



Discretionary Polices under LGPS (Administration) Regulations 12, 13, 18 and 30

Background

The LGPS (Miscellaneous) Regulations 2010 (Statutory Instrument 2010 No 2090) changed an Academy from being an LGPS Scheme Employer to the Proprietor of the Academy being the Scheme Employer.

This legislation defines a Proprietor of an Academy as being:

A proprietor of an Academy within the meaning of section 579 (general interpretation) of the Education Act 1996, who has entered into Academy arrangements within the meaning of section 1 (Academy arrangements) of the Academies Act 2010.

The LGPS requires the Scheme Employer to have in place written policies outlining how the Scheme Employer will exercise its discretionary powers under LGPS (Administration) regulations 12, 13, 18 and 30:

Regulation (12):

This regulation allows an employer to resolve to increase the total membership of a member who is currently paying contributions to the Scheme. The member's increase in membership under this regulation (including additional membership in respect of different employments) must not exceed 10 years.

Proposed Policy:

Augmented membership would not normally be granted under regulation 12.

Regulation (13):

This regulation allows an employer to resolve to award a member additional pension of not more than £5000 a year payable from the same date as his / her pension payable under any other provisions of the Benefit Regulations.

Additional pension may be awarded in addition to any increase of total membership resolved under Benefits Regulation 12.

Proposed Policy:

Additional pension benefits would not normally be granted under regulation 13.

Regulation (18):

A member who has attained the age of 55 and with his / her employer's consent, reduces the hours he / she works, or the grade in which he / she is employed, may make a request in writing to the Avon Pension Fund to receive all or part of his / her benefits under the Benefits Regulations. However, payment of the benefits cannot be made without the employer's consent.

If the benefits are reduced in accordance with guidance issued by the Government Actuary, the employer may agree to waive, in whole or in part, any such reduction.

The minimum retirement age is 55 for new scheme members from 1st April 2008 and 1st April 2010 for those who are members of the scheme on 31st March 2008. Therefore, from 1st April 2008 to 31st March 2010 the minimum retirement age will be 50 for those who are members of the scheme on 31st March 2008.

Proposed Policy:

An application will only be approved where there are no pension costs to Priory Community School arising from the employee's flexible retirement.

Regulation (30):

When a member leaves an employment before he / she is entitled to the immediate payment of retirement benefits, once he / she has attained the age of 55 he / she may choose to receive payment of them immediately.

A choice made by a member aged less than 60 is ineffective without the consent of his / her employer or former employer.

If the benefits are reduced in accordance with guidance issued by the Government Actuary, the employer may agree to waive, in whole or in part, any such reduction.

The minimum retirement age is 55 for new scheme members from 1st April 2008 and 1st April 2010 for those who are members of the scheme on 31st March 2008. Therefore, from 1st April 2008 to 31st March 2010 the minimum retirement age will be 50 for those who are members of the scheme on 31st March 2008

Proposed Policy:

Regulation 30 allows Priory Community School to agree to the early release of pension benefits for former employees, who had left the Academy before they were entitled to immediate payment of their pension benefits. Such payments should only be granted on exceptional compassionate grounds, but in these circumstances their pension benefits should not be reduced because of their early payment.

Regulation 30A:

When a member has been awarded Tier 3 ill health benefits which has been suspended after 3 years, or when the employer has determined that the member has obtained gainful employment, or at the 18 month review, then once he / she has obtained the age of 55 he /she may choose to receive payment of his / her retirement pension immediately.

A choice made by a member aged less than 60 is ineffective without the consent of his / her employer or former employer.

If the benefits are reduced in accordance with the guidance issued by the Government Actuary, the employer may agree to waive, in whole or in part, any such reduction.

Proposed Policy

Priory Community School will not normally make use of this discretion but may consider its use in exceptional circumstances

DECISION:

To adopt these discretionary policies.

Reasons:

- A) These policies will ensure that Priory Community School honours the promise made of not making changes to terms of employment for staff who transferred to the Academy in relation to Regulations 12, 13, 18 and 30.

- B) They will ensure that Priory Community School is not exposed to unnecessary pension costs.

Decision of Business and Site Committee:

Signed:  Mr. Rod Sibley, Chair of Business and Site Committee

Dated: 22/8/2013

Originally approved 25 January 2012

Reviewed and revised 13 March 2013