



# **Local Government Pension Scheme Employer Discretions Policy**

**Blessed Edward Bamber Catholic Multi Academy Trust**

**VERSION:** 1.1

**ADOPTED:** SUMMER TERM 2024

**NEXT REVISION:** SUMMER TERM 2027



## Version Control

Date of last review	May 2024
Date of next review	Summer 2027
Review period	Three Years
Policy status	
Owner	HR
Approver	Full Board
Version	1.1

## Previous versions

Version	Author	Date	Changes

This is a Trust-Wide Policy which applies to all academies within the Trust

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**The LGPS Regulations 2013**

**and**

**The LGPS Regulations 2014**

(Transitional Provisions and Savings)

**and**

**The LGPS Regulations 2008**

(Benefits, Membership and Contributions)

**(as at 14<sup>th</sup> May 2018)**

**Employer name:** The Blessed Edward Bamber Catholic Multi Academy Trust

**Policy effective from:** 1<sup>st</sup> September 2024

These policies may be subject to review from time to time. Affected employees will be notified of any subsequent change to this Policy Statement.

**Print name of authorised officer:** Helen O'Neill

**Job title:** Chief Executive Officer

**Signature of authorised officer:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## Introduction

The Blessed Edward Bamber Catholic Multi Academy Trust (the Trust) is required, as an employer, to outline how it intends to use its discretionary powers when dealing with decisions it may have to make regarding Local Government Pension Scheme (LGPS) matters. The Trust subscribes to The Lancashire County Pension Fund and adopts the latest recommended statement from the respective LGPSs.

The Local Government Pension Scheme (“LGPS”) in England and Wales was amended with effect from 1 April 2014. The provisions of the amended LGPS are now contained in the 2013 Regulations (Statutory Instruments 2013 No. 2356), the 2014 Regulations and the 2018 Regulations (amendments). This policy statement relates to the exercise of the employer discretions contained in the above regulations, therefore whilst it represents the views of the respective LGPS funds it should not be treated as a complete and authoritative statement of the law. The Trust may or will seek to take its own legal advice on the interpretation of any particular regulation(s).

To ensure value for money and financial stability, the Trust has adopted an approach which is relevant to the size, finances and current staffing levels. In addition, the decisions regarding the discretionary powers have been taken to ensure the affordability of the scheme to all members. The statements outlined in this policy must not limit or bind how the Trust uses the discretions afforded by the scheme(s).

All requests to the Trust for the consideration of the application of discretions should be made in writing, with supporting documentation, to the Chief Finance Officer. The Blessed Edward Bamber Catholic Multi Academy Trust is committed to equality and this policy has been created in accordance with the Equality Act 2010 and with regard to age regulations.

## Key roles and responsibilities

The Trust Board has overall responsibility for the implementation and monitoring of the LGPS Discretionary Policy.

The Trust Board has responsibility for ensuring that the LGPS Discretionary Policy, as written, does not discriminate in relation to protected characteristics.

The Trust Board has overall responsibility for handling complaints regarding this policy.

In the first instance, complaints should be directed to the Chief Finance Officer (CFO).

The CFO has responsibility for the day-to-day implementation and management of the LGPS Discretionary Policy.

This policy will be used with regard to all relevant factors and costs to the Trust will be balanced against the benefits.

This policy will only be used where there is a real and substantial benefit to the Trust in return for incurring extra costs.

This policy will only be used having considered the information from the scheme actuary.

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In support of its deliberations regarding requests made on compassionate grounds, the Trust will take into account all relevant factors and require whatever information, documentation and supporting evidence it considers appropriate.

Where appropriate and where there are economic benefits to the Trust, discretions may be considered as part of severance stipends.

## Mandatory LGPS 2013 & 2014 disretions

Discretionary policies from 1 April 2014 in relation to post 31 March 2014 active members and post 31 March 2014 leavers

<p><b>Shared Cost Additional Pension Contribution</b> (Reg 16(2)(e) &amp; Reg 16(4)(d))</p>	<p><b>Policy Decision:</b></p>
<p><i>“Whether, how much, and in what circumstances to contribute to a shard cost APV scheme.”</i></p> <p>Where an active member wishes to purchase extra annual pension by making additional pension contributions (APCs)*, an employer can choose to voluntarily contribute towards the cost of purchasing that extra pension through a Shared Cost Additional Pension Contribution (SCAPC)</p> <p><i>*(Please see <a href="#">LGPS Member Website</a> for the current years maximum additional pension purchase limit)</i></p> <p><b>Note:</b> this discretion does not relate to cases where a member has a period of authorised unpaid leave of absence and elects within 30 days of return to work (or a longer period if the employer allows) to pay a SCAPC to cover the amount of pension ‘lost’ during that period of absence. In those cases, the employer <u>must</u> contribute 2/3rds of the cost to a SCAPC; there is no discretion (regulation 15(5) of the LGPS Regulations 2013).</p>	<p>The Blessed Edward Bamber Catholic Multi Academy Trust will not exercise this discretion.</p> <p>It may consider individual cases in exceptional circumstances.</p> <p>Decisions will be made on the merit of each case with particular regard to:</p> <ul style="list-style-type: none"> <li>• A member’s personal circumstances</li> <li>• The economic benefits to the Trust</li> </ul>
<p><b>Flexible Retirement (R30(6) &amp; TP11(2))</b></p> <p><i>‘Whether all or some benefits can be paid if an employee reduces their hours or grade (flexible retirement).’</i></p> <p>An employer can decide whether to permit flexible retirement for staff aged 55 or over who reduce their working hours and/or grade and wish to access their pension benefits.</p> <p>In such cases, pension benefits may be reduced in accordance with actuarial tables unless the employer waives reduction on compassionate grounds.</p> <p>The employee must reduce either their hours, and/or their grade and the employer must agree to the release of the pension.</p>	<p><b>Policy Decision:</b></p> <p>The Blessed Edward Bamber Catholic Multi Academy Trust will not exercise this discretion.</p> <p>It may consider individual cases in exceptional circumstances.</p> <p>Decisions will be made on the merit of each case with particular regard to:</p> <ul style="list-style-type: none"> <li>• A member’s personal circumstances</li> <li>• The economic benefits to the Trust</li> </ul>

<p><b>Waiving Reductions (R30(8))</b></p>	<p><b>Policy Decision:</b></p>
<p><i>“Whether to waive, in whole or in part, actuarial reduction on benefits paid on flexible retirement.”</i></p> <p><i>“Whether to waive, in whole or in part, actuarial reduction on benefits which a member voluntarily draws before normal pension age other than on the grounds of flexible retirement (where the member only has post 31 March 2014 membership).”</i></p>	<p>The Blessed Edward Bamber Catholic Multi Academy Trust will not exercise this discretion.</p> <p>It may consider individual cases in exceptional circumstances.</p> <p>Decisions will be made on the merit of each case with particular regard to:</p> <ul style="list-style-type: none"> <li>• A member’s personal circumstances</li> <li>• The economic benefits to the Trust</li> </ul>
<p><b>‘Switch on’ the 85-year rule TPSch 2, para 1(2) &amp; 1(1)(c)</b></p>	<p><b>Policy Decision:</b></p>
<p><i>“Whether to “switch on” the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60 (other than on the grounds of flexible retirement).”</i></p> <p>(The 85-year rule protection applies when the employee’s age and length of LGPS service total 85 and the employee is aged 60 or over. If this applies then some or all of the employee’s pension will not be subject to early retirement deductions should that employee take their pension before their normal retirement age).</p>	<p>The Blessed Edward Bamber Catholic Multi Academy Trust will not exercise this discretion.</p> <p>It may consider individual cases in exceptional circumstances.</p> <p>Decisions will be made on the merit of each case with particular regard to:</p> <ul style="list-style-type: none"> <li>• A member’s personal circumstances</li> <li>• The economic benefits to the Trust</li> </ul>
<p><b>Waive actuarial reductions to members benefits</b> TP3(1), TPSch 2 (para 2(1), B30(5) &amp; B30A(5)</p>	<p><b>Policy Decision:</b></p>
<p><i>“Whether to waive any actuarial reduction for a member voluntarily drawing benefits before normal pension age other than on the grounds of flexible retirement.”</i></p>	<p>The Blessed Edward Bamber Catholic Multi Academy Trust will not exercise this discretion.</p> <p>It may consider individual cases in exceptional circumstances.</p> <p>Decisions will be made on the merit of each case with particular regard to:</p> <ul style="list-style-type: none"> <li>• A member’s personal circumstances</li> <li>• The economic benefits to the Trust</li> </ul>

Power of employing authority to grant additional pension (Reg 31)	Policy Decision:
<p><i>“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 p.a. on 1 April 2014 – this figure is inflation proofed annually).”</i></p> <p>An employer can choose to grant extra annual pension* (at full cost to themselves) to:</p> <ul style="list-style-type: none"><li>• an active member; or</li><li>• to a member, within 6 months of leaving, whose employment was terminated on the grounds of redundancy or business efficiency</li></ul> <p><i>*(please see <a href="#">LGPS Member Website</a> for the current years maximum additional pension purchase limit)</i></p>	<p>The Blessed Edward Bamber Catholic Multi Academy Trust will not exercise this discretion.</p> <p>It may consider individual cases in exceptional circumstances.</p> <p>Decisions will be made on the merit of each case with particular regard to:</p> <ul style="list-style-type: none"><li>• A member's personal circumstances</li><li>• The economic benefits to the Trust</li></ul>

## Pre LGPS 2014 disretions

Disretions to be exercised on and after 1 April 2014 in relation to scheme members who ceased active membership between 1 April 2008 and 31 March 2014

<p><b>'Switch on' the 85-year rule</b> TPSch 2, para 1(1)(c) &amp; 1(2)</p>	<p><b>Policy Decision:</b></p>
<p><i>"Whether to "switch on" the 85-year rule for a member voluntarily drawing benefits on or after age 55 and before age 60."</i></p> <p><i>"Whether to "switch on" the 85-year rule for a pensioner member with deferred benefits voluntarily drawing benefits on or after age 55 and before age 60."</i></p>	<p>The Blessed Edward Bamber Catholic Multi Academy Trust will not exercise this discretion.</p> <p>It may consider individual cases in exceptional circumstances.</p> <p>Decisions will be made on the merit of each case with particular regard to:</p> <ul style="list-style-type: none"> <li>• A member's personal circumstances</li> <li>• The economic benefits to the Trust</li> </ul>
<p><b>Waive actuarial reductions to members benefits</b> B30A(5), BA30(5), TPSch 2, para 2(1)</p> <p><i>"Whether to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early under B30 (member)."</i></p> <p><i>"Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early under B30A (pensioner member with deferred benefits)."</i></p> <p>An employer can decide whether, on compassionate grounds, the actuarial reduction applied to benefits paid early under B30A (pensioner member with deferred benefits).</p>	<p><b>Policy Decision:</b></p> <p>The Blessed Edward Bamber Catholic Multi Academy Trust will not exercise this discretion.</p> <p>It may consider individual cases in exceptional circumstances.</p> <p>Decisions will be made on the merit of each case with particular regard to:</p> <ul style="list-style-type: none"> <li>• A member's personal circumstances</li> <li>• The economic benefits to the Trust</li> </ul>

Discretions to be exercised on and after 1 April 2014 in relation to scheme members who ceased active membership between 1 April 1998 and 31 March 2008

<p><b>Grant application for early payment of deferred benefits</b> R31(2) LGPS Regulations 1997</p>	<p><b>Policy Decision:</b></p>
<p><i>"Grant application for early payment of deferred benefits on or after age 50 and before age 55."</i></p>	<p>The Blessed Edward Bamber Catholic Multi Academy Trust will not exercise this discretion. It may consider individual cases in exceptional circumstances. Decisions will be made on the merit of each case with particular regard to:</p> <ul style="list-style-type: none"> <li>• A member's personal circumstances</li> <li>• The economic benefits to the Trust</li> </ul>
<p><b>'Switch on' the 85-year rule upon the voluntary early payment of deferred benefits</b> TPSch 2, para 1(2) &amp; 1(1)(f) &amp; R60</p> <p><i>"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."</i></p>	<p><b>Policy Decision:</b></p> <p>The Blessed Edward Bamber Catholic Multi Academy Trust will not exercise this discretion. It may consider individual cases in exceptional circumstances. Decisions will be made on the merit of each case with particular regard to:</p> <ul style="list-style-type: none"> <li>• A member's personal circumstances</li> <li>• The economic benefits to the Trust</li> </ul>
<p><b>Waive actuarial reductions to members benefits</b> (R31(5) 1997 &amp; TPSch 2, para 2(1))</p> <p><i>"Waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early."</i></p> <p>An employer can decide whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to benefits which are paid before age 65.</p>	<p><b>Policy Decision:</b></p> <p>The Blessed Edward Bamber Catholic Multi Academy Trust will not exercise this discretion. It may consider individual cases in exceptional circumstances. Decisions will be made on the merit of each case with particular regard to:</p> <ul style="list-style-type: none"> <li>• A member's personal circumstances</li> <li>• The economic benefits to the Trust</li> </ul>

Discretions to be exercised on and after 1 April 2014 in relation to members who ceased active membership before 1 April 1998

**Grant application for early payment of deferred benefits**

(TP3(5A)(vi), TL4, L106(1) 1997 Transitional & D11(2)(c) 1995 Regs)

*“Grant application for early payment of deferred benefits on or after age 50 on compassionate grounds. Although the common provisions of the 1997 Transitional provisions regulations do not specify regulation D11(2)(c), there intention was that it should apply to this regulation.”*

Employers can decide whether to grant applications early payment of deferred pension benefits on or after age 50 and before normal retirement age on compassionate grounds.

**Policy Decision:**

The Blessed Edward Bamber Catholic Multi Academy Trust will not exercise this discretion.

It may consider individual cases in exceptional circumstances.

Decisions will be made on the merit of each case with particular regard to:

- A member's personal circumstances
- The economic benefits to the Trust

## Recommended LGPS 2013 & 2014 discretions (non mandatory)

There is no requirement to have a written policy in respect of non-mandatory discretions. However, there are some non-mandatory discretions where it is recommended for Scheme employers to have a written policy so that both members and the Pension Fund administering authority can be clear on the employer's policy on these matters.

<p><b>Shared Cost Additional Voluntary Contribution Arrangement (SCAVC)</b> R17 (1) and TP15 (2A) and A25 (3) and definition of SCAVC in RSch 1</p>	<p><b>Policy Decision:</b></p>
<p>An employer can choose to pay for or contribute towards a member's Additional Voluntary Contribution through a shared cost arrangement (SCAVC).</p> <p>An employer will also need to decide how much, and in what circumstances to contribute to a SCAVC arrangement.</p>	<p>THE BLESSED EDWARD BAMBER CATHOLIC MULTI ACADEMY TRUST has set up a scheme with My Money Matters formerly known as AVC Wise, a service to provide a salary sacrifice Shared Cost Additional Voluntary Contribution scheme; better known as a Shared Cost AVC scheme.</p> <p>Employees can choose whether to opt into this scheme and make their own determination on the amount of additional voluntary contribution they wish to make.</p> <p>Any payment contribution made via salary sacrifice must not allow the employee salary to fall below the national minimum wage.</p>
<p><b>Extend the time limit for member to elect for a Shared Cost Additional Pension Contribution (R16(16))</b></p>	<p><b>Policy Decision:</b></p>
<p>An employer can decide to extend the 30-day deadline for a member to elect to purchase additional pension by way of a Shared Cost Additional Pension Contribution (SCAPC) upon return from a period of unpaid absence (other than because of illness or injury, relevant child-related leave or reserve forces service leave).</p>	<p>The Blessed Edward Bamber Catholic Multi Academy Trust will not exercise this discretion.</p> <p>It may consider individual cases in exceptional circumstances.</p> <p>Decisions will be made on the merit of each case with particular regard to:</p> <ul style="list-style-type: none"> <li>• A member's personal circumstances</li> <li>• The economic benefits to the Trust</li> </ul>

<p><b>Extend the 12-month time limit for transfer of pension rights (R100(6))</b></p>	<p><b>Policy Decision:</b></p>
<p>An employer can decide to extend the 12-month time limit for a member to elect to transfer pension rights from another registered pension scheme into the LGPS, if an election has not been made within 12 months of joining the LGPS in that employment.</p>	<p>The Trust will only allow an extension to the 12-month period where it can be shown that the member was not provided with the required information within 6 months of starting.</p>
<p><b>Extend the 12-month time limit for a member to elect not to aggregate Post 31 March 2014 deferred benefits (R22(7) and (8))</b></p>	<p><b>Policy Decision:</b></p>
<p>An employer can extend the 12-month time limit for a member to elect <b>not</b> to aggregate their Post 31 March 2014 (or combinations of Pre &amp; Post 2014) deferred benefits with their new LGPS employment (or ongoing concurrent LGPS employment), if an election has not been made within 12 months of joining the LGPS in that employment (or within 12 months of ceasing the concurrent membership).</p>	<p>The Trust will only allow an extension to the 12-month period where it can be shown that the member was not provided with the required information within 6 months of starting.</p>

<p><b>Extend the 12-month time limit for a member to elect to aggregate Pre-1 April 2014 deferred benefits (TP 10(6) as amended by A27 (2018))</b></p>	<p><b>Policy Decision:</b></p>
<p>Employers can decide whether to extend the 12-month time limit for a member to elect to aggregate their Pre-1 April 2014 deferred benefits with their new LGPS employment that commenced on or after 14 May 2018 in order to purchase earned pension.</p>	<p>The Trust will only allow an extension to the 12-month period where it can be shown that the member was not provided with the required information within 6 months of starting.</p>
<p><b>How an employee's contribution band will be initially determined and thereafter reviewed (R9 and R10)</b></p>	<p><b>Policy Decision:</b></p>
<p>Employers must decide how the pension contribution band to which an employee is to be allocated on joining the Scheme will be determined and reviewed at each subsequent April.</p> <p>Circumstances in which the employer will review the pension contribution band will also need to be determined. For example, following a material change which affects the member's pensionable pay during the Scheme year (1 April to 31 March)</p>	<p>The rate of employees' contributions are determined by reference to the published bandings at the time of joining the LGPS. This may be reviewed from time-to-time if circumstances require it.</p> <p>A member's contribution rate will not be reviewed as the result of one-off additional payments.</p>

<p>From 1 April 2014, contributions are based on actual pay including non-contractual overtime.</p>	
<p><b>Whether to include a regular lump sum payment when calculating assumed pensionable pay (APP) (Reg 21(4)(a)(iv), 21(4)(b)(iv) and 21(5))</b></p>	<p><b>Policy Decision:</b></p>
<p>When calculating assumed pensionable pay, employers can decide to include the amount of any 'regular lump sum payment' received by the member in the 12 months preceding the date the absence began or the ill health retirement or death occurred.</p> <p>A 'regular lump sum payment' is a payment for which the employer determines there is a reasonable expectation that such a payment would be paid on a regular basis.</p>	<p>The Blessed Edward Bamber Catholic Multi Academy Trust will not exercise this discretion.</p> <p>It may consider individual cases in exceptional circumstances.</p> <p>Decisions will be made on the merit of each case with particular regard to:</p> <ul style="list-style-type: none"> <li>• A member's personal circumstances</li> <li>• The economic benefits to the Trust</li> </ul>
<p><b>Whether to substitute a higher level of pensionable pay when calculating assumed pensionable pay (R21(5A) and 21(5B) backdated to 1 April 2014 by A7 2018)</b></p>	<p><b>Policy Decision:</b></p>
<p>When calculating assumed pensionable pay (APP), an employer can decide to substitute a higher level of pensionable pay if, in their opinion, the pensionable pay received in the 3 months/12 weeks before the commencement of APP, is materially lower than the level of pensionable pay the member would have normally received.</p>	<p>The Blessed Edward Bamber Catholic Multi Academy Trust will not exercise this discretion.</p> <p>It may consider individual cases in exceptional circumstances.</p> <p>Decisions will be made on the merit of each case with particular regard to:</p> <ul style="list-style-type: none"> <li>• A member's personal circumstances</li> <li>• The economic benefits to the Trust</li> </ul>
<p><b>Applications for Adjudication of Disagreements R74 (1)</b></p>	<p><b>Policy Decision:</b></p>
<p>Each Scheme employer and administering authority must appoint a person ("the adjudicator") to consider applications from any person whose rights or liabilities under the Scheme are affected by-</p> <p>(a) a decision under regulation 72 (first instance decisions); or</p> <p>(b) any other act or omission by a Scheme employer or administering authority,</p>	<p>Responsibility for determinations under the first stage of regulation 72 rests with:</p> <p>Stan Mossop Chief Finance Officer The Blessed Edward Bamber Catholic Multi Academy Trust 14-17 Metro House Metropolitan Drive Blackpool</p>

and to make a decision on such applications.

Lancashire  
FY3 9LT

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

<p><b>Redundancy Payments R5</b></p>	<p><b>Policy Decision:</b></p>
<p><i>"To base redundancy payments on an actual week's pay where this exceeds the statutory week's pay limit."</i></p>	<p>The Blessed Edward Bamber Catholic Multi Academy Trust will not exercise this discretion. It may consider individual cases in exceptional circumstances. Decisions will be made on the merit of each case with particular regard to:</p> <ul style="list-style-type: none"> <li>• A member's personal circumstances</li> <li>• The economic benefits to the Trust</li> </ul>
<p><b>Lump-sum compensation R6</b></p>	<p><b>Lump-sum compensation R6</b></p>
<p><i>"To award lump sum compensation of up to 104 week's pay in cases of redundancy, termination of employment on efficiency grounds, or cessation of a joint appointment."</i></p>	<p>The Blessed Edward Bamber Catholic Multi Academy Trust will not exercise this discretion. It may consider individual cases in exceptional circumstances. Decisions will be made on the merit of each case with particular regard to:</p> <ul style="list-style-type: none"> <li>• A member's personal circumstances</li> <li>• The economic benefits to the Trust</li> </ul>