

## LGPS Discretionary Policies

Employer: **The New Guild Trust**

**Local Government Pension Scheme, (LGPS), Regulations Policy statement on all eligible employees**

Under Regulation 60 of the LGPS Regulations 2013, (as amended), each scheme employer must publish and keep under review a Statement of Policy to explain how it will apply certain discretions allowed under the Pensions Regulations.

This statement is applicable to all employees of **The New Guild Trust** who are eligible to be members of the LGPS  
There is a requirement to publish the following five policies.

### 1. **LGPS Regulations - Regulation 31: Power of employer to award additional pension**

Explanation	Employer's Policy
An employer may resolve to award a member additional pension of not more than £6,500 (figure as at 1 April 2014) a year within 6 months of leaving to a member whose employment was terminated on the grounds of redundancy or business efficiency.	<b>The New Guild Trust will not normally agree to award an additional pension under this regulation.</b>

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### 2. LGPS Regulations 2013 - Regulation 16(2)(e) and 16(4)(d) : Funding of additional pension contributions (shared cost):

Explanation	Employer's Policy
<p>An active member in the main section of the scheme who is paying contributions may enter into arrangements to pay additional pension contributions (APCs) by regular contributions or a lump sum.</p> <p>Such costs may be funded in whole or in part by the member's Scheme employer.</p> <p>The employer will need to determine a policy on whether it will make a contribution towards the purchase of extra pension.</p> <p>This does <b>not</b> relate to cases where a member has a period of authorised unpaid leave of absence and elects within 30 days of return to work to pay a shared cost APC to cover the amount of pension "lost" during that period of absence. In these cases the employer <b>MUST</b> contribute 2/3rds of the cost (Regulation 15(5) of the LGPS Regulations 2013.</p>	<p><b>The New Guild Trust has not adopted this discretion.</b></p>

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3. LGPS Regulations 2013 - Regulation 30 (6): Flexible Retirement

Explanation	Employer's Policy
<p>An active member who has attained the age of 55 or over who reduces working hours or grade of an employment may, with the Scheme employer's consent, elect to receive immediate payment of all or part of the retirement pension to which that member would be entitled in respect of that employment if that member were not an employee in local government service on the date of the reduction in hours or grade, adjusted by the amount shown as appropriate in actuarial guidance issued by the Secretary of State.</p> <p>As an employer you need to determine the conditions under which you would approve a flexible retirement taking place.</p>	<p><b>The New Guild Trust has agreed to release pension where there is no cost and not to waive any reduction.</b></p> <p><b>Members must reduce their hours by a minimum of 40% and/or reduce their grade</b></p> <p><b>The New Guild Trust may however allow the release of pension where there is a cost or waive reduction in a potential redundancy situation, where a reduction may occur through redeployment, or in other exceptional circumstances supported by a business case.</b></p>

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4. LGPS Regulations 2013 - Regulation (paragraph 1(1)(c) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014): Switching on rule of 85

Explanation	Employer's Policy
<p>A member who has not attained normal pension age but who has attained the age of 55 or over, may elect to receive immediate payment of a retirement pension in relation to an employment if that member is not an employee in local government service in that employment, reduced by the amount shown as appropriate in actuarial guidance issued by the Secretary of State.</p> <p>In these circumstances (other than flexible retirement) the 85 year rule does not automatically apply to members who would otherwise be subject to it who choose to voluntarily draw their benefits on or after age 55 and before 60.</p> <p>The employer has the discretion to "switch on" the 85 year rule for such member (paragraph 1(1)(c) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014.</p> <p>If the employer does agree to switch back on the rule of 85, the cost of any strain on the fund resulting from the payment of benefits before age 60 would have to be met by the employer.</p>	<p><b>The New Guild Trust will not apply either discretion, unless there is a business case to support this as an alternative to a redundancy situation</b></p>

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5. LGPS Regulations 2013 - Regulation (paragraph 2(1) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014): Waiving of actuarial reduction

Explanation	Employer's Policy
<p>An employer has the discretion, under a number of retirement scenarios, to waive actuarial reductions on compassionate grounds.</p> <p>The cost of which would fall upon the employer.</p> <p>n.b. "Compassionate grounds" is not defined in the regulations</p>	<p><b>The New Guild Trust will not apply this discretion, unless there are exceptional circumstances</b></p> <p><b>The Trustee or Business Manager involved will consider any cases and will decide whether the actuarial reductions should be waived. In all cases the financial position of The New Guild Trust must be considered.</b></p>

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There are a number of other discretions which Scheme employers may exercise under the LGPS Regulations 2013, whilst there is no requirement to have a written policy in respect of these there are another five in respect of which it would perhaps be appropriate for Scheme employers to have a written policy in order that members can be clear on these matters

### 1. LGPS Regulations 2013 – Regulation 17 - Shared Cost Additional Voluntary Contribution Facility

Explanation	Employer's Policy
This discretion allows the Employer to maintain and contribute to an employee's Additional Voluntary Contribution Scheme.	<b>The New Guild Trust has not adopted this discretion.</b> <b>This will not have any effect on the existing AVC facility available where the employee only is able to make such contributions.</b>

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2. LGPS Regulations 2013 - Regulation 100 (6) – election to transfer within 12 months

Explanation	Employer's Policy
<p>This discretion allows the Employer extend the 12 month limit a member has in which to elect to transfer other pension rights into the LGPS. This has to be with the agreement of the Administering Authority</p>	<p><b>The New Guild Trust will not normally allow an extension of the 12 month limit, but will consult the Administering Authority in making a decision.</b></p> <p><b>Extenuating circumstances may apply and this would include</b></p> <ul style="list-style-type: none"><li>• <b>Where evidence exists that an election was made within 12 months but his was not received by the administering authority</b></li><li>• <b>Where evidence exists that the member was not aware of the 12 month limit due to maladministration</b></li></ul>

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### 3. LGPS Regulations 2013 - Regulation 22 (7) and (8) – election to aggregate within 12 months of commencement

<b>Explanation</b>	<b>Employer's Policy</b>
<p>This discretion allows the Employer to extend the 12 month time limit a member has within which they must elect not to have deferred benefits aggregated with their new LGPS employment</p>	<p>The New Guild Trust will not normally extend this 12 month time limit</p> <p>Extenuating circumstances may apply and this would include</p> <ul style="list-style-type: none"><li>• Where evidence exists that an election was made within 12 months but his was not received by the administering authority</li><li>• Where evidence exists that the member was not aware of the 12 month limit due to maladministration</li></ul>



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**4. LGPS Regulations 2013 - Regulation 9 – allocation of contribution band**

Explanation	Employer's Policy
<p>This discretion allows the Employer to determine which contribution band is allocated on joining the scheme and at each April. It also determines the circumstances when an employee's band may be reviewed.</p>	<ul style="list-style-type: none"> <li>• <b>Re-band on a monthly basis as per any change in pay that may occur.</b></li> </ul>

**5. LGPS Regulations 2013 - Regulation 21 – assumed pensionable pay**

Explanation	Employer's Policy
<p>This discretion allows the Employer to determine whether to include in the calculation of assumed pensionable pay the amount of any "regular lump sum payment".</p> <p>This is in cases where an employee's pay needs to be calculated where their pay has been reduced due to certain absences in order that they are not unduly advantaged or disadvantaged.</p>	<ul style="list-style-type: none"> <li>• <b>To determine in individual cases where necessary to establish in a fair, equitable and justifiable way what the members likely pay would have been but for the absence, and in cases where this pay is to be used for future enhancements whether that level of pay would have been received every year to normal retirement age.</b></li> </ul>

**I confirm that should any of the decisions change in the future the Pensions Section will be notified immediately.**

**I have read the attached statements and certify that they are correct on behalf of:**

**LGPS Discretionary Policies**

**Employer's Name:** The New Guild Trust

**Print Name:** KAREN PETERS

**Position:** CEO

**Signed:** 

**Date:** 26/10/18

**Please sign and copy. Keep one for reference and return the other to [martin.griffiths@staffordshire.gov.uk](mailto:martin.griffiths@staffordshire.gov.uk)**