



# Fields Multi Academy Trust

## Discretions Policy

This policy was approved by  
The Fields Multi Academy Trust Board  
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## **Statement of Intent**

Fields Multi Academy Trust 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 2014. To ensure value for money and financial stability, Fields Multi Academy Trust has adopted an approach that befits the size, finances and current staffing levels at the Trust. In addition, the decisions regarding the discretionary powers have been taken to ensure the affordability of the scheme to all members.

Fields Multi Academy Trust 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.

## 1. Discretions

- 1.1. Fields Multi Academy Trust, as an LGPS Employer, is legally required to provide employees and LGPS scheme members with information regarding their decision to include or omit many of the following discretions in their LGPS scheme. Additional discretions are also included which are non-mandatory but have been included as best practice and for transparency:
- 1.1.1 Regulation 31: Whether to grant additional pension to a member (up to £6 500 p.a.)
  - 1.1.2 Regulation 16 (2) e and 16 (4) d: Whether to make either a regular lump sum Additional Pension Contribution (APC) to a member's account (funded in part or wholly by Fields Multi Academy Trust).
  - 1.1.3 Regulation 30 (6): Whether all or some benefits can be paid if a member aged 55 or over reduces their hours/pay grade and continues to work (flexible retirement).
  - 1.1.4 Regulation 30 (8): Whether to waive actuarial reduction on flexible retirement.
  - 1.1.5 Regulation 30 (8): Whether to waive actuarial reduction on early retirement (age 55 +) for both active and deferred members and suspended tier 3 ill health pensions.
  - 1.1.6 TP Regulation 1 (1)c: Whether to allow the rule of 85 to be 'switched on' for members who would normally meet the rule but who will not if they draw their benefits aged 55 – 59.
  - 1.1.7 Regulation 22 (8 and 9): Whether to extend the 12 – month period to separate previous local government service.
  - 1.1.8 Regulation 9 (3): Determination of the rate of employee's contribution.
  - 1.1.9 Regulation 100 (6): Whether to extend the 12-month period to allow a transfer in of non-local government pension rights.

## 2. Key roles and responsibilities

- 2.1. The Board of Directors has overall responsibility for the implementation and monitoring of the LGPS Discretionary Policy at Fields Multi Academy Trust.
- 2.2. The Board of Directors has responsibility for ensuring that the LGPS Discretionary Policy, as written, does not discriminate on any grounds, including but not limited to: age, ethnicity/national origin, culture, religion, gender, disability or sexual orientation.
- 2.3. The Board of Directors has overall responsibility for handling complaints regarding this policy as outlined in the Complaints Policy.
- 2.4. In the first instance, complaints should be directed to the Executive Headteacher.

2.5. The Executive Headteacher has responsibility for the day-to-day implementation and management of the LGPS Discretionary Policy at Fields Multi Academy Trust.

2.6. Staff members enrolled on the LGPS will be responsible for following the LGPS Discretionary Policy.

### **3. Regulation 31: Whether to grant additional pension to a member (up to £6,500 p.a.).**

3.1. The LGPS 2014 Regulations state that Fields Multi Academy Trust may agree, at its own cost, to award a member additional pension up to a maximum of £6,755 (2016/17) rate). Fields Multi Academy Trust will only consider doing so in cases where there is a clear financial or administrative advantage to the Trust and with the expressed permission of the Finance Committee.

3.2. Note: The figure of £6,755 p.a. will be increased each April under the Pension (Increase) Act 1971.

### **4. Regulations 16 (2)e and 16 (4)d: Whether to make either a regular or lump sum Additional Pension Contribution (APC) to a member's account (funded in part or wholly by Fields Multi Academy Trust).**

4.1. Fields Multi Academy Trust will only consider doing so in exceptional circumstances and with the approval of the Finance Committee.

### **5. Regulation 30 (6): Whether all or some benefits can be paid if a member aged 55 or over reduces their hours/pay grade and continues to work (flexible retirement).**

5.1. The LGPS 2014 Regulations state that Fields Multi Academy Trust may agree, at its own cost (if there is any) for a member aged 55 or over, who reduces their grade, hours of work, or both, to receive all or part of their LGPS benefits immediately, even though they have not left the Trust's employment. Fields Multi Academy Trust will only consider doing so in cases where there is a clear financial or administrative advantage to the Trust and with the approval of the Finance Committee.

### **6. Regulation 30 (8): Whether to waive, in whole or in part, actuarial reduction on benefits paid on flexible retirement.**

6.1. The LGPS 2014 Regulations state that if the benefits on flexible retirement would normally be reduced for early payment, Fields multi Academy Trust may agree, at its own cost, to waive all or part of the reduction. The Trust will only consider doing so in exceptional circumstances and with the approval of the Finance Committee.

**7. Regulation 30 (8): Whether to waive actuarial reduction on early retirement (age 55+) for both active and deferred members and suspended tier 3 ill health pensions.**

7.1. Fields Multi Academy Trust may agree, at its own cost, for a member aged 55 or over, who leaves its employment without an automatic entitlement to immediate LGPS benefits, to receive their benefits immediately. The Trust will only consider doing so in exceptional circumstances and with the approval of the Finance Committee.

**8. LGPS Transitional Provisions, Savings and Amendment  
Regulations 2014 Regulation 1 (1)c: Whether to allow the rule of 85 to be “switched on” for members who would normally meet the rule but who will not if they draw their benefits aged 55-59.**

8.1. Fields Multi Academy Trust will only consider “switching on” the rule of 85 in cases where there is a clear financial or administrative advantage to the Trust and with the approval of the Finance Committee.

**9. Regulations 22 (8 and 9): Whether to extend the 12-month period to separate previous local government service.**

9.1. Fields Multi Academy Trust will only allow an extension to the 12-month period to elect to retain the deferred member’s pension account arising from previous local government service where it can be shown that the member was not provided with the required information within 6 months of starting at the Trust.

**10. Regulation 9 (3): Determination of the rate of employee’s contribution.**

9.2. Fields Multi Academy Trust will review all employees’ contribution bands when there has been a contractual change to a member’s salary or hours during the financial year. Contribution rates will not be reviewed as the result of one-off additional payments.

**11. Regulation 100 (6): Whether to extend the 12-month period to allow a transfer-in of non-local government pension rights.**

9.3. Fields Multi Academy Trust will only allow an extension to the 12-month period to combine previous non-local government service where it can be shown that the member was not provided with the required information within 6 months of starting at the Trust.

**12.Regulation 33 to 38: Whether to award an injury allowance following the loss of employment or reduction in pay or death in service through permanent incapacity after sustaining an injury or contracting a disease as a result of anything he/she was required to do in carrying out the duties of the role.**

Fields Multi Academy Trust will not make an award of an injury allowance in respect of an employee who sustains an injury or contracts a disease as a result of anything he / she was required to do in performing the duties of their job and in consequence of which he / she:

- suffers a reduction remuneration, or
- ceases to be employed as a result of an incapacity which is likely to be permanent and which was caused by the injury or disease, or
- dies leaving a surviving spouse, civil partner or dependant.