

Enhance Academy Trust

**LOCAL GOVERNMENT PENSION
SCHEME REGULATIONS 2014**

**EMPLOYER DISCRETIONS
POLICY STATEMENT**

Discretions of the Employing Authority

COMPULSORY DISCRETIONS		
Main Purpose of Regulation	Regulation	Discretion Exercised
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)	<p>The Trust does not consider contributions towards additional pension contributions to be an essential part of its employment strategy. However, the Trust will consider applications made under these specific provisions having regard to the Trust's general policy from time to time, on the employee pay strategy and the particular circumstances surrounding each case.</p> <p>It is likely that decisions will be made on the merits of each case having particular regard to factors such as:</p> <ul style="list-style-type: none"> • the Trust's ability to meet the cost of granting such a request; and/or • the member's personal circumstances.
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.	Flexible retirement, Regulation 30 (6)	<p>The Trust will consider applications made under this Regulation having regard to the particular circumstances surrounding each case. Decisions will be made on the merits of each case having particular regard to:</p> <ul style="list-style-type: none"> • the operating requirements of the employing department • the Trust's ability to meet the cost of granting such a request

COMPULSORY DISCRETIONS		
Main Purpose of Regulation	Regulation	Discretion Exercised
The member must be aged 55 or over.		<ul style="list-style-type: none"> whether any demonstrable cost saving in excess of potential savings available under any severance arrangements in place from time to time can be made the member's personal circumstances.
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.	Regulation 30 (8)	<p>The Trust will consider applications made under this Regulation having regard to the particular circumstances surrounding each case. Decisions will be made on the merits of each case having particular regard to:</p> <ul style="list-style-type: none"> the Trust's ability to meet the cost of granting such a request whether any demonstrable cost saving in excess of potential savings available under any severance arrangements in place from time to time can be made the member's personal circumstances <p>Applications for the payment of unreduced benefits for service before 1 April 2014 on the grounds of compassion will be granted if:</p> <ul style="list-style-type: none"> in the Trust's sole opinion, the special extenuating circumstances surrounding the application, along with the supporting evidence provided justify approval and the Trust can meet the cost of granting such a request.

COMPULSORY DISCRETIONS		
Main Purpose of Regulation	Regulation	Discretion Exercised
<p>Switching on the 85-year rule for members voluntarily drawing benefits on or after age 55 and before age 60 -</p> <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>	Schedule 2 of the Transitional Regulations.	<p>The Trust will consider applications made under this Regulation having regard to the particular circumstances surrounding each case. Decisions will be made on the merits of each case having particular regard to:</p> <ul style="list-style-type: none"> • the Trust's ability to meet the cost of granting such a request; • whether any demonstrable cost saving in excess of potential savings available under any severance arrangements in place from time to time can be made; • the member's personal circumstances.
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	Regulation 31	<p>The Trust will consider applications made under this <i>Regulation</i> having regard to the particular circumstances surrounding each case. Decisions will be made on the merits of each case having particular regard to the following:</p> <ul style="list-style-type: none"> • the member's personal circumstances; • the interests of the Trust; • the additional contributions due to the Fund by the Trust

COMPULSORY DISCRETIONS		
Main Purpose of Regulation	Regulation	Discretion Exercised
grounds of redundancy or business efficiency.		<p>in respect of the exercise of this discretion;</p> <ul style="list-style-type: none"> any potential benefits or savings to the Trust arising from the exercise of this discretion; other options that are, from time to time, available under the Trust's severance arrangements; the funding position of the Trust within the Fund; the ability of the Trust to meet the cost of granting such an award.

OPTIONAL DISCRETIONS		
Main Purpose of Regulation	Regulation	Discretion Exercised
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	TP3(1), TPSch 2, para 2(1) & B30(5) & B30A(5)	

<p>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 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</p>		
<p>Whether to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early under B30 (member)</p>	<p>B30(5), TPSch 2, para 2(1)</p>	<p>The Trust will consider applications made under this Regulation having regard to the particular circumstances surrounding each case. Decisions will be made on the merits of each case having particular regard to:</p>

		<ul style="list-style-type: none"> • the Trust's ability to meet the cost of granting such a request • the member's personal circumstances <p>Applications for the payment of unreduced benefits on the grounds of compassion will be granted if:</p> <ul style="list-style-type: none"> • in the Trust's sole opinion, the special extenuating circumstances surrounding the application, along with the supporting evidence provided justify approval and • the Trust can meet the cost of granting such a request.
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)	<p>The Trust will consider applications made under this Regulation having regard to the particular circumstances surrounding each case. Decisions will be made on the merits of each case having particular regard to:</p> <ul style="list-style-type: none"> • the Trust's ability to meet the cost of granting such a request • the member's personal circumstances <p>Applications for the payment of unreduced benefits on the grounds of compassion will be granted if:</p> <ul style="list-style-type: none"> • in the Trust's sole opinion, the special

		<p>extenuating circumstances surrounding the application, along with the supporting evidence provided justify approval and</p> <ul style="list-style-type: none"> • the Trust can meet the cost of granting such a request.
Grant application for early payment of deferred benefits on or after age 50 and before age 55	L31(2)	<p>The Trust will consider applications made under this Regulation having regard to the particular circumstances surrounding each case. Decisions will be made on the merits of each case having particular regard to:</p> <ul style="list-style-type: none"> • the Trust's ability to meet the cost of granting such a request • the member's personal circumstances
Waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early	L31(5) & TPSch 2, para 2(1)	<p>Applications for the payment of unreduced benefits on the grounds of compassion will be granted if:</p> <ul style="list-style-type: none"> • in the Trust's sole opinion, the special extenuating circumstances surrounding the application, along with the supporting evidence provided justify approval and • the Trust can meet the cost of granting such a request.

		<p>N.B. Deferred members who left the Scheme before 1 April 2008 can still make application for the early payment of their deferred benefits after age 50 under LGPS rules. However, under HMRC rules such payments would be classed as ‘unauthorised’ and would be subject to a punitive tax charge.</p>
Whether to “switch on” the 85 year rule for a member with deferred benefits voluntarily drawing benefits on or after age 55 and before age 60	TPSch 2, para 1(2) & 1(1)(f) & R60	
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