



**The Robert Carre Trust**

## **Pensions Policy (Support Staff)**

In line with recommendations of the Local Government Pension Scheme for Support Staff, the following appendices are attached:

- Appendix 1 Statement of policy regarding the exercise of discretions within the Local Government Pension Scheme
- Appendix 2 Flexible Retirement
- Appendix 3 Statement of policy regarding the exercise of discretions concerning injury allowances and gratuities
- Appendix 4 Statement of policy regarding the exercise of discretions concerning discretionary compensation on early termination of employment
- Appendix 5 Statement of policy regarding the exercise of discretions for employers who joined the Local Government Pension Scheme before and after 1 April 2008
- Appendix 6 Redundancy and Early Retirement policy – see separate policy*








**Adopted by the Board on 20 September 2021**










**Next Review Date: October 2022 (annually)**









**Statement of policy regarding the exercise of discretions within the Local Government Pension Scheme**

Discretions from 1.4.14 in relation to post 31.3.14 active members and post 31.3.14 leavers, being discretions under:

- The Local Government Pension Scheme Regulations 2013 [prefix R]
- The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 [prefix TP]
- The Local Government Pension Scheme (Administration) Regulations 2008 [prefix A]
- The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended) [prefix B]
- The Local Government Pension Scheme (Transitional Provisions) Regulations 2008 [prefix T]
- The Local Government Pension Scheme Regulations 1997 (as amended) [prefix L]


Importance	Discretion	Regulation	Employer Policy
 Mid	To whom to offer membership of the LGPS (designation bodies).	R3(1)(b) & R Sch 2, part 2	Not applicable as the Trust is a scheduled body
 Mid	Which employees to designate for membership (admission bodies).	R3(1)(c) & R4(2)(b)	Not applicable as the Trust is a scheduled body
 Mid	Determine rate of employees' contributions.	R9(1) & R9(3)	Employee contribution bandings are allocated on a monthly basis based on actual pensionable pay over the previous month. In the case of new starters, where no pay data is available for the preceding months, starting pay will be used to determine a nominal full year salary and contribution rates based on this amount
 High	Whether, how much, and in what circumstances to contribute to a shared cost APC scheme.	R16(2)(e) & R16(4)(d)	Dealt with on a case by case basis taking into account any financial implications
 Low	Whether, how much, and in what circumstances to contribute to a shared cost AVC arrangement entered into on or after 1.4.14.	R17(1) & definition of SCAVC in R Sch 1	Dealt with on a case by case basis taking into account any financial implications.
 Low	Whether, how much, and in what circumstances to contribute to a shared cost AVC arrangement entered into before 1.4.14.	TP15(1)(d) & A25(3)	This discretion has not been adopted.
 Low	Allow late application to convert scheme AVCs into membership credit i.e. allow application more than 30 days after cessation of active membership (where AVC arrangement was entered	TP15(1)(b) & L66(8) & former L66(9)(b)	Dealt with on a case by case basis taking into account any financial implications.

	into before 13.11.01).		
	No right to return of contributions if member left due to offence of a fraudulent character or grave misconduct unless employer directs a total or partial refund is to be made.	R19(2)	Expectation is that a refund of contributions would not be made to employees who are dismissed from their employment as a result of fraudulent misconduct however the decision to allow a partial or full refund will be considered in exceptional circumstances.
	Specify in an employee's contract what other payments or benefits, other than those specified in R20(1)(a) and not otherwise precluded by R20(2), are to be pensionable.	R20(1)(b)	Individual's contract of employment will specify what other payments, benefits or allowances are payable.
	In determining Assumed Pensionable Pay, whether a lump sum payment made in the previous 12 months is a "regular lump sum".	R21(5)	Dealt with on a case by case basis taking into account any financial implications.
	Whether to extend the 12 month option period for a member to elect that deferred benefits should not be aggregated with a new employment.	R22(8)(b)	Dealt with on a case by case basis taking into account any financial implications.
	Whether to extend the 12 month option period for a member to elect that deferred benefits should not be aggregated with an ongoing concurrent employment.	R22(7)(b)	Dealt with on a case by case basis taking into account any financial implications.
	Whether to permit the member to draw all, part or none of the pension benefits they have built up after 1 April 2008. Your flexible retirement policy should set out your position on this matter	R30(6)	Dealt with in accordance with the Trust's Flexible Retirement Policy
	Whether all or some benefits can be paid if an employee has attained 55 years of age or over, reduces their hours or grade (flexible retirement).	R30(6) & TP11(2)	Dealt with in accordance with the Trust's Flexible Retirement Policy.
	Whether to waive, in whole or in part, actuarial reduction on benefits paid on flexible retirement.	R30(8)	Dealt in accordance with the Trust's Flexible Retirement Policy.
	Whether to waive, in whole or in part, actuarial reduction on benefits which a member voluntarily draws before normal pension age.	R30(8)	Dealt with on a case by case basis taking into account any financial implications.

	Whether to “switch on” the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60.	TPSch 2, paras 2(1) and 2(2)	Dealt with on a case by case basis taking into account any financial implications.
	Whether to waive any actuarial reduction on pre and/or post April 2014 benefits .	TP3(1), TPsch 2, paras 2(1) and 2(2), B30(5) and B30A(5)	Dealt with on a case by case basis taking into account any financial implications. Trusts definition of compassion is: “situations of severe personal distress resulting from non-financial circumstances affecting the individual or close relative (e.g. spouse, child, parent) leading to unavoidable financial hardship’.  In all cases some form of independent corroboration will be required.
	Whether to grant additional pension to an active member or within 6 months of ceasing to be an active member by reason of redundancy or business efficiency (by up to £6,500 pa).	R31	The decision to award additional pension will be considered on a case by case basis in exceptional circumstances.
	Whether to use a certificate produced by an IRMP under the 2008 Scheme for the purposes of making an ill health determination under the 2014 Scheme.	TP12(6)	Certificates produced under the 2008 scheme will be accepted for a period of 9 months from 1 April 2014.
	Determine whether a member is entitled to an ill health retirement pension, and what tier of benefit to be awarded.	R36	Dealt with in accordance with the Guidance note <sup>1</sup> on employer approval of permanent ill-health benefits under LGPS taking into account medical advice from the Trust’s OH provider.
	Whether to recover any overpaid Tier 3 pension following commencement of gainful employment.	R37(3)	Dealt with on a case by case basis.
	Decide whether deferred beneficiary meets criteria of being permanently incapable of former job because of ill health and is unlikely to be capable of undertaking gainful employment before normal pension age or for at least three years, whichever is the sooner.	R38(3)	Dealt on a case by case basis, taking into account medical advice from the Trust’s OH provider.
	Decide whether a suspended ill health tier 3 member is unlikely to be capable of undertaking	R38(6)	Dealt on a case by case basis, taking into account any financial implications.

<sup>1</sup> Department for Communities and Local Government Guidance Note dated June 2011.

	gainful employment before normal pension age because of ill health.		
Low	Whether to extend six month period to lodge a stage one IDR appeal.	R74(4)	Expectation is that extensions will not be given for the six month period to lodge a Stage One IDR Appeal however this will be considered in exceptional circumstances.
Mid	Whether to apply to Secretary of State for a forfeiture certificate (where member is convicted of a relevant offence).	R91(1) & (8)	Dealt on a case by case basis, taking into account any financial implications.
Mid	Where forfeiture certificate is issued, whether to direct that benefits are to be forfeited (other than rights to GMP – but see R95 below).	R91(4)	Dealt on a case by case basis, taking into account any financial implications.
Mid	Where forfeiture certificate is issued, whether to direct interim payments out of Pension Fund until decision is taken to either apply the certificate or to pay benefits.	R92(1) & (2)	Dealt on a case by case basis, taking into account any financial implications.
Mid	Whether to recover from Fund any monetary obligation or, if less, the value of the member's benefits (other than benefits from transferred in pension rights or APCs or AVCs or subject to R95 below, in respect of any GMP) where the obligation was incurred as a result of a grave misconduct or a criminal, negligent or fraudulent act or omission in connection with the employment and as a result of which the person has left employment.	R93 (2)	Dealt on a case by case basis, taking into account any financial implications.
Low	Whether, if the member has committed treason or been imprisoned for at least 10 years for one or more offences under the Official Secrets Acts, forfeiture under R91 or recovery of a monetary obligation under R93 should deprive the member or member's surviving spouse or civil partner of any GMP entitlement.	R95	Dealt on a case by case basis, taking into account any financial implications.

	Extend normal time limit for acceptance of a transfer value beyond 12 months from joining the LGPS.	R100(68)	Requests to extend the 12 month period will be dealt with on a case by case basis, in agreement with the Admin Authority, taking into account any financial implications.
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## Flexible Retirement Policy

### Introduction

Within the regulations of the Local Government Pension Scheme (LGPS) the Trust exercises its discretion for employees to request to voluntarily reduce their grade and or hours of work, on an agreed basis with adjustment to pay, coupled with receipt of their accrued pension benefits and the option to continue paying into the pension scheme building up further benefits if they wish.

The employee must be of minimum pensionable age which is currently 55.

All requests will be subject to operational considerations and the reduction of grade/hours should be of substance (see below for further clarification).

Flexible retirement will only be granted on the merits of each individual case, with the needs of the service taking priority over the financial aspirations of the employee.

Flexible retirement is a voluntary option and employees cannot be compelled to enter into a flexible retirement arrangement by the Trust.

However, as part of their regular discussions with their staff, managers may wish to advise employees that flexible retirement could be a mutually beneficial option where this would meet both the operational demands of the service and the individual circumstances of the employee, subject to a suitable business case being submitted and accepted by the Trust.

Where, after due consideration, a request for flexible retirement is refused, the reasons should be clearly communicated to the employee.

Should the employee feel that the request was refused unreasonably, they have the right to have that decision reviewed by a governor's panel.

The flexible retirement option will not apply in cases of conduct, performance or relegation.

Employees who are not members of the LGPS may request flexible working hours through the Trust's Flexible Working Policy.

### Reducing Hours or Grade

Voluntary reduction can be achieved in a number of ways:

#### Hours

Reduction in hours should normally be a minimum of 40% for both full and existing part-time staff (this is the equivalent of reducing by 2 days per week (15 hours) for full-time staff).

This can be achieved by:

- reducing the hours on a number of, or, every working day (i.e. reduction from 7 hours per day to 4 hours per day – based on a full time working week)
- reducing the number of days worked in the week (i.e. reduction from 5 days to 3 days a week)

## Grade

The employee should normally identify a suitable lower graded post to which they are appointed on merit (unless there is a clear business case for an internal transfer within their own business area e.g. where there is no recruitment to the higher graded vacancy or other organisational benefit). This could be either within the employee's own area or elsewhere in the Trust.

The reduction should normally be at least two equivalent grades and the new rate is equivalent in position on the new grade to the former position on the previous grade i.e. if currently at top point of grade 10 then reduces to top point of grade 8.

If the employee is moving to a different pay scale there should be a substantial difference.

Exceptional circumstances may be considered in Individual cases.

NB: The examples above are for illustration only.

## **Salary**

The employee will receive the revised salary for the reduced hours and/or grade in addition to their pension benefits. Pensions are not subject to "abatement" (reduction) in cases of flexible retirement, so in some cases the combined salary and pension may amount to more than the employee previously earned.

## **Benefits**

Flexible retirement policies will help:

- to retain valuable employees who would otherwise leave their job  
to enable employees to balance work with other responsibilities, such as caring for relatives, volunteering or increased leisure time
- to enable employees to retire on a gradual basis

If pensions benefits are released before normal retirement age the pension may be actuarially reduced to reflect early payment. \* Whilst the Trust may waive this, in whole or in part, it is the general policy of the Trust not to agree to this.

\* In some cases the employee may have a personal "Rule of 85" Protection, which cannot be waived. In this circumstance the employee's retirement benefits will not be actuarially reduced and the Director Area must bear the cost of agreeing to the release of the pension earlier than their normal retirement age.

## **Exceptional circumstances where the Trust may choose to waive the actuarial reduction**

Where it can be demonstrated there is a business case for the request that is:

- at least cost neutral to the Trust, or
- be in the interests of the Trust



The case should be considered initially by the Director of Finance, Administration and Resources and subject to approval by the Executive Headteacher. If the sums exceed the Executive Headteacher's annual delegated budgetary limit then the case would need ratification by the Trust Board.

Where agreement to waive the actuarial reduction is made the new agreed flexible retirement arrangement would not normally change over time except in exceptional circumstances.

Where a subsequent request to amend an existing agreed flexible retirement arrangement is made, the request, together with a new business case, must be submitted for approval.

### **Procedure for the introduction of reduced hours/grade**

If an employee makes a request for flexible retirement the following process will be followed:

- The employee should discuss their request with their line manager, who will discuss this with the Director of Finance, Administration and Resources.
- The line manager will make a recommendation to the Director of Finance, Administration and Resources to either approve or refuse the request. This would include details of business/organisational requirements and any costs or compassionate grounds.
- Following confirmation from the Director of Finance, Administration and Resources the line manager will reply in writing to the employee indicating the decision. This would normally be within 1 month of the employee submitting their request.
- If, after consideration, the request is refused, the reasons should be clearly communicated to the employee.
- If the employee feels that the request was refused on unreasonable grounds they have the right to have that decision reviewed by the Executive Headteacher.
- The employee will be provided with a pension estimate from the Pensions section which should be requested by the Finance Department.
- Following agreement by the Director of Finance, Administration and Resources, the Manager will send a formal letter to the employee stating the agreed arrangements (including the start date) and confirming the employee has received an estimate of pension benefit.
- The Finance Department will notify Pensions of the changes and amend monthly payroll data accordingly.

### **Conditions of Service**

Any agreed flexible retirement arrangement should normally be considered permanent and the usual contractual notice will be required from the employee.

Employees with an agreed flexible retirement arrangement will continue to contribute to the LGPS unless they choose to 'opt out'.

Should changes to any agreed flexible retirement arrangement be considered in the future, these must be supported by a new business case and decisions will be taken on a case by case

basis subject to the needs of the Trust, which will take priority over any financial aspirations of the employee.

Where requests to amend an existing flexible retirement arrangement are made, these must also be submitted to the Resourcing Board for final approval.

Where approval is given to change the existing agreed flexible retirement arrangement, the subsequent new agreed flexible retirement arrangement will be considered permanent and not normally be subject to further change or amendment.

However, where exceptional circumstances apply, consideration will be given to further amend agreed flexible retirement arrangements, as reasonable and subject to the needs of the Service. In such circumstances, a further new, separate business case supporting any amendments must be prepared and submitted for approval as described above and in the Managers' Guidelines.

### **Managers' guidelines – procedure for the introduction of reduced hours/grade**

If an employee makes a request for flexible retirement the following process will be followed:

- 1 The employee should discuss their request with their line manager, who will then discuss this with the Director of Finance, Administration and Resources.
- 2 The line manager and Director of Finance, Administration and Resources should consider the request taking into account the following (this list is not exhaustive):
  - Whether the reduction in hours can be covered by other means e.g. by existing staff or by recruiting.
  - Whether the reduction in grade/hours can be accommodated by the employee filling an existing lower graded or lesser hours vacancy thus saving on recruitment costs as the higher graded/hours post will not be recruited to.
  - Whether allowing the request will aid succession planning by allowing a gradual handover of duties.
  - Whether allowing the request will help retain valuable skills for longer.

Requests should be approved or rejected based upon business reasons. There may be costs associated with release of pension if the individual has a Rule of 85 protection, however, managers should consider whether the benefits to the organisation will outweigh these costs.

Decisions will not be influenced by the financial aspirations of the employee.

- 3 If the Trust is satisfied that the request can be supported by a sound business case based on the factors above and the employee is a contributing member of the LGPS then contact should be made by the Trust's Finance Department with the LGPS Pensions Section who should request a Prefund Form by emailing [www.lincolnshire.gov.uk/pensions](http://www.lincolnshire.gov.uk/pensions) confirming job title, service area and place of work.
- 4 The Pensions Section calculates the pension strain costs and returns the Prefund Form to the Finance Department.

- 5 The Finance Department should then complete Part A of the Prefund Form ensuring that both the 'Flexible Retirement' box and 'the employee requires a letter' box are ticked and provide details of the request i.e. the proposed reduction in the number of hours and/or grade and the effective date. The Finance Department should then forward the completed form to the Pensions Section.
- 6 Pensions Section sends letter to the employee re: estimate of pension benefits.
- 7 The Finance Department confirms with the employee that they wish to proceed with their request having received the estimate of benefits.
- 8 The Director of Finance, Administration and Resources will make a written recommendation to the Headteacher to either approve or refuse the request. This would include details of the business case for or reasons against and any costs or compassionate grounds. Irrespective of any costs associated with the release of pension the Prefund Form should also accompany this submission and if the request is approved the Headteacher should sign Part C of this form.
- 9 Where a subsequent request is made to amend an existing Flexible Retirement arrangement, the request, along with the new business case must be submitted for final approval in each case.
- 10 The Headteacher will write to the employee indicating the outcome. This would normally be within 1 month of the employee submitting their request.
- 11 If, after consideration the request is approved, the letter should state the agreed arrangements (including the start date) and confirm that the employee has received a letter re: estimate of pension benefit.








The Finance Department should notify:








- Payroll provider.
  - Pensions Section, if appropriate, by sending a copy of the letter outlining the detail of the approved request. Irrespective of any costs associated with the release of pension, the signed Prefund Form should also accompany the letter.
- 12 If, after consideration, the request is refused, the reasons should be clearly communicated to the employee by the Finance Department.
  - 13 If the employee feels the request was refused on unreasonable grounds they have the right to have the decision reviewed by a governor's panel. This will take the form of either a paper review or a face to face meeting with the employee concerned, dependent on circumstances.

**Discretions in relation to scheme members who ceased active membership on or after 1.4.08 and before 1.4.14, being discretions under:**

- The Local Government Pension Scheme (Administration) Regulations 2008 [prefix A]
- The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 [prefix B]
- The Local Government Pension Scheme (Transitional Provisions) Regulations 2008 [prefix T]
- The Local Government Pension Scheme (Transitional Provisions and Savings) Regulations 2014 [prefix TP]
- The Local Government Pension Scheme Regulations 2013 [prefix R]







- The Local Government Pension Scheme Regulations 1997 (as amended) [prefix L]








Importance	Discretion	Regulation	Employer Policy
 High	Whether, for a member leaving on the grounds of redundancy or business efficiency on or before 31 March 2014, to augment membership (by up to 10 years). The resolution to do so would have to be made within 6 months of the date of leaving. Hence this discretion is spent entirely after 30 <sup>th</sup> September 2014.	B12	The decision to award additional pension will be considered on a case by case basis in exceptional circumstances.
 Mid	Allow late application to convert scheme AVCs into membership credit i.e. allow application more than 30 days after cessation of active membership.	Tsch1 & L66(8) & former L66(9)(b)	Dealt on a case by case basis, taking into account any financial implications.
 Mid	No right to return of contributions due to offence of a fraudulent character or grave misconduct unless employer directs a total or partial refund is to be made.	A47(2)	Expectation is that a refund of contributions would not be made to employees who are dismissed from their employment as a result of fraudulent misconduct however the decision to allow a partial or full refund will be considered in exceptional circumstances.
 Mid	Whether to apply to Secretary of State for a forfeiture certificate (where member is convicted of a relevant offence).	A72(1) & (6)	Dealt on a case by case basis, taking into account any financial implications.
 Mid	Where forfeiture certificate is issued, whether to direct that benefits are to be forfeited	A72(3)	Dealt on a case by case basis, taking into account any financial implications.
 Mid	Where forfeiture certificate is issued, whether to direct interim payments out of Pension Fund until decision is taken to either apply the certificate or to pay benefits.	A73(1) & (2)	Dealt on a case by case basis, taking into account any financial implications.
 Mid	Whether to recover from Fund any monetary obligation or, if less, the value of the member's benefits (other than transferred in pension rights or AVCs/SCAVCs) where the obligation was incurred as a result of a criminal, negligent or fraudulent act or omission in connection with the employment and as a result of which the person	A74(2)	Dealt on a case by case basis, taking into account any financial implications.

	has left employment.		
	Whether to recover from Fund any financial loss caused by fraudulent offence or grave misconduct of employee (who has left because of that), or amount of refund if less.	A76(2) & (3)	Dealt on a case by case basis, taking into account any financial implications.
	Whether to grant application for early payment of deferred benefits on or after age 55 and before age 60.	B30(2)	Current employees – dealt with in accordance with the Trust’s Redundancy and Early Retirement Policy.  Deferred members – dealt with on a case by case basis, taking into account any financial implications.
	Whether to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early under B30.	B30(5)	Dealt on a case by case basis, taking into account any financial implications.  Trust’s definition of compassion is: “situations of severe personal distress resulting from non-financial circumstances affecting the individual or close relative (e.g. spouse, child, parent) leading to unavoidable financial hardship’.  In all cases some form of independent corroboration will be required.
	Whether to grant an application for early payment of a suspended tier 3 ill health pension on or after age 55 and before age 60.	B30A(3)	Dealt on a case by case basis, taking into account any financial implications.
	Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early under B30A.	B30A(5)	Dealt on a case by case basis, taking into account any financial implications.  Trust’s definition of compassion is: “situations of severe personal distress resulting from non-financial circumstances affecting the individual or close relative (e.g. spouse, child, parent) leading to unavoidable financial hardship’.  In all cases some form of independent corroboration will be required.
	Decide whether deferred beneficiary meets permanent ill health and reduced likelihood of gainful employment criteria.	B31(4)	Dealt on a case by case basis, taking into account medical advice form the Trust’s OH provider.
	Decide whether a suspended ill health tier 3 member is permanently incapable of undertaking any gainful employment.	B31(7)	Dealt on a case by case basis, taking into account medical advice form the Trust’s OH provider.

## Statement of policy regarding the exercise of discretions concerning injury allowances and gratuities



Discretions under the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011

Importance	Discretion	Regulation	Employer Policy
 High	Whether to grant an injury allowance following reduction in remuneration as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job.	3(1)	The Trust does not have an Injury Award Policy. Any injury compensatory payments will be subject to the terms and conditions of the Trust insurance policy extant at the time of any claim/accident.
 High	Amount of injury allowance following reduction in remuneration as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job.	3(4) and 8	The Trust does not have an Injury Award Policy. Any injury compensatory payments will be subject to the terms and conditions of the Trust insurance policy extant at the time of any claim/accident.
 High	Determine whether person continues to be entitled to an injury allowance awarded under regulation 3(1).	3(2)	The Trust does not have an Injury Award Policy. Any injury compensatory payments will be subject to the terms and conditions of the Trust insurance policy extant at the time of any claim/accident.
 High	Whether to grant an injury allowance following cessation of employment as a result of permanent incapacity caused by sustaining an injury or contracting a disease in the course of carrying out duties of the job.	4(1)	The Trust does not have an Injury Award Policy. Any injury compensatory payments will be subject to the terms and conditions of the Trust insurance policy extant at the time of any claim/accident.
 High	Amount of injury allowance following cessation of employment as a result of permanent incapacity caused by sustaining an injury or contracting a disease in the course of carrying out duties of the job.	4(3) and 8	The Trust does not have an Injury Award Policy. Any injury compensatory payments will be subject to the terms and conditions of the Trust insurance policy extant at the time of any claim/accident.
 High	Determine whether person continues to be entitled to an injury allowance awarded under regulation 4(1).	4(2)	The Trust does not have an Injury Award Policy. Any injury compensatory payments will be subject to the terms and conditions of the Trust insurance policy extant at the time of any claim/accident.



	<p>Whether to suspend or discontinue injury allowance awarded under regulation 4(1) if person secures paid employment for not less than 30 hours per week for a period of not less than 12 months.</p>	<p>4(5)</p>	<p>The Trust does not have an Injury Award Policy. Any injury compensatory payments will be subject to the terms and conditions of the Trust insurance policy extant at the time of any claim/accident.</p>
	<p>Whether to grant an injury allowance following cessation of employment with entitlement to immediate LGPS pension where a reg 3 payment was being made at date of cessation of employment but reg 4 does not apply.</p>	<p>6(1)</p>	<p>The Trust does not have an Injury Award Policy. Any injury compensatory payments will be subject to the terms and conditions of the Trust insurance policy extant at the time of any claim/accident.</p>
	<p>Determine amount of any injury allowance to be paid under regulation 6(1).</p>	<p>6(1)</p>	<p>The Trust does not have an Injury Award Policy. Any injury compensatory payments will be subject to the terms and conditions of the Trust insurance policy extant at the time of any claim/accident.</p>
	<p>Determine whether and when to cease payment of an injury allowance payable under regulation 6(1).</p>	<p>6(2)</p>	<p>The Trust does not have an Injury Award Policy. Any injury compensatory payments will be subject to the terms and conditions of the Trust insurance policy extant at the time of any claim/accident.</p>
	<p>Whether to grant an injury allowance to the spouse, civil partner, nominated co-habiting partner or dependent of an employee who dies as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job.</p>	<p>7(1)</p>	<p>The Trust does not have an Injury Award Policy. Any injury compensatory payments will be subject to the terms and conditions of the Trust insurance policy extant at the time of any claim/accident.</p>
	<p>Determine amount of any injury allowance to be paid under regulation 7(1).</p>	<p>7(2) and 8</p>	<p>The Trust does not have an Injury Award Policy. Any injury compensatory payments will be subject to the terms and conditions of the Trust insurance policy extant at the time of any claim/accident.</p>
	<p>Determine whether and when to cease payment of an injury allowance payable under regulation 7(1).</p>	<p>7(3)</p>	<p>The Trust does not have an Injury Award Policy. Any injury compensatory payments will be subject to the terms and conditions of the Trust insurance policy extant at the time of any claim/accident.</p>

### Statement of policy regarding the exercise of discretions concerning discretionary compensation on early termination of employment



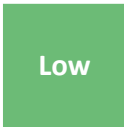
Discretions under the Local Government (Early Termination of Employment)(Discretionary Compensation) (England and Wales) Regulations 2006 (as amended)


Importance	Discretion	Regulation	Employer Policy
 High	To base redundancy payments on an actual weeks pay where this exceeds the statutory weeks pay limit.	5	Dealt with in accordance with the Trust's Redundancy and Early Retirement Policy.
 High	To award lump sum compensation of up to 104 weeks pay in cases of redundancy, termination of employment on efficiency grounds, or cessation of a joint appointment.	6	Dealt with in accordance with the Trust's Redundancy and Early Retirement Policy.

Discretions under the Local Government (Early Termination of Employment)(Discretionary Compensation) (England and Wales) Regulations 2000 (as amended)

Importance	Discretion	Regulation	Description Considerations
 High	How to apportion any surviving spouse's or civil partner's annual compensatory added years payment where the deceased person is survived by more than one spouse or civil partner.	21(4)	Dealt with on a case by case basis.
 High	How it will decide to whom any children's annual compensatory added years payments are to be paid where children's pensions are not payable under the LGPS (because the employee had not joined the LGPS) and, in such a case, how the annual added years will be apportioned amongst the eligible children.	25(2)	Dealt with on a case by case basis.










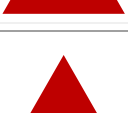
	<p>Whether, in respect of the spouse of a person who ceased employment before 1 April 1998 and</p> <p>where the spouse or civil partner remarries, enters into a new civil partnership or cohabits after 1 April 1998, the normal pension suspension rules should be disapplied i.e. whether the spouse's or civil partner's annual compensatory added years payments should continue to be paid.</p>	<p>21(7)</p>	<p>The Trust's approach is not to suspend/abate pension in circumstances of re-marriage, civil partnership or co-habitee where it applies to compensation added years.</p>
	<p>If, under the preceding decision, the authority's policy is to apply the normal suspension rules, whether the spouse's or civil partner's annual compensatory added years payment should be reinstated after the end of the remarriage, now civil partnership or cohabitation.</p>	<p>21(5)</p>	<p>Not applicable.</p>
	<p>Whether, in respect of the spouse of a person who ceased employment before 1 April 1998 and where the spouse or civil partner remarries or cohabits or enters into a civil partnership on or after 1 April 1998 with another person who is also entitled to a spouse's or civil partners annual CAY payment, the normal rule requiring one of them to forego payment whilst the period of marriage, civil partnership or co-habitation lasts, should be disapplied ie whether the spouses' or civil partners' annual CAY payments should continue to be paid to both of them.</p>	<p>21(7)</p>	<p>The Trust's approach is not to require one of the parties to forgo payment where both parties are in receipt of compensatory added years payment.</p>









	<p>How to reduce the member's annual compensatory added years payment following the cessation of a period or re-employment in local government.</p>	<p>19</p>	<p>The Trust will retain the policy of non-betterment in relation to an individual re-employed within local government and eligible to join the LGPS.</p>
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### Statement of policy regarding the exercise of discretions for employers who joined the Local Government Pension Scheme before and after 1 April 2008

Discretions from 1.4.08 in relation to post 31.3.08 active members and post 31.3.08 leavers being discretions under:


- The Local Government Pension Scheme (Administration) Regulations 2008 [prefix A]
- The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended) [prefix B]
- The Local Government Pension Scheme (Transitional Provisions) Regulations 2008 [prefix T]
- The Local Government Pension Scheme Regulations 1997 (as amended) [prefix L]

Importance	Discretion	Regulation	Employer Policy
 Mid	To whom to offer membership of the LGPS (designated bodies).	A4(3) & Asch2(Pt2) & A8(1)	Not applicable as the Trust is a scheduled body.
 Mid	Whether to extend the 12 month options for aggregation of deferred benefits.	A16(4)(b)(ii)	Requests to extend the 12 month time period will be dealt with on a case by case basis.
 Mid	Determine rate of employees' contributions.	B3 & T9	Finance Department in conjunction with Payroll provider will amend rates on a monthly basis.
 Mid	Specify in an employee's contract what other payments or benefits, other than those specified in B4(1)(a) are to be pensionable.	B4(1)(b)	Contracts stipulates an individual's terms and conditions and allowances.
 Mid	Whether to allow a late application by member to pay optional contributions for a period of unpaid child related leave, strike, or unpaid leave of absence beyond 30 days.	A22(2)	To be considered on a case by case basis.
 High	Whether to augment membership of an active member (by up to 10 years).	B12	The decision to award additional membership will be considered on a case by case basis in exceptional circumstances.
 High	Whether to grant additional pension to a member (by up to £5,000 pa).	B13	The decision to award additional pension will be considered on a case by case basis in exceptional circumstances.
 Low	Agree method of paying augmented membership granted under B12 or additional pension granted under B13.	A40 (2) & (4)	Expectation is that payments will be made within one month of date of benefits being paid. In exceptional circumstances, may consider an extension to this time period and will discuss with Pension Fund the consequences of this.







 <p>Low</p>	<p>Whether to extend the one month period within which a lump sum payment by the employer under A40 (2) has to be made (to pay for any augmented membership granted under B12 or additional pension granted under B13.</p>	<p>A40(9)(b)</p>	<p>Expectation is that payments will be made within one month.</p>
 <p>Low</p>	<p>Whether, how much, and in what circumstances to contribute to a shared cost AVC scheme.</p>	<p>A25(3) &amp; B15(3)</p>	<p>This discretion will not be adopted.</p>
 <p>Mid</p>	<p>No right to return of contributions due to offence of a fraudulent character or grave misconduct unless employer directs a total or partial refund is to be made.</p>	<p>A47(2)</p>	<p>Expectation is that a refund of contributions would not be made to employees who are dismissed from their employment as a result of fraudulent misconduct however the decision to allow a partial or full refund will be considered in exceptional circumstances.</p>
 <p>Low</p>	<p>Whether to extend six month period to lodge a stage one IDR appeal.</p>	<p>A58(7)(b)</p>	<p>Expectation is that extensions will not be given for the 6 month period to lodge a Stage One IDR Appeal this will be considered in exceptional circumstances.</p>
 <p>Mid</p>	<p>Whether to apply to Secretary of State for a forfeiture certificate (where member is convicted of a relevant offence).</p>	<p>A72(1) &amp; (6)</p>	<p>Dealt with on case by case basis taking into account any financial implications.</p>
 <p>Mid</p>	<p>Where forfeiture certificate is issued, whether to direct that benefits are to be forfeited.</p>	<p>A72(3)</p>	<p>Dealt with on case by case basis taking into account any financial implications.</p>
 <p>Mid</p>	<p>Where forfeiture certificate is issued, whether to direct interim payments out of Pension Fund until decision is taken to either apply the certificate or to pay benefits.</p>	<p>A73(1) &amp; (2)</p>	<p>Dealt with on case by case basis taking into account any financial implications.</p>
 <p>Mid</p>	<p>Whether to recover from Fund any monetary obligation or, if less, the value of the member's benefits (other than transferred in pension rights or AVCs/SCAVCs) where the obligation was incurred as a result of a criminal, negligent or fraudulent act or omission in connection with the employment and as a</p>	<p>A74(2)</p>	<p>Dealt with on case by case basis taking into account any financial implications.</p>

	result of which the person has left employment.		
	Whether to recover from Fund any financial loss caused by fraudulent offence or grave misconduct of employee (who has left because of that), or amount of refund if less.	A76(2) & (3)	Dealt with on case by case basis taking into account any financial implications.
	Extend normal time limit for acceptance of a transfer value beyond 12 months from joining the LGPS.	A83(8)	Requests to extend the 12 month period will be dealt with on case by case basis taking into account any financial implications.
	Whether all or some benefits can be paid if an employee reduces their hours or grade (flexible retirement).	B18(1)	Dealt with in accordance with the Trust's flexible retirement policy.
	Whether to waive, in whole or in part, actuarial reduction on benefits paid due to flexible retirement.	B18(3)	Dealt with in accordance with the Trust's flexible retirement policy.
	Decide which ill health tier leaver falls into.	B20	Dealt with in accordance with the guidance note <sup>2</sup> on employer approval of permanent ill-health benefits under LGPS taking into account medical advice from the Trust's OH provider.
	Whether to grant application for early payment of benefits on or after age 55 and before age 60.	B30(2)	Current employees - dealt with in accordance with the Trust's Redundancy and Early Retirement Policy. Deferred Members - dealt with on case by case basis taking into account any financial implications.
	Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early.	B30(5)	Dealt with on case by case basis taking into account any financial implications. The Trust's definition of compassion is: "situations of severe personal distress resulting from non-financial circumstances affecting the individual or close relative (e.g. spouse, child, parent) leading to unavoidable financial hardship".  In all cases some form of independent corroboration will be required.
	Whether to grant an application for reinstatement of a suspended tier 3 ill health pension on or after age 55 and before age 60.	B30A(3)	Dealt with on case by case basis taking into account any financial implications.
	Whether to waive, on compassionate grounds, the actuarial reduction applied to reinstated tier 3	B30A(5)	Dealt with on case by case basis taking into account any financial implications.  The Trust's definition of compassion is:

<sup>2</sup> Dept for Communities & Local Government Guidance Note dated June 2011.

	pension benefits paid early.		“situations of severe personal distress resulting from non-financial circumstances affecting the individual or close relative (e.g. spouse, child, parent) leading to unavoidable financial hardship’.  In all cases some form of independent corroboration will be required.
	Decide whether deferred beneficiary meets permanent ill health and reduced likelihood of gainful employment criteria.	B31(4)	Dealt with on case by case basis taking into account medical advice from the Trust’s occupational health provider.







Discretions under the LGPS Regulations 1997 (as amended) in relation to pre 01.04.08 scheme leavers

	Whether to augment membership of an active member (by up to 10 years).	31(2)	The decision to award additional membership will be considered on a case by case basis in exceptional circumstances.
	Whether to grant additional pension to a member (by up to £5,000 pa).	31(5)	The decision to award additional pension will be considered on a case by case basis in exceptional circumstances.
	Pre 1.4.08 optants out only to get benefits paid from NRD if employer agrees.	31(7A)	Dealt with on a case by case basis.
	Decide if absence from a post 31.3.98/ pre 1.4.08 leaver of an election from the member within 3 months of being able to elect, which benefit is paid where the member would be entitled to a pension or retirement grant under 2 or more regulations in respect of the same period of scheme membership.	34(1)(b)	Dealt with on a case by case basis.
	No right to return of contributions due to offence of a fraudulent character or grave misconduct unless employer directs a total or partial refund is to be made.	88(2)	Expectation is that a refund of contributions would not be made to employees who are dismissed from their employment as a result of fraudulent misconduct however the decision to allow a partial or full refund will be considered in exceptional circumstances.
	Whether to extend six month period to lodge a stage one IDR appeal.	A58(7)(b)	Expectation is that extensions will not be given for the 6 month period to lodge a Stage One IDR Appeal this will be considered in exceptional circumstances.








<b>Mid</b>	Whether to apply to Secretary of State for a forfeiture certificate (where member is convicted of a relevant offence).	A72(1) & (6)	Dealt with on case by case basis taking into account any financial implications.
<b>Mid</b>	Where forfeiture certificate is issued, whether to direct that benefits are to be forfeited.	A72(3)	Dealt with on case by case basis taking into account any financial implications.
<b>Mid</b>	Forfeiture of pensions rights on issue of SofS certificate.	111(2) & (5)	Dealt with on case by case basis taking into account any financial implications.
<b>Mid</b>	Where forfeiture certificate is issued, direct interim payments out of pension fund until decision is taken to apply the certificate or pay benefits).	112(1)	Dealt with on case by case basis taking into account any financial implications.
<b>Mid</b>	Recovery from Fund of monetary obligation owed by former employee or, if less, the value of the members benefits (other than transferred pension rights).	113(2)	Dealt with on case by case basis taking into account any financial implications.
<b>Mid</b>	Recovery from Fund of financial loss caused by employee, or amount of refund if less.	115(2) & (3)	Dealt with on case by case basis taking into account any financial implications.
<b>Mid</b>	Grant application from a pre 1.4.98 leaver for early payment of deferred benefits on or after age 50 on compassionate grounds.	D11(11)(c)	Dealt with on case by case basis with final decision taken by Chairman of Governing Body.  Trusts definition of compassion is: "situations of severe personal distress resulting from non-financial circumstances affecting the individual or close relative (e.g. spouse, child, parent) leading to unavoidable financial hardship".  In all cases some form of independent corroboration will be required.
<b>Low</b>	Decide if absence from a pre 1.4.98 leaver of an election from the member within 3 months of being able to elect, which benefit is paid where the member would be entitled to a pension or retirement grant under 2 or more regulations in respect of the same period of scheme membership.	D10	Dealt with on case by case basis.

The following discretions under the Discretionary Payments Regulations:

- relating to injury allowances, apply only in respect of leavers, deaths and reductions in pay that occurred before 16 January 2012; and
- relating to gratuities, apply only in respect of leavers and deaths that occurred before 16 January 2012.

Importance	Discretion	Regulation	Employer Policy
	Amount of injury allowance following loss of employment through permanent incapacity after sustaining an injury or contracting a disease as a result of anything required to do in carrying out duties of job.	34(2) and 38	The Trust does not have an Injury Award Policy. Any injury compensatory payments will be subject to the terms and conditions of the Trust insurance policy extant at the time of any claim/accident.
	Suspend or discontinue injury allowance if person becomes capable of working again.	34(4)	The Trust does not have an Injury Award Policy. Any injury compensatory payments will be subject to the terms and conditions of the Trust insurance policy extant at the time of any claim/accident.
	Amount of injury allowance following reduction in pay after sustaining an injury or contracting a disease as a result of anything required to do in carrying out duties of job.	35(3) and 38	The Trust does not have an Injury Award Policy. Any injury compensatory payments will be subject to the terms and conditions of the Trust insurance policy extant at the time of any claim/accident.
	Amount and duration of injury allowance following cessation of employment where reg 35 payment was being made but reg 34 does not apply.	36	The Trust does not have an Injury Award Policy. Any injury compensatory payments will be subject to the terms and conditions of the Trust insurance policy extant at the time of any claim/accident.
	Amount and duration of a dependant's, spouse's or civil partner's injury allowance following death of employee after sustaining an injury or contracting a disease as a result of anything required to do in carrying out duties of job.	37(3), 37(6) and 38	The Trust does not have an Injury Award Policy. Any injury compensatory payments will be subject to the terms and conditions of the Trust insurance policy extant at the time of any claim/accident.
	Reinstate spouse's or civil partner's injury allowance following earlier cessation due to cohabitation, remarriage or registration of a new civil partnership.	37(4)	The Trust does not have an Injury Award Policy. Any injury compensatory payments will be subject to the terms and conditions of the Trust insurance policy extant at the time of any claim/accident.



	Amount of death in service gratuity payable to surviving dependant, spouse or civil partner	40	The Trust does not have an Injury Award Policy. Any injury compensatory payments will be subject to the terms and conditions of the Trust insurance policy extant at the time of any claim/accident.
	Amount or retirement gratuity payable.	41	The Trust has not adopted this discretion.
	Amount of gratuity payable to surviving dependant, spouse or civil partner where amount of annuity payments fall short of their capital value at date of award.	41(4)	The Trust has not adopted this discretion.
	Amount if redundancy gratuity payable.	42	The Trust has not adopted this discretion.
	Amount of gratuity payable to surviving dependant, spouse or civil partner where amount of redundancy annuity payments fall short of their capital value at date of award.	42(4)	The Trust has not adopted this discretion.
	Amount of gratuity payable to any other surviving dependant, spouse or civil partner where amount of annuity payments paid under 42(4) fall short of their capital value at date of award.	42(7)	The Trust has not adopted this discretion.
	Formulate and keep under review the injury allowance and gratuity policies to be operated by the authority.	46A	The Trust has not adopted this discretion.