

## HUNTINGDONSHIRE REGIONAL COLLEGE

### DISCRETIONARY POWERS UNDER THE LOCAL GOVERNMENT PENSION SCHEME REGULATIONS 1997

On the 25<sup>th</sup> March 1998 The Personnel and Employment Policy Committee of the Corporation approved and adopted the following Resolutions regarding the Local Government Pension Scheme operated by the College for Support Staff.

The following resolutions should be read in conjunction with the Local Government Pension Scheme Booklet available from the HR Office.

Decision & Regulation Number	Discretion	College Decision & Policy
1. Reg 53	To grant extra membership to new Scheme members	No extra membership should be granted
2. Reg 52	To grant extra membership to leavers aged 50 or over	No extra membership should be granted
3. Reg 31	To grant applications for early payment of benefits on or after age 50 and before age 60	No applications should be granted unless: i) there are compelling compassionate reasons, or ii) the request is to bring an earlier deferred benefit into payment following redundancy or efficiency retirement under the LGPS in a current job
4. Reg 31	To waive on compassionate grounds, the percentage reduction applied to early payments of benefits	Percentage reductions should not be waived unless item ii) in 3 above applies irrespective of whether the member is over age 60
5. Reg 67	To introduce a Shared Cost AVC (SCAVC) arrangement	An SCAVC should not be introduced at the present time
6. Reg 9 of the Transitional Provisions Regulation	Option to grant "free" widowers pensions in respect of females pensionable service from 1.4.72 to 5.4.88	To grant "free" cover as agreed by the Pensions Consultative Group
7. Reg 15	To reduce or waive employee's contributions after 40 years pensionable local government service	To reduce such employee's contribution rate to 3% during the period when they are unable to accrue additional pensionable service
8. Reg 7 (9)(a)	To allow an employee who has opted out of the LGPS more than once to rejoin	No consent should be given
9. Reg 14 (3)(b)	"Outsourced" manual workers to be allowed to continue to pay 5% rate upon return to the LGPS (even if option to do so not made within 30 days)	To assume 5% rate in all such cases, extending the time limit whenever necessary

Decision & Regulation Number	Discretion	College Decision & Policy
10 Reg 18 (6) & (7)	Option to extend normal time limit for a member to elect to pay voluntary contributions to cover a period of absence from duty	Time limit to be extended to one month from the date of the College's letter notifying member of right to pay, where the letter is not issued within 23 days of date employee returns to work
11 Reg 23 (4)	Option to issue a "Certificate of Protection of Pension Benefits" without receiving a request to do so from the Scheme member	To issue a Certificate in all cases where it is in the member's best interests
12 Reg 34(1)(b)	Where a Scheme member would be entitled to a pension or retirement grant under two or more Regulations by reason of the same period of Scheme membership, the employer can choose which benefit is to be paid if the member does not make a choice within 3 months of becoming entitled to elect	Where a member has not made an election within 3 months, the College will apply whichever is the most beneficial provision to the employee (or his/her spouse/dependants)
13 Reg 66(9)(b)	A Scheme member who wishes to elect to convert In House AVC's into as period of Scheme membership must do so within 30 days of ceasing to be a member "or such longer period as the employer may allow"	Where Regulation 66(1)(c) applies (ill health retirement) the College shall deem the Scheme member to have opted whilst an active member to purchase additional service in the LGPS with his/her accumulated AVC's. Subject to the time limits in Regulation 66 (10), where Regulation 66(1)(d) applies (a member who opts to stop paying AVC's when aged 50+ but remains a member of the LGPS) an extension to the 30 days time limit, (i.e. 30 days from ceasing to be a Scheme member), will only be granted where the member has not been notified of the potential additional service that may be purchased within 2 weeks of the date of ceasing to be a Scheme member. Where this is the case the time limit will be extended to 1 month from the date of the letter issued to the member notifying him/her of the potential service credit (again subject to the time limits in Reg 66 (10))
14 Reg 89	The employer may deduct the pension contributions due under the LGPS from a person's pay	Contributions will be deducted from a person's pay

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15 Reg 92	Where a Scheme member is paid a refund of pension contributions, the employer must pay a Contributions Equivalent Premium (CEP) to the DSS. An element of this is recovered from the refund paid to the Scheme member. The balance may be recovered from the Pension Fund	The balance is recovered from the Fund. In practice this is achieved by the Administering Authority paying the CEP out of the Pension Fund direct to the DSS on behalf of the employer
16 Reg 88	Where a Scheme member, who meets the normal criteria for a refund of pension contributions, is <u>not</u> entitled to such a refund if he/she ceased employment due to an offence of a fraudulent character or due to grave misconduct, <u>unless</u> the employer directs that a total or partial refund may be made	The College will direct a refund of contributions less any debt owed to the College by the member (see Reg 115 below)
17 Reg 111	If a Scheme member is convicted of, and ceases employment as a result of an offence in connection with his/her employment which was gravely injurious to the State or liable to lead to a serious loss of confidence in the Public Service, the employer can apply to the Secretary of State for the Environment, Transport and Regions for the issue of a forfeiture certificate. If the Secretary of State issues a certificate the employer may direct that any of the person's rights to be forfeited	Where appropriate the College will apply for a certificate and, if such a certificate is issued by the Secretary of State, it will be applied against the member's pension rights i.e. the rights should be forfeited
18 Reg 112	Where the Secretary of State has issued a forfeiture certificate but the employer has <u>not</u> applied the certificate nor notified the Scheme member of an award of benefits under the LGPS, the employer may direct that interim payments be made out of the Pension Fund until such time as It decides to apply the forfeiture certificate, or to make an award of benefits	Due to the decision in Reg111 above, there will be no need for the College to decide whether or not to make interim payments

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19 Reg 113	Where a member (i) ceases employment in consequences of a criminal, negligent or fraudulent act or omission in connection with that employment and (ii) has incurred a monetary obligation arising therefrom to the employer and (iii) is entitled to the pension benefits under the LGPS, the employer may recover the amounts of the monetary obligation, or the value of the members pension rights is less (other than transferred in pension rights), from the Pension Fund and reduce the members benefit accordingly	The College will make the appropriate recovery and reduce the members pension rights accordingly where the member has not made good the debt
20 Reg 115	Where i) a member ceases employment in consequences of an offence involving fraud or due to grave misconduct in connection with that employment, and ii) the employer has suffered a direct financial loss resulting therefrom, and iii) the member is entitled to benefits under the LGPS and a forfeiture certificate has been applied, or the member is entitled to a refund of pension contributions the employer may direct that the amount of the direct financial loss (or the refund of contributions, if less) be recovered from the Pension Fund	The College will make the appropriate recovery from the Pension Fund where the member has not made good the debt
21 Reg 121 (8)	If a Scheme member wishes to transfer pension rights into the LGPS he/she must opt to do so within 12 months of joining the LGPS "or such longer period as the employer will allow"	The 12 month time limit be extended only where the Scheme member has requested investigations to commence within the 12 month time period, i.e. a transfer can be concluded after 12 months if negotiations have commenced within the 12 month period. This will prevent such circumstances as members subsequently requesting a transfer when redundancy or ill health retirement is imminent

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22 Reg 65 (3)	The employer can extend the one month time limit for a member who paid AVC's with a previous Scheme employer, and who commences employment with the employer within one month and a day, to elect to continue paying AVC's in their employment	No extension will be granted as the member can, in any case, re-opt to pay AVC's
23 Reg 71(7)(a)	The employer may consent to a member's former authority assigning to the employer their rights under any life cover policy the former employer held for the member under an SCAVC arrangement	No assignment will be acceded to on the basis that, having sought advice from the County Council's AVC provider, it has been concluded that it is not technically possible to do so

Any member of staff who has a query with any of the Resolutions above should contact the HR Office in the first instance, who in turn will refer any questions to the Pensions Manager at Cambridgeshire County Council, on behalf of the Local Government Pension Scheme.