



The Levels Academy Trust

Raising Aspirations, Realising Potential TOGETHER

Discretions Policy:

**The Local Government Pension Scheme Regulations 2013 and
The Local Government Pension Scheme (Transitional
Provisions & Savings) Regulations 2014**

This policy is taken directly from Somerset County Council's HR Policy Committee approved policy.

Date adopted: 9 October 2015

Signature: _____

Review date: September 2016

The Levels Academy comprises four schools, namely:

Hambridge Primary School

Huish Episcopi Primary School

Middlezoy Primary School

Othery Village School

The Levels Academy may revise the Policies at any time.

Regulation R16(2)(e) & R16 (4)(d)	Policy decision
Shared Cost Additional Pension Contributions Scheme	
<p>An employer can choose to pay for or contribute towards a member's Additional Pension Contributions via a Shared Cost Additional Pension Contributions (SCAPC).</p> <p>When the employee has elected to pay contributions for a period of unpaid or child-related leave within 30 days of receipt of written communication of this option or within 30 days of returning to work, whichever is the later, the payment has to be made via an SCAPC. In these circumstances The Levels Academy is required to make employer contributions as required by the regulations. Applying this discretion in these circumstances also allows The Levels Academy to extend the time limit in cases where there is a delay in the process of advising payroll.</p>	The Levels Academy will apply this discretion only in certain circumstances
Regulation R17(1) & TP15(1)(d) & A25(3)	Policy decision
Shared Cost Additional Voluntary Contribution Arrangement	
<p>An employer can choose to pay for or contribute towards a member's Additional Voluntary Contribution arrangement entered into on or after 1st April 2014 via a shared cost AVC.</p> <p>An employer can choose to pay for or contribute towards a member's Additional Voluntary Contribution arrangement entered into before 1st April 2014 via a shared cost AVC.</p>	The Levels Academy will not apply this discretion
Regulation R30(6) & TP11(2) & R30 (8)	Policy decision
Flexible Retirement & Waiving of Actuarial Reduction	

<p>Employers may allow a member from age 55 onwards to draw all or part of the pension benefits they have already built up while still continuing in employment. This is provided the employer agrees to the member either reducing their hours or moving to a position on a lower grade based on a sound business case which is subject to the approval of the Board of Directors/Trustees.</p> <p>Where pension benefits are reduced in accordance with actuarial tables, The Levels Academy will use its discretion to waive the actuarial reduction in accordance with Somerset Country Council's Flexible Retirement Process on the following grounds only:</p> <ul style="list-style-type: none"> • compassionate reasons • the member has protected rights • in exceptional cases, where The Levels Academy is satisfied there is a clear business case. 	<p>The Levels Academy will apply this discretion only in exceptional circumstances.</p>
<p>Regulation R30(8)</p>	<p>Policy decision</p>
<p>Waiving of Actuarial Reduction for Deferred Benefits & Suspended Tier 3 IHR</p>	
<p>Employers may also waive, on compassionate grounds, the actuarial reduction (in whole or part) applied to member's benefits for deferred members and suspended tier 3 ill health pensioners who elect to draw benefits on or after age 60 and before normal pension age.</p> <p>The Levels Academy will apply this discretion in exceptional cases in accordance with the SCC Deferred Pensions Policy & Ill Health Retirement Policy.</p>	<p>The Levels Academy will apply this discretion only in exceptional cases</p>
<p>Waiving of Actuarial Reduction where an active member chooses to voluntarily draw benefits on or after age 55 and before age 60</p>	<p>Policy Decision</p>
<p>Employers also have the power to waive, in whole or in part, the actuarial reduction applied to active members benefits when a member chooses to voluntarily draw benefits on or after age 55 and before age 60.</p> <p>The Levels Academy may, in exceptional circumstances, waive all or part of the reduction, where it is satisfied there is a clear business benefit in accordance with the SCC Early Retirement/Redundancy Compensation Policy.</p>	<p>The Levels Academy will apply this discretion only in exceptional cases</p>

Regulation TPSch 2, para 2(2) & 2(3)	Policy decision
Power of employing authority to 'switch on' the 85 Year Rule	
An employer can choose whether to "switch on" 85 year rule for members who voluntarily retire on or after age 55 and before age 60. The Levels Academy will apply this discretion in accordance with the SCC policy on Premature Retirement under 85 year rule.	The Levels Academy will apply this discretion
Waiving of Actuarial Reduction where employer has switched on 85 year rule	Policy Decision
An employer can also choose to waive, on compassionate grounds, the actuarial reduction applied to benefits for a member voluntarily drawing benefits on or after age 55 and before age 60. The Levels Academy will apply this discretion in accordance with its policy on Premature Retirement under 85 year rule.	The Council will apply this discretion
Regulation R31	Policy decision
Power of employing authority to grant additional pension	
An employer can choose 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* per annum @ 1 st April 2014) In exceptional circumstances, where there is a clear business case, The Levels Academy may award additional pension for an active member. This includes, but is not limited to, employees under notice of redundancy in accordance with the SCC Redundancy & Early Retirement Discretionary Compensation Policy where the employee has agreed to give up part of their compensation to buy the additional pension. * the figure of £6,500 will be increased each April under Pensions Increase orders	The Levels Academy will apply this discretion only in exceptional circumstances

Please see page 4 & 5 below for 2008 Regulations

The Local Government Pension Scheme Regulations 2008

(Benefits, Membership and Contributions)

Policy effective from: 1st April 2014

Regulation B12	Policy decision
Power of employing authority to increase total membership of active members	
An employer may agree to increase the total membership of an active member who is leaving on grounds of redundancy / efficiency on or before 31st March 2014. The maximum award (including additional membership in respect of different employments) must not exceed 10 years.	The Levels Academy will not apply this discretion
An employer may also agree to award augmented service to a member up to 6 months after they have left employment provided that their termination of employment was on redundancy/efficiency grounds and date of leaving was before 1st April 2014.	The Levels Academy will not apply this discretion
Regulation B18	Policy decision
Flexible retirement & Waiving of Actual Reduction	
<p>Employers may allow a member from age 55 onwards to draw all or part of the pension benefits they have already built up while still continuing in employment. This is provided the employer agrees to the member either reducing their hours or moving to a position on a lower grade based on a sound business case which is subject to the approval of the Board of Directors/Trustees.</p> <p>Where pension benefits are reduced in accordance with actuarial tables, The Levels Academy may waive the actuarial reduction in accordance with the SCC's Flexible Retirement Policy on the following grounds:</p> <ul style="list-style-type: none"> • compassionate reasons • a member has protected rights • in exceptional cases where the is satisfied there is a clear business case. 	The Levels Academy will apply this discretion only in certain circumstances
Regulation B30(2)	Policy decision
Early payment of deferred pension	

<p>Employers can also allow the early payment of deferred benefits to former members of the LGPS between the ages of 55 and before age 60.</p> <p>The Levels Academy will apply this discretion only where there is no cost to the Somerset Fund and where ex-employees are willing to suffer an actuarial reduction in accordance with the SCC's Deferred Pension Policy.</p>	<p>The Levels Academy will apply this discretion only in exceptional circumstances.</p>
Regulation B30(3)	Policy Decision
Reinstatement of suspended Tier 3 IHR	
<p>Employers may also grant an application for reinstatement of a suspended tier 3 ill health pension on or after age 55 and before age 60.</p> <p>The Levels Academy will apply this discretion only where there are compassionate grounds.</p>	<p>The Levels Academy will apply this discretion only in exceptional circumstances.</p>
Regulation B30(5)	Policy Decision
Waiving of Actuarial Reduction for deferred pensions & reinstated tier 3 IHR	
<p>In such cases, pension benefits will be reduced in accordance with actuarial tables unless the employer waives reduction on compassionate grounds or a member has protected rights.</p> <p>The Levels Academy will apply this discretion only where there are compassionate grounds in accordance with SCC's Deferred Pensions Policy.</p>	<p>The Levels Academy will apply this discretion only in exceptional circumstances.</p>
<p>Please note where a deferred member left the LGPS before 1 April 2008 the employer policy under the 1997 Regulations will apply.</p>	