



South East Cornwall Multi Academy Regional Trust

Local Government Pension Scheme (LGPS) 2014 - Employer Discretion Policy

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Contents

Summary	3
Context	3
Background	3
Objectives	3
Scope	3
Policy Details	4
Shared Cost Additional Pension Contributions (SCAPC) (Regulation 16)	4
Shared Cost Additional Voluntary Contributions (AVC) (Regulation 17)	4
Early payment of Retirement Benefits – Waiving Actuarial Reduction (Regulation 30 (8))	4
Early Payment of Retirement Benefits between aged 55 and 60 – Transitional Provisions Regulations	4
Early Retirement on Compassionate Grounds (Regulation 30 (5))	5
Flexible Retirement (Regulation 30 (6))	5
Increase of Pension by Employer (Regulation 31)	5
Transfer of Service into the LGPS (Regulation 100)	5
Policy Management	5
Breaches and non-compliance	5
How the impact of the policy will be measured	6
Evaluation and review	6

Summary

This document sets out SMART Academy Trust's policy in exercising its discretions under the Local Government Pension Scheme (LGPS) 2014.

The default position is that it will not make additional pension contributions. However, exceptionally, where it is in the financial interests of the Trust to do so and there is a tangible and specific organisational benefit, the policy allows for the payment of discretionary benefits in cases of early retirement and the award of additional pension.

The policy also provides for early retirement on compassionate grounds in exceptional circumstances and flexible retirement where there is a benefit to the Trust.

Finally, the policy authorises the Pensions Manager to extend the 12 month limit for allowing active members to transfer benefits from previous pensionable employment into the Pension Fund where it is determined that maladministration has occurred.

Context

This Policy replaces any Local Government Pension Scheme (LGPS) employer discretion policies which schools in the Trust previously had in place.

Background

This policy is needed to explain whether and in what circumstances the Trust will exercise any of its discretions under the Local Government Pension Scheme 2014 and to set out the approval process for decision making. All employers are required to review and update their policy to take account of the changes introduced as part of the LGPS 2014.

Objectives

This policy is intended to set out the policy position and clarify the limited circumstances and the related approval process where the Trust might exercise its discretions under the LGPS 2014 in favour of the employee.

The exercise of any of the available discretions in favour of an employee will fix the Academy with additional pension costs. Therefore, the default position is that the Trust will not grant additional pension benefits under the LGPS 2014 except where it is essential to do so in order to facilitate a tangible and specific organisational benefit and the additional pension costs are recovered within a two-year period or where the Trust considers it appropriate to exercise its discretion on compassionate grounds.

Scope

This policy covers all Trust employees who are members of the Local Government Pensions Scheme.

Policy Details

Shared Cost Additional Pension Contributions (SCAPC) (Regulation 16)

Where a scheme member has had a period of child related leave or authorised unpaid leave and elects, within 30 days of return to work, to pay a SCAPC to cover the amount of pension 'lost' during the period of absence, the Trust will contribute 2/3rds of the cost. If an election is made after the 30 day time limit, the full costs will be met by the employee.

Where it is not possible to provide the employee with the information they need to make their election within the 30 day deadline, the Trust will extend the limit. However, the scheme member must contact the Trust to request this information within 30 days of returning to work and respond within 30 days of the information being provided.

Shared Cost Additional Voluntary Contributions (AVC) (Regulation 17)

AVCs allow any active employee to increase their main scheme benefits by making regular monthly payments direct from their salary to an insurance policy the pension fund currently holds with Standard Life. These payments accumulate and are payable in the form of a pension and lump sum along with the main LGPS benefits when the employee retires. The Trust's policy is not to contribute to an employee's AVC.

Early payment of Retirement Benefits – Waiving Actuarial Reduction (Regulation 30 (8))

Employees can retire from age 55 and receive immediate payment of their pension benefits providing they have at least two years' membership of the LGPS. Whilst the default position is that the pension benefits payable will be subject to an actuarial reduction, the Trust may elect to waive any actuarial reduction for early retirement where a financial saving can be achieved within two years and there is a benefit to the Trust or in accordance with item D below (early retirement on compassionate grounds).

Early Payment of Retirement Benefits between aged 55 and 60 – Transitional Provisions Regulations

Prior to the LGPS 2014 where an employee's age and length of service totalled 85 (known as the "85 Year Rule") they could retire with unreduced benefits with the consent of the employer.

As the decision to retire early now rests entirely with the employee, the LGPS 2014 Regulations automatically provide for the 85 Year Rule to be 'switched off' resulting in a reduction to all of the employee's benefits. This of course means there is no additional cost to the employer.

The Trust will not 'switch on' the 85 Year Rule for early retirement unless a financial saving can be achieved within two years and there is a benefit to the Trust.

The Trust Board authorised to exercise the discretion subject to consultation with the CEO, the Headteacher and the Chair of the LGC.

Early Retirement on Compassionate Grounds (Regulation 30 (5))

The Trust may permit early retirement on compassionate grounds in exceptional circumstances. These circumstances might include extreme financial hardship or the need to give up work in order to provide constant care for an immediate family member.

The Trust Board is authorised to exercise the discretion subject to consultation with the CEO, the Headteacher and the Chair of the LGC.

Flexible Retirement (Regulation 30 (6))

The Trust permits flexible retirement only where there is a benefit to the Trust (either financial or operational) and where an employee's reduced level of earnings together with his or her pension does not exceed his or her pre-retirement earnings.

The Trust will not waive any actuarial reduction to an employee's pension benefits in these circumstances.

Any pension costs incurred by the employee's service must be recovered within a period of no more than two years.

The Trust Board is authorised to exercise the discretion subject to consultation with the Headteacher, CEO, Chief Financial Officer and Chair of the LGC.

Increase of Pension by Employer (Regulation 31)

The award of additional pension is not granted except when it is essential to do so in order to facilitate a tangible and specific organisational benefit.

The Trust Board is authorised to exercise the discretion subject to consultation with the Headteacher, CEO, Chief Financial Officer and Chair of the LGC.

Transfer of Service into the LGPS (Regulation 100)

The Pensions Administration Manager is authorised to extend the 12 month time limit for allowing active members to transfer benefits from previous pensionable employment into the Cornwall Pension Fund where it is determined that maladministration has occurred as a result of affected employees not having been given any or sufficient details about the pension scheme or transfer option.

Policy Management

The Trust Board is responsible for implementing and managing the policy.

Breaches and non-compliance

Breaches of the policy may be dealt with under the Academy's disciplinary procedure.

How the impact of the policy will be measured

The Trust will be able to monitor the additional pension costs created by the application of this policy compared with the impact of the policy on service delivery, which will be more difficult to measure.

Evaluation and review

The policy will be reviewed within 3 years following implementation.