



**WESTON**  
**COLLEGE**

RG/lad

26 June 1998

29 JUN 1998

RECEIVED

Tony Worth  
Compliance Officer  
Avon Pension Fund  
Bath & North East Somerset Council  
PO Box 9  
Floor 3 South  
Riverside  
Temple Street  
Keynsham  
BS31 1FX

Dear Mr Worth

**LGPS - Weston College Discretionary Regulations**

Please find enclosed the policy and procedures of Weston College in relation to the employer's discretionary regulations of the Local Government Pensions Scheme Regulations 1997.

I can confirm that the Policy and Procedures were approved by the Governing Body of Weston College at its meeting on Thursday 25<sup>th</sup> June 1998. I can further confirm that all members of the scheme will be notified of the College's policy in advance of the 30<sup>th</sup> June 1998 deadline.

Should you have any concerns, or if I may assist you further please do not hesitate to contact me.

Yours sincerely

**R Gribble**  
**Director of Corporate Services**

Enc

Knightstone Road  
Weston-super-Mare • BS23 2AL  
Tel: 01934 411411 Fax: 01934 411410

## LOCAL GOVERNMENT PENSION SCHEME POLICY

### Background

The Local Government Pension Scheme Regulations 1997 and the Local Government Pensions Scheme (Transitional Provisions) Regulations 1997 were both enacted on 30 June 1997 to be effective from 1 April 1998. These regulations provide for more discretion to be exercised both by Administering Authorities and individual Corporations and increased flexibility is made available to Corporations in the application of certain regulations. This policy makes provision for those regulations delegated under the Regulations to Weston College of FE Corporation.

### Policy Review

The policy will be reviewed annually by the Principal in consultation with Director of Corporate Services and recommendations made to the Finance Committee of the Board of Governors.

### Policy

It is the policy of the Corporation that

- 1 All rules as set out in the Local Government Pensions Scheme Regulations 1997 shall apply to all qualifying employees of the Corporation.
- 2 All administering authority discretion's delegated to Bath and North East Somerset Council within the rules of the Local Government Pension Scheme Regulations 1997 shall apply to all qualifying employees of the Corporation.
- 3 The following policies delegated to the Corporation as the employer shall apply to all qualifying employees.
  - a) **Waiver of employee contributions for employees with 40 or more years LGPS membership (Regulation 15).**
    - i) The Corporation shall waive an employee's pension contributions when the employee has achieved 40 years Local Government Pension scheme membership and is unable to accrue additional pensionable service.
    - ii) Should the employee continue in employment beyond the age of 60, contributions will be reinstated where further service could be accrued to a maximum of 45 years at age 65.

- b) **Permitting the early release of pension benefits of members who leave voluntarily between the ages of 50-59 years. (Regulation 31).**

The Corporation does not intend to make general use of the early release of pension benefits to employees who leave voluntarily between the ages of 50 and 59 years. Applications will only be considered where such a release is in the best interests of the Corporation or where there are compassionate grounds for the early release of pension benefits.

- c) **The ability to grant additional service to members leaving LGPS employment at or after age 50. (Regulation 52).**

The Corporation notes the new discretion to augment an employee's pensions benefits on retirement but does not intend to make general use of this discretionary power but may wish to consider its use in exceptional cases in the future.

- d) **The ability to grant additional service to members within 6 months of joining the Scheme. ( Regulation 53).**

The Corporation does not intend to make general use of the discretionary power to augment an employee's service within six months of joining the scheme but may wish to consider its use in exceptional cases in the future.

- e) **Shared cost additional voluntary contributions. (Regulation 67).**

The Corporation does not intend to establish a Shared Cost AVC Scheme.

- f) **Widower's provisions in respect of service between 1972-1988. (Regulation 9).**

For the purposes of Regulation 9 the service of married female members from 1<sup>st</sup> April 1972 to 5<sup>th</sup> April 1988 which is covered by election will be treated by the Corporation as service to be used in determining the amount of a widower's pension. The Corporation agrees to accept late elections from any eligible female member. It will be assumed that such female employees will wish to elect unless they notify the Corporation to the contrary.

### **Procedures.**

The following procedures are for use in relation to the exercise of those Regulations delegated to Weston College of FE Corporation. (Regulations 15, 31, 52, 53, 67 and 9). The procedures in relation to the exercise of all other regulations are in accordance with those laid down by the Local Government Pension Scheme as administered by Bath and North East Somerset (the administering authority).

1 Staff considering a request for

- a) waiver of employee contributions (Regulation 15);
- b) early release of pension benefits (Regulation 3);
- c) a grant of additional service on leaving (Regulation 52);
- d) a grant of additional service on joining (Regulation 53);
- e) shared additional voluntary contributions (Regulation 67);
- f) election for widowers provisions (Regulation 9);

are advised to discuss their request with the Personnel Manager to ensure that they are fully aware of the relevant regulation(s) and the procedure to be followed by the applicant.

2 The applicant shall apply, in writing to the Principal and Chief Executive stating:

- i) The background to the application.
- ii) The benefit(s) sought by the applicant.
- iii) The grounds for the application.
- iv) Any special factors which are relevant to the application.

3 The Principal and Chief Executive shall reply to the applicant within 5 working days including the date of a meeting between the Principal and Chief Executive and the applicant, at which the applicant shall be entitled to state his/her case. The date of the meeting shall be within 20 working days of the original letter from the applicant.

4 The applicant may be accompanied by a work colleague or trade union official at the meeting. If the applicant is accompanied, the Principal and Chief Executive may select an employee of the Corporation to attend the meeting as his/her 'friend'.

5 Where applications are made on compassionate grounds for the early release of pension benefits (Regulation 31), the applicant may be required by the Principal and Chief Executive to produce such evidence as is required to enable the Principal and Chief Executive to make an informed judgement.

6 The nature of the compassionate grounds referred in paragraph (5) above shall be determined by the Corporation.

7 The Principal and Chief Executive shall, following the interview, consider the request and all implications including the financial costs of recommending the applicant's request to the Finance Committee.

8 The Principal and Chief Executive shall provide the applicant with a written response within 20 working days of the meeting or final receipt of all supporting evidence, recommending or rejecting the applicant's request. The written response shall contain:

- i) The recommendation
  - ii) The rationale for the recommendation
  - iii) Advice on the next stage of the procedure.
- 9 Where the Principal and Chief Executive recommends the application, the Principal and Chief Executive shall refer the application to the next meeting of the Finance Committee of the Governing Body. The Principal and Chief Executive shall set before the Committee:
- i) The benefits sought by the applicant.
  - ii) The rationale for his/her recommendation
  - iii) The full cost implication(s) upon the Corporation of acceptance of the application.
- 10 The decision of the Finance Committee shall be notified to the applicant by the Clerk to the Corporation within 10 working days of the meeting.
- 11 All requests under the aforementioned regulations shall be deemed to be confidential throughout the procedure.

### **Appeals**

- 12 All applicants shall have a right of appeal against the decision of the Principal and Chief Executive or the Finance Committee

### **Appeal Against the Decision of the Principal and Chief Executive**

- 13 The applicant may appeal against the decision of the Principal and Chief Executive within 20 working days of the applicant's receipt of the decision.
- 14 The appeal shall be registered by the applicant notifying the Clerk to the Corporation of his/her appeal, in writing. The notification shall include the reasons why the applicant considers that the application should have been accepted.
- 15 The Clerk to the Corporation shall, within 20 working days, convene the Special Committee of the Governing Body consisting of a minimum of three Governors of the Corporation excluding the Principal and Chief Executive, Staff or Student Governors. The Special Committee shall have at least one male and one female member.
- 16 The Special Committee shall:
- i) Consider all correspondence between the applicant and the Principal and Chief Executive.
  - ii) Call the Principal and Chief Executive to give evidence in support of his/her decision.

- iii) Call the applicant to give evidence in support of his/her application. The applicant may be supported by a work colleague or trade union official.
  - iv) Call any other employee(s) of the Corporation who may be able to provide evidence to inform the Special Committee's decision.
  - v) Ask any necessary questions of the respective parties to enable them to decide upon the appeal.
- 17 The decision of the Special Committee shall be notified to the applicant by the Clerk to the Corporation within 10 working days of the Committee meeting.
- 18 Where the Special Committee upholds the (i) decision of the Principal and Chief Executive, the matter is final and no further appeals may be made; (ii) appeal by the applicant, the matter is referred to the next meeting of the Finance Committee for further consideration.

#### **Appeal Against the Decision of the Finance Committee**

- 19 The applicant may appeal against the decision of the Finance Committee within 20 working days of his/her receipt of the decision.
- 20 The appeal shall be registered by the applicant notifying the Clerk to the Corporation of his/her appeal, in writing. The notification shall include the reasons why the applicant considers that the application should have been accepted.
- 21 The Clerk to the Corporation shall, within 20 working days, convene the Special Committee of the Governing Body consisting of a minimum of three governors of the Corporation excluding the Principal and Chief Executive, Staff or Student Governors. The Special Committee shall have at least one male and one female member.
- 22 The Special Committee shall
- i) Consider all correspondence between the applicant, Principal and Chief Executive, the Finance Committee and any other concerned parties.
  - ii) Call the Chairman of the Finance Committee to give evidence in support of the Committee's decision.
  - iii) Call the applicant to give evidence in support of his/her application. The applicant may be supported by a work colleague or trade union official.

- iv) Call any other employee(s) of the Corporation who the Special Committee thinks may be able to provide evidence to inform the Committee's decision.
  - v) Ask any necessary questions of the respective parties to enable them to decide upon the appeal.
- 23 The decision of the Special Committee shall be notified to the applicant by the Clerk to the Corporation within 10 working days of the Committee meeting.
- 24 Where the Special Committee upholds the (i) decision of the Finance Committee, the matter is final and no further appeals may be made; (ii) appeal by the applicant, the matter is referred back to the next meeting of the Finance Committee for further consideration, detailing the Special Committee's rationale for the recommendation.

**Appeal Against the Reconsidered Decision of the Finance Committee Resulting from a Referral from the Special Committee**

- 25 The Finance Committee shall reconsider its previous decision in the light of the Special Committee's decision and rationale.
- 26 Following reconsideration of the matter, the decision of the Finance Committee shall be notified to the applicant and the Chair of the Special Committee within 10 working days of the meeting.
- 27 Where the previous Finance Committee's decision is confirmed and the applicant wishes to appeal further then the matter shall be referred again to the Special Committee of the Governing Body.
- 28 The Clerk to the Corporation shall, within 20 working days, convene the Special Committee of the Governing Body consisting of the original panel or a majority thereof.
- 29 The Special Committee shall further review the Finance Committee's decision receiving such further advice, guidance and evidence as may be necessary to enable the Committee to reach a final decision.
- 30 The Clerk to the Corporation shall notify the final decision of the Special Committee within 10 working days of the meeting. **This decision is final and no further appeals may be made.**