










STATEMENT OF POLICY REGARDING THE EXERCISE OF DISCRETIONS WITHIN THE  
LOCAL GOVERNMENT PENSION SCHEME











**Holmwood School**









**Approved by FGB on 26.11.18**





**Discretions from 1.4.14 in relation to post 31.3.14 active members (excluding councillor members) and post 31.3.14 leavers (excluding councillor members), 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]**

<b>Importance</b>	<b>Discretion</b>	<b>Regulation</b>	<b>Employer Policy</b>
	To whom to offer membership of the LGPS (designation bodies)	R3(1)(b) & RSch 2, part 2	<i>(Formerly A4(3) &amp; ASch2(Pt2) &amp; A8(1))</i> The scheme is open to all support staff within the School.
	Which employees to designate for membership (admission bodies)	R3(1)(c) & R4(2)(b)	N/A
	Determine rate of employees' contributions	R9(1) & R9(3)	<i>(Formerly B3 &amp; T9)</i> To be assessed on a monthly basis in relation to regular earnings.
	Whether, how much, and in what circumstances to contribute to a shared cost APC scheme	R16(2)(e) & R16(4)(d)	It is not normal practice for the school to contribute to APCs. Only in exceptional cases will this be considered and on a case by case basis by the Governing Body.  <a href="#">APC – Additional Pension Contributions</a>
	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 RSch 1	The school has decided not to enter into a shared cost AVC scheme.  <a href="#">AVC – Additional Voluntary Contribution</a>
	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)	<i>(Formerly A25(3) &amp; B15(3))</i> The school has decided not to enter into a shared cost AVC prior to 1.4.14.
	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 into before 13.11.01)	TP15(1)(b) & L66(8) & former L66(9)(b)	Late applications will not be considered after the 30 days.







	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)	<i>(Formerly A47(2))</i> The school will consider each case separately. Cases will be raised and considered by the Governing Body.
	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)	<i>(Formerly B4(1)(b))</i> Employee contracts will refer to the specific terms and conditions employees are contracted to eg: Green Book.
	In determining Assumed Pensionable Pay, whether a lump sum payment made in the previous 12 months is a "regular lump sum"	R21(5)	Each case will be considered separately by the Headteacher and based on whether the lump sum is a 'one off' payment or not.
	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)	The school will not extend the 12 month period for aggregation except in exceptional circumstances. Exceptional circumstances must be made in writing to the Headteacher for consideration by the Governing Body.
	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)	The school will not extend the 12 month period for aggregation except in exceptional circumstances. Exceptional circumstances must be made in writing to the Headteacher for consideration by the Governing Body.
	Whether all or some benefits can be paid if an employee reduces their hours or grade (flexible retirement)	R30(6) & TP11(2)	<i>(Formerly B18(1) (no change))</i> Applications will be considered (actuarial reduced benefits) only where there are operational and financial grounds for doing so.
	Whether to waive, in whole or in part, actuarial reduction on benefits paid on flexible retirement	R30(8)	<i>(Formerly B18(3))</i> Applications will be considered by the Governing Body on a case by case basis as to approval for all or actuarial reduced benefits based on operational and financial grounds.
	Whether to waive, in whole or in part, actuarial reduction on benefits which a member voluntarily draws before normal pension age	R30(8)	Each case will be considered on an individual basis by the Governing Body. Decisions will be based on the operational and financial grounds.
	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)	The school will reserve the right to 'switch on' the rule of 85 on a case by case basis based on the operational and 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)	<i>(Extension of B30(5))</i> Each case will be considered on an individual basis by the Governing Body depending on the financial implications.









	<p>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).</p>	<p>R31</p>	<p><i>(Extension of B13)</i></p> <p>Each case will be considered on an individual basis.</p>
	<p>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.</p>	<p>TP12(6)</p>	<p>The certificate will be considered as part of the supporting documentation taken into account by the Headteacher and the Governing Body with the recommendation being given to the LA for a final decision.</p> <p><a href="#">IRMP – Independent Registered Medical Practitioner</a></p>
	<p>Determine whether a member is entitled to an ill health retirement pension, and what tier of benefit to be awarded.</p>	<p>R36</p>	<p><i>(Old B20)</i></p> <p>The Governing Body will be guided by the IRMP report and any supporting documentation in recommending the level of benefit to be awarded with the final decision being made by the LA.</p>
	<p>Whether to recover any overpaid Tier 3 pension following commencement of gainful employment.</p>	<p>R37(3)</p>	<p><i>(Old B 20)</i></p> <p>Each case will be considered by the school on an individual basis either at point of notification or at review stage which-ever is appropriate.</p>
	<p>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.</p>	<p>R38(3)</p>	<p><i>(Extension of B31(4))</i></p> <p>Ill health applications, with any supporting evidence will be referred to the IRMP for the Teesside Pension Fund. The school will be guided by their information and any other supporting documentation available to them prior to being referred to the LA for the final decision.</p> <p><a href="#">IRMP – Independent Registered Medical Practitioner</a></p>
	<p>Decide whether a suspended ill health tier 3 member is unlikely to be capable of undertaking gainful employment before normal pension age because of ill health.</p>	<p>R38(6)</p>	<p><i>(Extension of B30A(3))</i></p> <p>Each case, with any supporting evidence will be referred to the IRMP for the Teesside Pension Fund. The school will be guided by their decision and any other supporting documentation available to them to form a recommendation for final decision by the LA.</p>
	<p>Whether to extend six month period to lodge a stage one IDR appeal.</p>	<p>R74(4)</p>	<p><i>(Formerly A58(7)(b))</i></p> <p>This is the discretion of the Adjudicator at stage 1</p> <p>Only in exceptional circumstances and with supporting evidence will the school consider extending this period on a case by case basis.</p>
	<p>Whether to apply to Secretary of State for a forfeiture certificate (where member is convicted of a relevant offence).</p>	<p>R91(1) &amp; (8)</p>	<p><i>(Formerly A72(1) &amp; (6))</i></p> <p>The school will consider each case separately.</p>
	<p>Where forfeiture certificate is issued, whether to direct that benefits are to be forfeited (other than rights to GMP – but</p>	<p>R91(4)</p>	<p><i>(Formerly A72(3))</i></p> <p>The school will consider each case separately. Cases will be raised and considered by the Governing Body.</p>

	see R95 below).		
	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)	<i>(Formerly A73(1) &amp; (2))</i> The school will consider each case separately. Cases will be raised with the Governing Body for a decision.
	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)	<i>(Extension of A74(2))</i> The school will consider each case separately. Cases will be raised with the Governing Body for a decision.  <a href="#">Guaranteed Minimum Pension</a>
	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	The school will consider each case separately. Cases will be raised with the Governing Body for a decision.
	Extend normal time limit for acceptance of a transfer value beyond 12 months from joining the LGPS	R100(68)	<i>(Formerly A83(8))</i> The normal practice will be not to extend. The school will only consider this in exceptional cases based on evidence provided on a case by case basis.

**Discretions in relation to scheme members (excluding councillor 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 <sup>st</sup> 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	N/A
 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)	The school will limit late applications to the 30 days after cessation of active membership.
 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)	The school will consider each case separately. Cases will be raised with the Governing Body for a decision.
 Mid	Whether to apply to Secretary of State for a forfeiture certificate (where member is convicted of a relevant offence)	A72(1) & (6)	The school will consider each case separately. Cases will be raised with the Governing Body for a decision.
 Mid	Where forfeiture certificate is issued, whether to direct that benefits are to be forfeited	A72(3)	The school will consider each case separately. Cases will be raised with the Governing Body for a decision.
 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)	The school will consider each case separately. Cases will be raised with the Governing Body for a decision.

	<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 result of which the person has left employment</p>	<p>A74(2)</p>	<p>The school will consider each case separately. Cases will be raised with the Governing Body for a decision.</p>
	<p>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</p>	<p>A76(2) &amp; (3)</p>	<p>The school will consider each case separately. Cases will be raised with the Governing Body for a decision.</p>
	<p>Whether to grant application for early payment of deferred benefits on or after age 55 and before age 60</p>	<p>B30(2)</p>	<p>The school will consider each case separately. Decisions will be made on the basis of the information provided and the financial implications. The school will only re-consider cases if additional relevant information is provided.</p>
	<p>Whether to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early under B30</p>	<p>B30(5)</p>	<p>The school will consider each case separately based on the information provided. The school will only re-consider cases if additional relevant information is provided.</p>
	<p>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</p>	<p>B30A(3)</p>	<p>Each case, with any supporting evidence will be referred to the IRMP for the Teesside Pension Fund. The school will be guided by their advice and any other supporting documentation available to them to form a recommendation for final decision by the LA.</p> <p><a href="#">IRMP – Independent Registered Medical Practitioner</a></p>
	<p>Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early under B30A</p>	<p>B30A(5)</p>	<p>The school will consider each case separately. Decisions will be made on the basis of the information provided and the financial implications. Each case will be referred to the Governing Body for a decision.</p>
	<p>Decide whether deferred beneficiary meets permanent ill health and reduced likelihood of gainful employment criteria</p>	<p>B31(4)</p>	<p>Each case, with any supporting evidence will be referred to the IRMP for the Teesside Pension Fund. The school will be guided by their advice and any other supporting documentation available to them to form a recommendation for final decision by the LA.</p>
	<p>Decide whether a suspended ill health tier 3 member is permanently incapable of undertaking any gainful employment</p>	<p>B31(7)</p>	<p>Each case, with any supporting evidence will be referred to the IRMP for the Teesside Pension Fund. The school will be guided by their advice and any other supporting documentation available to them to form a</p>

**Discretions under the Local Government Pension Scheme Regulations 1997 (as amended) in relation to:**

- a) active councillor members, and**
- b) councillor members who ceased active membership on or after 1.4.98, and**
- c) any other scheme members who ceased active membership on or after 1.4.98 and before 1.4.08**



<b>Importance</b>	<b>Discretion</b>	<b>Regulation</b>	<b>Employer Policy</b>
	Grant application from a post 31.3.98 / pre 1.4.08 leaver for early payment of benefits on or after age 50/55 and before age 60 (see Note below)	31(2)	MBC councillor members have not been granted membership to the scheme.
	Waive, on compassionate grounds, the actuarial reduction applied to benefits paid early to a post 31.3.98 / pre 1.4.08 leaver.	31(5)	Any decisions of this nature will be considered separately by the Governing Body.
	Pre 1.4.08 optants out only to get benefits paid from NRD if employer agrees.	31(7A)	Any decisions of this nature will be considered separately by the Governing Body.
	Decide, in the 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 to be 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)	Any decisions of this nature will be considered separately by the Governing Body.
	No right to return of contributions due to offence of a fraudulent character unless employer directs a total or partial refund is to be made (pre 1.4.08 leavers)	88(2)	The school will consider each case separately. Cases will be raised with the Governing Body for a decision.
	Forfeiture of pension rights on issue of Secretary of State's certificate ( pre 1.4.08 leavers)	111(2) & (5)	The school will consider each case separately. Cases will be raised with the Governing Body for a decision.
	Where forfeiture certificate is issued, direct interim payments out of Pension Fund until decision is taken to either apply the certificate or to pay benefits (pre 1.4.08 leavers)	112(1)	The school will consider each case separately. Cases will be raised with the Governing Body for a decision.
	Recovery from Fund of monetary obligation owed by former employee or, if less, the value of the member's benefits (other than transferred in pension rights) (pre 1.4.08 leavers)	113(2)	The school will consider each case separately. Cases will be raised with the Governing Body for a decision.



 Mid	Recovery from Fund of financial loss caused by employee, or amount of refund if less (pre 1.4.08 leavers)	115(2) & (3)	The school will consider each case separately. Cases will be raised with the Governing Body for a decision.
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**Note:** benefits paid on or after age 50 and before age 55 are subject to an unauthorised payments charge and, where applicable, an unauthorised payments surcharge under the Finance Act 2006. Also, any part of the benefits which had accrued after 5 April 2006 would generate a scheme sanction charge.

**Discretions under the Local Government Pension Scheme Regulations 1995 (as amended) in relation to pre 1.4.98 scheme leavers**

Importance	Discretion	Regulation	Employer Policy
 Mid	Grant application from a pre 1.4.98 leaver for early payment of deferred benefits on or after age 50 on compassionate grounds (see Note below)	D11(2)(c)	The school will consider each case on its own merits taking into account the costs and any unauthorised payments charged. Information will be referred to the Governing Body for a decision.
 Low	Decide, in the 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 to be 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	The school will consider each case separately. Cases will be raised with the Governing Body for a decision.

**Note:** benefits paid on or after age 50 and before age 55 are subject to an unauthorised payments charge and, where applicable, an unauthorised payments surcharge under the Finance Act 2006. However, as the benefits had accrued prior to 6 April 2006, they would not generate a scheme sanction charge.

I warrant that the above policies reflect the policy intention of Holmwood School.

Signed: *Dennis Ley*

Date: 26.11.18

Position: Head Teacher