



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

Type of Document: Policy

Version: 2.1

Registered Owner: Claire Salter

Reviewer: Jasvir Ginda

Effective Date: July 2022

Review Date: July 2025

Replaces document (if applicable) N/A

Linked Documents: PS 122 Management of Change (police Staff) Policy
PD 578 Management of Change (police Staff) Procedure
PD 381 Police Staff Recruitment and Selection Procedure
PG 037 Recruitment and Selection Management Guide

Functional owner

Signed: **Date:** July 2022

Name: Rachel Barber

Post: Deputy Chief Constable

Authorised (Head of Dept/FEG)

Signed: **Date:** July 2022

Name: Claire Salter

Post: Head of People Services & Organisational Development (PS & OD)

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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1. 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 and the Office of Police and Crime Commissioner (OPCC) 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

2. 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>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</p> |

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| | 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. |
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3. Administration

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|--|---------------|
| Registered Owner | |
| Owner | Author |
| Head of People Services & Organisational Development | Claire Salter |

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|------------------------------|---|
| Monitoring and review | |
| Measure | Date/period and process of review |
| 2.1 | Reviewed by Jasvir Ginda – Policy and Wellbeing Partner |

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|------------------------|---|
| Version Control | |
| Section changed | Details of change |
| 1.0 | New policy |
| 2.0 | Updated policy |
| 2.1 | Updated Policy – To remove section concerning the discretions previously exercisable under Regs 12 and 13 of the Local Government Pensions Scheme (Benefits, Membership and Contributions) Regulations 2007 can be removed, as those Regulations were revoked in full in 2014 by the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014. |