

St Clare Catholic MAT

**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>St Clare CMAT does not consider the exercise of this discretion to be an integral part of its employment policy.</p> <p>Employees may fully fund their own additional pension contributions should they so wish.</p> <p>This discretion would only be exercised in the most exceptional circumstances having regard to St Clare CMAT general policies and the particular circumstances of the case.</p> <p>St Clare CMAT will only consider exercising this discretion in the most exceptional circumstances having particular regard to the following:</p> <ul style="list-style-type: none"> • The interests of St Clare CMAT • Any potential benefits or savings to St Clare CMAT • The member's personal circumstances • The additional contributions due to the Fund • St Clare CMAT ability to meet the cost of granting such an award • The funding position of St Clare CMAT within the South Yorkshire Pension Fund

COMPULSORY DISCRETIONS		
Main Purpose of Regulation	Regulation	Discretion Exercised
		Decisions as to whether to fund an active member's additional pension contributions shall be made by St Clare CMAT Finance and Resources Committee in accordance with its principal governing documents and scheme of decision making and financial delegation.
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>Any person applying for flexible retirement must normally be prepared to agree to a permanent reduction of contracted hours or accept a reduction in grade below the employee's previous grade at the point of application.</p> <p>St Clare CMAT will consider supporting an application made under Regulation 30 (6) provided there is evidence that if granted the application is cost neutral. The application will be considered on its individual merits and St Clare CMAT shall have regard to the following:</p> <ul style="list-style-type: none"> • The operating requirements of the particular academy/school and/or function. • Whether there is evidence of demonstrable cost saving in excess of the potential savings to be made under current severance arrangements. • The individual's personal circumstances.

COMPULSORY DISCRETIONS		
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		<p>Any such application which is not cost neutral will only be considered in exceptional circumstances and where in the sole opinion of St Clare CMAT there is supporting evidence justifying the approval of the application.</p> <p>Where flexible retirement is agreed the benefits payable will be subject to any actuarial reduction applicable under the Local Government Pension Scheme Regulations and the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014.</p> <p>St Clare CMAT will consider supporting an application made under Regulation 30 (6) to waive any such actuarial reduction, in whole or in part, only in “exceptional circumstance” and where in the sole opinion of St Clare CMAT there is supporting evidence justifying the approval of the application.</p> <p>In determining “exceptional circumstances” St Clare CMAT shall have regard to the following:</p> <ul style="list-style-type: none"> • The interests of St Clare CMAT • The operating requirements of the particular academy/school and/or function

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		<ul style="list-style-type: none"> • The individual's personal circumstances. • The cost to St Clare CMAT of meeting the request including the additional contributions due to the South Yorkshire Pension Fund by the St Clare CMAT in respect of the exercise of this discretion. • Any potential benefits or savings to St Clare CMAT arising from the exercise of this discretion for example whether there is evidence of demonstrable cost saving in excess of the potential savings to be made under current severance arrangements. • Other options that are, from time to time, available under St Clare CMAT severance arrangements. • The funding position of St Clare CMAT within the South Yorkshire Pension Fund. • The ability of St Clare CMAT to meet the cost of granting the request. • Whether the request may facilitate further changes within the organisation, which could lead to savings in the future. <p>Decisions which are not cost neutral to St Clare CMAT shall be made by the Finance and Resources</p>

COMPULSORY DISCRETIONS		
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		Committee in accordance with its principal governing documents and scheme of decision making and financial delegation
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>St Clare CMAT does not consider the exercise of this discretion to be an integral part of its employment policy.</p> <p>St Clare This discretion will only be exercised in the most exceptional circumstances.</p> <p>Applications for St Clare CMAT to waive in whole or in part any of the actuarial reductions applied to benefits for service <u>before</u> 1 April 2014 on the grounds of compassion will only be considered if:</p> <ul style="list-style-type: none"> • In St Clare CMAT's sole opinion, the special extenuating circumstances surrounding the application, along with the supporting evidence provided, justify approval and • St Clare CMAT can meet the cost of granting such a request. <p>Applications for St Clare CMAT to waive all in whole or in part any of the actuarial reductions applied to benefits for service <u>after</u> 1 April 2014</p>

COMPULSORY DISCRETIONS		
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		<p>will only be considered with regard to the following:</p> <ul style="list-style-type: none"> • In St Clare CMAT's sole opinion, the special extenuating circumstances surrounding the application, along with the supporting evidence provided, justify approval • There are demonstrable cost savings in excess of potential savings available under any severance arrangements in place from time to time • The request may facilitate further changes within the organisation which could lead to savings in future • St Clare CMAT can meet the cost of granting such a request <p>Decisions as to whether to waive the actuarial reductions applied to a member's pension benefits shall be made by the Finance and Resources Committee in accordance with its principal governing documents and scheme of decision making and financial delegation.</p>
Switching on the 85-year rule for members voluntarily drawing benefits on or after age 55 and before age 60 -	Schedule 2 of the Transitional Regulations.	St Clare CMAT does not consider the exercise of this discretion to be an integral part of its employment policy.

COMPULSORY DISCRETIONS		
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<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>This discretion would only be exercised in the most exceptional circumstances having regard to St Clare CMAT general policies and the particular circumstances of the case.</p> <p>St Clare CMAT will only consider exercising this discretion in the most exceptional circumstances having particular regard to:</p> <ul style="list-style-type: none"> • The interests of St Clare CMAT • Whether any demonstrable cost saving in excess of potential savings available under any severance arrangements in place from time to time • Whether the request may facilitate further changes within the organisation which could lead to savings in future • Any potential benefits or savings to St Clare CMAT • The member's personal circumstances • St Clare CMAT ability to meet the cost of granting such a request <p>Decisions as to whether to 'switch on' the 85-year rule shall be made by the Finance and Resources Committee in accordance with its principal governing documents and</p>

COMPULSORY DISCRETIONS		
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		scheme of decision making and financial delegation
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.	Regulation 31	<p>St Clare CMAT does not consider the exercise of this discretion in respect of employees whose employment is terminated on the grounds of redundancy or business efficiency, or terminated by mutual consent on the grounds of business efficiency, to be an integral part of its employment policy.</p> <p>This discretion will only be exercised in the most exceptional circumstances having regard to St Clare CMAT general policies and the particular circumstances of the case.</p> <p>St Clare CMAT does not consider the exercise of this discretion in relation to new hires or during employment to be an integral part of its recruitment and employment policy.</p> <p>This discretion will only be exercised for recruitment or retention purposes in the most exceptional circumstances having regard to all the facts in each case though particularly where other elements available within the employee benefits package have not proved</p>

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		<p>successful in securing recruitment or retention.</p> <p>St Clare CMAT will only consider exercising these discretions in the most exceptional circumstances having particular regard to the following:</p> <ul style="list-style-type: none"> • The interests of St Clare CMAT • Any potential benefits or savings to St Clare CMAT • Other options that are, from time to time, available under St Clare CMATs severance arrangements • The member's personal circumstances • The additional contributions due to the Fund • St Clare CMAT ability to meet the cost of granting such an award • The funding position of St Clare CMAT within the South Yorkshire Pension Fund <p>Decisions as to whether to fund an active member's additional pension contributions shall be made by the Finance and Resources Committee in accordance with its principal governing documents and scheme of decision making and financial delegation.</p>

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 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	TP3(1), TPSch 2, para 2(1) & B30(5) & B30A(5)	

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		
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 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