee, provided that all other efforts to recover monetary obligations have been exhausted, in the interests of maintaining confidence in the public service.
<b>A70(2) &amp; (3)</b>	Whether to recover from the fund any financial loss caused by fraudulent offence or grave misconduct of an employee(who has left because of that) or amount of refund if less	After considering each case on its individual merits, SPT may recover from Strathclyde Pension Fund the amount of loss caused by fraudulent offence or grave misconduct of the employee (who has left because of that ) or the amount of refund if less.
<b>B11(2)</b>	Whether to allow a member to select a final pay period for fees to be any three consecutive years ending with 31 <sup>st</sup> March in the 10 years prior to leaving.	SPT will allow a member to select final pay for fees to be any three consecutive years ending 31st March in the 10 years prior to leaving. SPT agree that this will automatically be done by SPF.
<b>B30(5)*</b>	Whether to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early	SPT will not generally waive, in whole or in part, the actuarial reduction on deferred benefits paid early. SPT may consider waiving the actuarial reduction on compassionate grounds with each case considered on its merits.

**TABLE 4**

**The following table details our discretions under the Local Government Pension Scheme (Scotland) Regulations 1998 (as amended) in relation to pre 01/04/2009 scheme leavers.**

<b>Regulation</b>	<b>Discretion</b>	<b>SPT policy on the exercise of this discretion</b>
<b>30 (5)*</b>	Waive, on compassionate grounds, the actuarial reduction applied to benefits paid early for a post 31 03 98 / pre 01 04 09 leaver <b>Note: any resultant strain cost from the exercise of this discretion will be charged to the employer regardless of the member's age at date of retirement</b>	SPT will not generally waive, in whole or in part, the actuarial reduction on deferred benefits paid early. SPT may consider waiving the actuarial reduction on compassionate grounds with each case considered on its merits.
<b>30 (7A)*</b>	Pre 01 04 09 optants out only to get benefits paid from NRD if employer agrees	SPT will have a general policy off approving applications under this regulation.
<b>33 (1)(b)</b>	Decide, in the absence from a post 31 03 98 / pre 01 04 09 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	SPT may exercise this discretion in partnership with SPFO.
<b>70(7)(a)</b>	Consent to a member's former employer assigning to the new employer rights under any SCAVC life assurance policy	SPT will consider any instance of this position on its merits.
<b>87 (2)</b>	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 (pre 01 04 09 leavers)	SPT will not direct a return of contributions in the event of an offence of a fraudulent character or grave misconduct.
<b>91</b>	Contribution Equivalent Premium (CEP) in excess of the Certified Amount (CA) recovered from a refund of contributions can be recovered from the Pension Fund (pre 01 04 09 leavers)	SPT will consider each case on its merits.
<b>111(2) &amp;(5) 112(1)</b>	Forfeiture of pension rights on issue of Secretary of State's certificate (pre 01 04 09 leavers)  Where forfeiture certificate is issued, direct interim payments out of Pension Fund until decision is taken to either apply the certificate or to	SPT will in general apply for a forfeiture certificate where a member is convicted of a relevant offence and, following the issue of the certificate, direct that benefits are to be forfeited. Each case will be considered on its individual merits.

	pay benefits (pre 01 04 09 leavers)	
<b>113(2)</b>	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) (pre 01 04 09 leavers)	SPT will consider each case covered by this regulation on its merits.
<b>115(2) &amp; (3)</b>	Recovery from Fund of financial loss caused by employee, or amount of refund if less (pre 01 04 09 leavers)	SPT will consider each case covered by this regulation on its merits.

**TABLE 5**

**The following table details our discretions under the Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998 (as amended)**

<b>D 4 (1)</b>	Power to increase statutory redundancy payments above statutory weekly pay limit	SPT will calculate statutory redundancy payments based on the employee's actual pay where it exceeds the statutory weekly pay limit.
<b>D 8(1)</b>	Decision on whether to award compensatory added years to an individual on retirement on efficiency / redundancy Grounds	SPT may exercise this discretion in accordance with the Early Retirement/Severance Policy.
<b>D 35</b>	Decision to award up to 104 weeks compensation instead of compensatory added years	SPT may exercise this discretion in accordance with the Early Retirement/Severance Policy.