



PS 190 Discretionary Powers - Local Government Pension Scheme (LGPS) and Early Termination of Employment regulations

July 2014

Version No 2.0

Statement of legislative compliance

This document has been drafted to comply with the general and specific duties in the Equality Act 2010; Data Protection Act; Freedom of Information Act; European Convention of Human Rights; Employment Act 2002; Employment Relations Act 1999, and other legislation relevant to policing.

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Aims and Objectives of the Policy

This policy should be read in conjunction with the Force Management of Change Policy. It sets out the Force policy on the application of management discretions available under legislation that can be applied in situations of redundancy and early termination of employment. It also aims to ensure compliance with the following legal requirements;

Regulation 7 of the Local Government (Early Termination of Employment) - (Discretionary Compensation) (England and Wales) Regulations; Regulation 66 of the Local Government Pension Scheme (Administration) Regulations 2008.

The Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006

Policy Statement

Regulation 5: Power to increase statutory redundancy payments

Explanation	Force Policy
The employer can increase statutory redundancy pay up to actual weekly pay	It is the policy of the Chief Constable to exercise this discretion to the full, such that the Force bases redundancy pay on an employee's actual weekly pay, where this is greater than the amount provided for as statutory redundancy pay.

Regulation 6: Discretionary Compensation.

Explanation	Force Policy
The employer can, at any time up to 6 months from the date of termination of employment, pay compensation of up to 104 weeks	<p>Given the financial constraints under which the Chief Constable will be operating for the foreseeable future, the Policy of the Chief Constable is that he will not generally consider applying this discretion, unless there are found to be exceptional circumstances for doing so.</p> <p>The Chief Constable will consider representations from any affected person as to why the discretion ought to be exercised in his or her favour. However, without limiting the meaning of the words, "exceptional circumstances", it is considered unlikely that the Policy will be departed from, and the discretion exercised, unless a strong operational or business case exists. A further relevant factor will be whether any additional costs can be met from existing budget provision.</p>

Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007.**Regulation 12 and 13: Augmentation; increase of pension years on redundancy and increase in pension award.**

Explanation	Force Policy
<p>The employer may increase (augment) pension years on redundancy. (R12)</p> <p>The employer may award additional pension of up to £5,000 p.a., which may be in addition to any provision made under R 12. (R13)</p>	<p>Given the financial constraints under which the Chief Constable will be operating for the foreseeable future, the Policy of the Chief Constable is that discretions under R12 & R13 will not be applied.</p>

Review

This policy will be reviewed in 12 months and/or in the light of related legislative or policy changes.

Related documents and Appendices

PS 122 Management of Change (police Staff) Policy
 PD 587 Management of Change (police Staff) Procedure
 PD 381 Police Staff Recruitment and Selection Procedure
 PG 037 Recruitment and Selection Management Guide
 G1071 Managing Resources Form

Administration

Registered Owner	
Owner	Author
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Monitoring and review	
Measure	Date/period and process of review

Version Control	
Section changed	Details of change
1.0	New policy
2.0	Updated policy