

**VINCI – 00698, 00702 & 00429**

**LOCAL GOVERNMENT PENSION  
SCHEME REGULATIONS 2014**

**EMPLOYER DISCRETIONS  
POLICY STATEMENT**

## Discretions of the Employing Authority

<b>COMPULSORY DISCRETIONS</b>		
<b>Main Purpose of Regulation</b>	<b>Regulation</b>	<b>Discretion Exercised</b>
Funding of Additional Pension through a Shared Cost Additional Pension Contribution - Where an active Scheme member wishes to purchase extra annual pension up to the maximum by making Additional Pension Contributions (APCs), the employer may choose to (voluntarily) contribute towards the cost of purchasing that extra pension via a Shared Cost Additional Pension Contribution (SCAPC).	Regulation 16 (2)(e) and/or 16 (4)(d)	The school will not exercise its discretion to fund additional pensions form members either through regular contributions or lump sum contributions.
Flexible Retirement - This regulation allows the employer to consent to the early release of all, or part, of a member's LGPS benefits provided they have also consented to the reduction of hours worked or grade in which the member is employed. The member must be aged 55 or over.	Flexible retirement, Regulation 30 (6)	<p>Subject to the following criteria, the school would normally expect to exercise its discretion in allowing member to retire flexibly:</p> <p>Any reduction in working hours or salary must be permanent.</p> <p>Any reduction in working hours or salary must be at least 40% of those hours or that salary being worked or earned immediately prior to the member's flexible retirement.</p> <p>The reduction in hours or reduction in responsibility allowing the member to be paid a reduced salary must not impact upon the school's ability to</p>

**COMPULSORY DISCRETIONS**

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		<p>carry out its business efficiently and effectively.</p> <p>The individual flexible retirement concerned must support the school's overall business plan and strategy. The school reserves the right, having considered each individual case, to refuse an application where any of the above criteria are not met.</p>
<p>Waiving of actuarial reduction - This regulation allows the employer to consent to the early release of all, or part, of a member's LGPS benefits provided they have also consented to the reduction of hours worked or grade in which the member is employed. The member must be aged 55 or over.</p>	<p>Regulation 30 (8)</p>	<p>The school will not exercise its discretion in favour of waiving those reductions.</p> <p>A potential exception to this policy would be where the individual can make a case for the waiving of such a reduction to be granted on compassionate grounds.</p> <p>An example of 'compassionate grounds' may be where the member has been forced to cease work to take up a caring role for an immediate family member, although it is recognised that other grounds could and may exist.</p> <p>Every application will be considered on the circumstances of the individual concerned. Financial hardship alone would not constitute 'Compassionate grounds'.</p>
<p>Switching on the 85-year rule for members voluntarily drawing benefits on or after age 55 and before age 60 -</p>	<p>Schedule 2 of the Transitional Regulations.</p>	<p>It is not anticipated that there will be any instances where the organisation will switch on the rule of 85 for members wishing to retire voluntarily between the ages of 55 and 60.</p>

**COMPULSORY DISCRETIONS**

<b>Main Purpose of Regulation</b>	<b>Regulation</b>	<b>Discretion Exercised</b>
<p>Whilst the 85-year rule does not automatically apply in full if the employee decides to voluntarily draw benefits on or after age 55 and before age 60, this regulation allows the employer to switch the rule back on.</p> <p>If the employer switches on the 85-year rule they will pick up any strain on Fund cost.</p>		
<p>The power of employing authority to award additional pension - this regulation allows an employer to resolve to award a member an amount of additional pension, up to the LGPS maximum, to an active scheme member or within 6 months of leaving to a member whose employment was terminated on the grounds of redundancy or business efficiency.</p>	<p>Regulation 31</p>	<p>The school would not exercise its discretion to award additional pension to members.</p>

**OPTIONAL DISCRETIONS**

<b>Main Purpose of Regulation</b>	<b>Regulation</b>	<b>Discretion Exercised</b>
<p>Whether to waive any actuarial reduction for a member voluntarily drawing benefits before normal pension age other than on the grounds of flexible retirement (where the member has both pre 1/4/14 and post 31/3/14 membership) a) on compassionate grounds (pre 1/4/14 membership) and / or, in whole or in part on any grounds (post 31/3/14 membership) if the member was not in the Scheme before 1/10/06, b) on compassionate grounds (pre 1/4/14 membership) and / or, in whole or in part on any grounds (post 31/3/14 membership) if the member was in the Scheme before 1/10/06, will not be 60 by 31/3/16 and will not attain 60 between 1/4/16 and 31/3/20 inclusive c) on compassionate grounds (pre 1/4/16 membership) and / or, in whole or in part on any grounds (post 31/3/16 membership) if the member was in the Scheme before 1/10/06 and will be 60 by 31/3/16 d) on compassionate</p>	<p>TP3(1), TPSch 2, para 2(1) &amp; B30(5) &amp; B30A(5)</p>	

grounds (pre 1/4/20 membership) and / or, in whole or in part on any grounds (post 31/3/20 membership) if the member was in the Scheme before 1/10/06, will not be 60 by 31/3/16 and will attain 60 between 1/4/16 and 31/3/20 inclusive		
Whether to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early under B30 (member)	B30(5), TPSch 2, para 2(1)	
Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early under B30A (pensioner member with deferred benefits, i.e. a suspended tier 3 ill health pensioner)	B30A(5), TPSch 2, para 2(1)	
Grant application for early payment of deferred benefits on or after age 50 and before age 55	L31(2)	
Waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early	L31(5) & TPSch 2, para 2(1)	
Whether to "switch on" the 85 year rule for a member with deferred benefits voluntarily drawing benefits on or	TPSch 2, para 1(2) & 1(1)(f) & R60	

after age 55 and before age 60		
Grant application for early payment of deferred benefits on or after age 50 on compassionate grounds	TP3(5A)(vi) TL4 & L106(1) & D11(2)(c)	

Date Revised	Date Approved	Summary of Changes	Author