

# LGPS Discretions Policy

<b>Title</b>	<b>LGPS Discretions Policy</b>
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<b>Approved by</b>	Trustees
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<b>Review date</b>	July 2023
<b>Links to other procedures:</b>	Restructure & Redundancy Policy

This policy has been adopted by the Board of Directors of the South York Multi Academy Trust and applies to all schools that make up the Trust. This policy applies to each school operating within the South York Multi- Academy Trust unless specific conditions and applications are identified within this policy.

This policy will be monitored regularly by the Multi Academy Trust Board in line with the agreed timetable for policy review or sooner as events or legislation changes require.



## **LGPS Discretions Policy**

### **1. Overview and Scope**

South York Multi Academy Trust as an employer is under a legal duty to prepare and publish a written statement of its policy relating to certain discretionary powers under the Regulations which apply to the Local Government Pension Scheme (“the LGPS”).

South York Multi-Academy Trust offers membership (subject to eligibility) to non-teaching staff across the Trust. The North Yorkshire Pension Fund (NYPF) is the administering body for LGPS membership for the Trust.

This document is intended to comply with these duties and, in the following table, sets out the discretionary powers concerned, identifies the relevant Regulation that gives the Trust the discretion and describes how the discretion will be exercised.

This policy confers no contractual rights.

South York Multi-Academy Trust retains the right to change this policy at any time subject to the approval of the South York Multi-Academy Board.

The Policy and its discretions applies for staff employed under a support contract across the Trust.

## 2. Table of Discretions Policy



### DISCRETIONS POLICY – South York Multi-Academy Trust (SYMAT)

Area	Discretion	Regulation	Exercised by	Key	Policy
<b>Granting additional pension</b>	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 - figure at 1 April 2014. This is inflation proofed annually)	R31	Employer	<b>Mandatory</b>	SYMAT will not normally fund additional contributions either wholly or in part, but may do so in exceptional circumstances and subject to the agreement of the SYMAT Board / School Governing Body.
<b>Shared cost Additional Pension Contributions (to buy additional pension)</b>	Whether, how much and in what circumstances to contribute to a shared cost Additional Pension Contributions (APC) scheme  A member can buy additional pension through an APC contract. The discretion is whether the employer will share the cost of the APC	R16(2)(e) & R16(4)(d)	Employer	<b>Mandatory</b>	SYMAT will not make such voluntary contributions.

<b>Flexible retirement</b>	Whether all or some benefits can be paid if an active member aged 55 or over and with at least 2 years qualifying service reduces their hours or grade (flexible retirement)	<b>R30(6) &amp; TP11(2)</b>	Employer	<b>Mandatory</b>	SYMAT will consider flexible retirement requests on a case by case basis.
	Whether to waive, in whole or in part, actuarial reduction to benefits paid on flexible retirement	<b>R30(8)</b>	Employer (or Admin. Authority where Employer has become defunct)	<b>Mandatory</b>	SYMAT will consider each case on its merits but will not normally agree to waive any actuarial reductions.
<b>85 Year Rule</b>	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).	<b>TPSch 2, para, 1(2) &amp; 1(1)(c)</b>	Employer (or Admin. Authority where Employer has become defunct)	<b>Mandatory</b>	SYMAT will only agree to “switch on” the rule of 85 in exceptional circumstances following approval from SYMAT Board / School Governing Body after considering the costs that will apply.

<p><b>Waive Reduction</b></p>	<p>Whether to waive any actuarial reduction for a member voluntarily drawing benefits before normal pension age other than on the grounds of flexible retirement (where the member has both pre 1/4/14 and post 31/3/14 membership)</p> <p>a) on compassionate grounds (pre 1/4/14 membership) and / or, in whole or in part on any grounds (post 31/3/14 membership) if the member was not in the Scheme before 1/10/06,</p> <p>b) on compassionate grounds (pre 1/4/14 membership) and / or, in whole or in part on any grounds (post 31/3/14 membership) if the member was in the Scheme before 1/10/06, will not be 60 by 31/3/16 and will not attain 60 between 1/4/16 and 31/3/20 inclusive</p> <p>c) on compassionate grounds (pre 1/4/16 membership) and / or, in whole or in part on any grounds (post 31/3/16 membership) if the member was in the Scheme before 1/10/06 and will be 60 by 31/3/16</p> <p>d) on compassionate grounds (pre 1/4/20 membership) and / or, in whole or in part on any grounds (post 31/3/20 membership) if the</p>	<p>TP3(1), TPSch 2, para 2(1) &amp; B30(5) &amp; B30A(5)</p>	<p>Employer (or Admin. Authority where Employer has become defunct)</p>	<p><b>Mandatory</b></p>	<p>SYMAT will consider each case on its merits but will not normally waive any reduction that would otherwise be made to a member's pension payable on early retirement.</p>
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	member was in the Scheme before 1/10/06, will not be 60 by 31/3/16 and will attain 60 between 1/4/16 and 31/3/20 inclusive				
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	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 31/3/14 membership)	R30(8)	Employer (or Admin. Authority where Employer has become defunct)	<b>Mandatory</b>	SYMAT will only waive the actuarial reduction in exceptional circumstances following approval from the SYMAT Board / School Governing Body.
<b>Redundancy Pay on actual weeks pay</b>	To base redundancy payments on an actual weeks pay where this exceeds the statutory weeks pay limit	5	Employer	<b>Mandatory</b>	SYMAT will base redundancy payments on an actual weeks pay where this exceeds the statutory weeks pay limit
<b>Lump sum compensation</b>	To award lump sum compensation of up to 104 weeks pay in cases of redundancy, termination of employment on efficiency grounds, or cessation of a joint appointment	6	Employer	<b>Mandatory</b>	Redundancy compensation payment will be based on statutory redundancy tables only but based on actual weeks pay where this exceeds the statutory weeks pay limit.
<b>Injury Allowances</b>	Whether to grant an injury allowance following reduction in remuneration as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job	3(1)	Employer	<b>Mandatory</b>	SYMAT will not make such voluntary contributions.
	Amount of injury allowance following reduction in remuneration as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job	3(4) and 8	Employer	<b>Mandatory</b>	SYMAT will not make such voluntary contributions.

Determine whether person continues to be entitled to an injury allowance awarded under regulation 3(1) (reduction in remuneration as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job)	3(2)	Employer	<b>Mandatory</b>	SYMAT will not make such voluntary contributions.
Whether to grant an injury allowance following cessation of employment as a result of permanent incapacity caused by sustaining an injury or contracting a disease in the course of carrying out duties of the job	4(1)	Employer	<b>Mandatory</b>	SYMAT will not make such voluntary contributions.
Amount of injury allowance following cessation of employment as a result of permanent incapacity caused by sustaining an injury or contracting a disease in the course of carrying out duties of the job	4(3) and 8	Employer	<b>Mandatory</b>	SYMAT will not make such voluntary contributions.
Determine whether person continues to be entitled to an injury allowance awarded under regulation 4(1) (loss of employment through permanent incapacity)	4(2)	Employer	<b>Mandatory</b>	SYMAT will not make such voluntary contributions.
Whether to suspend or discontinue injury allowance awarded under regulation 4(1) (loss of employment through permanent incapacity) if person secures paid employment for not less than 30 hours per week	4(5)	Employer	<b>Mandatory</b>	SYMAT will not make such voluntary contributions.



	for a period of not less than 12 months.				
	Whether to grant an injury allowance following cessation of employment with entitlement to immediate LGPS pension where a regulation 3 payment (reduction in remuneration as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job) was being made at date of cessation of employment but regulation 4 (loss of employment through permanent incapacity) does not apply	6(1)	Employer	<b>Mandatory</b>	SYMAT will not make such voluntary contributions.
	Determine amount of any injury allowance to be paid under regulation 6(1) (payment of injury allowance following cessation of employment)	6(1)	Employer	<b>Mandatory</b>	SYMAT will not make such voluntary contributions.
	Determine whether and when to cease payment of an injury allowance payable under regulation 6(1) (payment of injury allowance following cessation of employment)	6(2)	Employer	<b>Mandatory</b>	SYMAT will not make such voluntary contributions.
	Whether to grant an injury allowance to the spouse, civil partner, co-habiting partner or dependent of an employee who dies as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job	7(1)	Employer	<b>Mandatory</b>	SYMAT will not make such voluntary contributions.

	Determine amount of any injury allowance to be paid to the spouse, civil partner or co-habiting partner under regulation 7(1) (employee who dies as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job)	7(2) and 8	Employer	<b>Mandatory</b>	SYMAT will not make such voluntary contributions.
	Determine whether and when to cease payment of an injury allowance payable under regulation 7(1) (employee who dies as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job)	7(3)	Employer	<b>Mandatory</b>	SYMAT will not make such voluntary contributions.