



Bournemouth School Statement of Policy on the Local Government Pension Scheme 2014 Discretions

1. Introduction

Under the Local Government Pension Scheme (LGPS) Bournemouth School is required to compose, publish and keep under review a policy statement in relation to the exercising of a number of discretions under the LGPS.

Bournemouth School, in exercising the discretionary powers available under the Regulations below, has acted with due prudence and propriety and considered the financial impact of applying the discretions.

Bournemouth School is committed to equality and this policy has been created in accordance with anti-discrimination laws, the Equality Act 2010 and with regard to age regulations.

These policies may be subject to review from time to time. Any subsequent change in this Policy Statement will be notified to employees.

The Statement of Policy is on:

The Local Government Pension Scheme Regulation 2013 [R]
The Local Government Pension Scheme (Transitional Provisions and Savings) Regulations 2014 [TP]
The Local Government Pension Scheme (Administration) Regulations 2008 [A]
The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended) [B]
The Local Government Pension Scheme (Transitional Provisions) Regulations 2008 [T]
The Local Government Pension Scheme Regulations 1997 (as amended) [L]
The Local Government Pension Scheme (Miscellaneous Regulations) 2012 [E]
The Local Government Pension Scheme Regulation 1995 [C]

2. Key Roles and Responsibilities

- 2.1.** The Resources Committee has overall responsibility for the implementation and monitoring of the LGPS Discretionary Policy at Bournemouth School.
- 2.2.** The Deputy Head Teacher (Personnel) has responsibility for the day-to-day implementation and management of the LGPS Discretionary Policy at Bournemouth School.

3. Discretionary Decisions

Bournemouth School has resolved that the following Discretions available in the Statutory Instrument, should be implemented in compliance with the Local Government Pension Scheme Regulations as set out below:

3.1 Discretion to contribute to a shared cost Additional Pension Contribution scheme Regulations 16(2)(e) and 16(4)(d) of the LGPS Regulations 2013

This regulation allows Bournemouth School to contribute to a shared cost Additional Pension Contribution (APC) Scheme.

Bournemouth School will only exercise this discretion in exceptional circumstances. All exceptional circumstances must be approved by the Pay Committee after consideration of the costs that would apply.

**3.2 Discretion to apply the 85 Year Rule before age 60
Sch 2, para 1 (1) (c) [TP]**

With effect from 1st April 2014 members will be entitled to leave the School's employment and claim their benefits from age 55 onwards without the School's consent. This has previously only been permissible from age 60 onwards. There will be no 85 year rule protection for benefits that are claimed before age 60.

The School has the discretion to 'switch on' the 85 year rule for a member who voluntarily draws benefits on or after age 55 and before age 60.

Bournemouth School will only exercise this discretion in exceptional circumstances. All exceptional circumstances must be approved by the Pay Committee after consideration of the costs that would apply.

**3.3 Discretion to Waive Actuarial Reductions on Flexible Retirement
Regulation 30 (6) [R]**

The School may agree, to waive, in whole or in part, any actuarial reduction on benefits paid on flexible retirement where a member aged 55 or over, who reduces their grade, hours of work, or both, receives all or part of their LGPS benefits immediately, even though they have not left the School's employment.

Bournemouth School will consider employee requests to take flexible retirement on a case by case basis.

**3.4 Discretion to Waive Actuarial Reduction on Early Retirement
Regulation 30 (8) [R]**

The School may choose to waive, in whole or in part, any actuarial reduction applied to individuals drawing their pension benefits before normal pension age.

Bournemouth School will only waive the actuarial reduction on flexible retirement in exceptional circumstances following approval from the Pay Committee.

**3.5 Discretion to Grant Additional Pension to a Member
Regulation 31 [R]**

The School may agree, at its own cost, to award an additional pension to an active member or within 6 months of ceasing to be an active member by reason of redundancy or business efficiency up to a maximum of £6,500 p.a.

Bournemouth School will only exercise this discretion in exceptional circumstances. All exceptional circumstances must be approved by the Pay Committee (advised by the Deputy Head Teacher (Personnel)) after consideration of the costs that would apply.

3.6 Discretion to 'Switch On' the 85 Year Rule Upon the Voluntary Early Payment of Deferred Benefits

Sch 2, para 1 (1) (c) [TP]

The School can 'switch on' the 85 year rule back on in full for such members where the 85 year does not automatically fully apply but would otherwise be subject to it and who choose to voluntarily draw their deferred benefit (on or after 14 May 2018) on or after age 55 and before age 60. For members who ceased active membership between 1 April 2008 and 31 March 2014.

Bournemouth School will only exercise this discretion in exceptional circumstances. Decisions are delegated to the Pay Committee (advised by the Deputy Head Teacher (Personnel)).

3.7 Discretion to Grant Early Payment of Deferred Benefits

Regulation 30 (5) [A] & para 2(1) [TP]

The School can grant application for early payment of deferred benefits on or after age 55 and before age 60 (Regulation 30(2)) and can choose to waive, on compassionate ground, the actuarial reduction applied to deferred benefits paid early under Regulation 30(2) [B].

Bournemouth School will only exercise this discretion in exceptional circumstances. Decisions are delegated to the Pay Committee (advised by the Deputy Head Teacher (Personnel)).

3.8 Discretion to 'Switch On' the 85 Year Rule Upon the Voluntary Early Payment of a Suspended Tier 3 Ill Health Pension

Sch 2, para 1 (1) (c) [TP]

The School can 'switch on' the 85 year rule back on in full for such members where the 85 year does not automatically fully apply but would otherwise be subject to it and who choose to voluntarily draw their suspended tier 3 ill health pension (on or after 14 May 2018) on or after age 55 and before age 60. For members who ceased active membership between 1 April 2008 and 31 March 2014.

Bournemouth School will only exercise this discretion in exceptional circumstances. Decisions are delegated to the Pay Committee (advised by the Deputy Head Teacher (Personnel)).

3.9 Discretion to Grant Early Payment of Suspended Tier 3 Ill Health Pension

Regulation 30A (5) [A] & para 2(1) [TP]

The School can grant application for early payment of a suspended tier 3 ill health pension on or after age 55 and before age 60 and can waive, on compassionate grounds, the actuarial reduction applied to benefits paid early for members who ceased active membership between 1 April 2008 and 31 March 2014.

Bournemouth School will consider this discretion on a case by case basis. Decisions are delegated to the Pay Committee (advised by the Deputy Head Teacher (Personnel)).

3.10 Discretion to 'Switch On' the 85 Year Rule Upon the Voluntary Early Payment of Deferred Benefits

Sch 2, para 1 (1) (f) & 1 (2) [TP]

The School can 'switch on' the 85 year rule upon the voluntary early payment of deferred benefits for members who ceased active membership between 1 April 2008 and 31 March 2014.

Bournemouth School will only exercise this discretion in exceptional circumstances. Decisions are delegated to the Pay Committee (advised by the Deputy Head Teacher (Personnel)).

**3.11 Discretion to Grant Early Payment of Deferred Pension
Regulation 31 (2) & (5) [L] & Sch 2, para 2(1) [TP]**

Bournemouth School can grant application from a post 31.3.1998 / pre 1.4.2008 leaver for early payment of benefits on or after age 50 / 55 and before age 60 (Regulation 31 (2)) and can waive, on compassionate grounds, the actuarial reduction applied to benefits paid early under Regulation 31(2).

Bournemouth School will consider this discretion on a case by case basis. Decisions are delegated to the Pay Committee (advised by the Deputy Head Teacher (Personnel)).

**3.12 Discretion to Grant Early Payment of Benefits on Compassionate Grounds
Regulation D11 (2)(c) [C]**

The School can grant applications for the early payment of deferred pension benefits on or after age 50 and before NRD on compassionate grounds for members who ceased active membership before 1 April 1998.

Bournemouth School will only exercise this discretion in exceptional circumstances. Decisions are delegated to the Pay Committee (advised by the Deputy Head Teacher (Personnel)).

**3.13 Pension Scheme Contributions Payable by Active Members
Regulation 9 & 10 [R]**

From 1 April 2014, contribution levels will be based on actual pay including non-contractual overtime.

Bournemouth School will determine the contributions payable by members by attributing each member to one of the contribution bands as set out in Regulation 9 [R]. Bournemouth School will review all employees contribution band as at 1 April each year.

The School has the discretion to assess and change the contribution rate where there is a change of employment or a material change that affects pensionable pay during the year.

**3.14 Discretion to Extend 12 Month Period to Separate Previous Local Government Service
Regulation 22 (7) (b) and (8) & 10(6) [TP]**

The School has the facility to extend the time limit of 12 months for active members to not aggregate deferred periods of LGPS membership.

Bournemouth School will only allow an extension to the 12 month period where it can be reasonably shown that the member was not provided with the required information within 6 months of starting.

3.15 Discretion to Extend 12-Month Period to Allow a Transfer-In of Non-Local Government Pension Rights Regulation 100 (6) [R]

Where an active member requests to transfer previous pension rights into the LGPS, the member must make a request within 12 months of becoming an active member. The School, with agreement of the Administering Authority, may allow a longer period than 12 months.

Bournemouth School, with agreement of the Administering Authority, will only consider 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.

3.16 Discretion to Extend the 30 Day Deadline to Elect to Purchase Additional Pension Regulation 17 & 15(2A) [TP]

The School has the facility to extend the time limit 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 absence from work with no pensionable pay (otherwise than because of illness or injury, relevant child-related leave or reserve forces service leave).

Bournemouth School will only exercise this discretion in exceptional circumstances. Decisions are delegated to the Pay Committee (advised by the Deputy Head Teacher (Personnel)).

3.17 Discretion to Include a Regular Lump Sum Payment Regulation 21(4)(a)(iv), 21(4)(b)(iv) and 21(5) [R]

The School has the facility to determine whether to include a regular lump sum payment when calculating assumed pensionable pay (APP).

Bournemouth School will only exercise this discretion in exceptional circumstances. Decisions are delegated to the Pay Committee (advised by the Deputy Head Teacher (Personnel)).

3.18 Discretion to Substitute a Higher Level of Pensionable Pay Regulation 21(5A) and 21(5B) [R]

The School has the facility, subject to qualification, to substitute a higher level of pensionable pay when calculating assumed pensionable pay (APP).

Bournemouth School will only exercise this discretion in exceptional circumstances. Decisions are delegated to the Pay Committee (advised by the Deputy Head Teacher (Personnel)).

4 Internal Dispute Resolution Procedure (IDRP)

4.2 Informal Resolution

If you are not satisfied with any decision made in relation to your rights under the Local Government Pension Scheme (LGPS) you can request that it be looked at again. In the first instance, you should contact the Deputy Head Teacher (Personnel) in writing who, working with the Pay Committee, may be able to resolve the matter informally.

4.3 Formal Appeal: Stage 1

If you are still not satisfied, you may make a formal appeal to the Headteacher, who has been nominated by your employer to resolve disputes at Stage 1. The Headteacher will advise the Governing Body's Appeals Committee, who will determine the outcome of Stage 1 of your appeal. You should use the application form provided in the employee's guide to the IDRP. Your appeal must normally be made within 6 months of being notified of the decision you wish to appeal against.

4.4 Formal Appeal: Stage 2

If you are not satisfied with the nominated person's decision, or you have not received a decision or an interim letter from the nominated person within 3 months of lodging your appeal, or it is over a month since you received the interim reply, you can make a further appeal to the administering authority, which is Dorset County Council. The person dealing with Stage 2 appeals is the Head of Legal and Democratic Services, Dorset County Council. Again, you should use the application form provided in the employee's guide to the IDRP.

The employee's guide to the IDRP is available on the Dorset County Pension Fund website <https://dorsetpensionfund.org/forms-and-publications/internal-dispute-resolution-procedure-idrp>.

The Money and Pensions Service (MoneyHelper) is available to assist members and beneficiaries of the pension scheme in connection with any difficulty they may have with the scheme.

Contact details for MoneyHelper are as follows:

Telephone: 0800 011 3797

<https://www.pensionsadvisoryservice.org.uk/contacting-us/online-enquiry-form>

Address:

Money and Pensions Service
120 Holborn
London
EC1N 2TD

To help MoneyHelper understand your problem and respond appropriately, it's always helpful (and in the case of disputes with your pension provider, essential) for them to see copies of any relevant correspondence you have. Please attach copies of any relevant correspondence, which you think will help.

We have carefully considered and analysed the impact of this policy on equality and the possible implications for pupils with protected characteristics, as part of our commitment to meet the Public Sector Equality Duty (PSED) requirement to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations.



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Approvals

Date of FGB Approval	Approving Committee
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29/03/2022	Resources
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The latest version of this policy may be accessed through our website – Yes / No