

Agincare BANES Ltd

Local Government Pension Scheme Regulations 2008 – Policy on Employer Discretions

Regulation 12	<ul style="list-style-type: none"> • Power to increase of total membership of active members
Regulation 13	<ul style="list-style-type: none"> • Power to award additional pension
Regulation 18	<ul style="list-style-type: none"> • Flexible Retirement
Regulation 30	<ul style="list-style-type: none"> • Choice of early payment of pension
Additional Discretions	

Regulation 12	Power of employing Authority to increase total membership of active members
Explanation	<ul style="list-style-type: none"> • An employer may resolve to increase the total membership of an active member. • A member's total additional membership under this regulation (including additional membership in respect of different employments) must not exceed 10 years.
Policy	Agincare BANES Ltd notes the new discretion to increase an employee's total membership but has no intention to make general use of this discretionary power.

Regulation 13	Power of employing Authority to award additional pension.
Explanation	<ul style="list-style-type: none"> • An employer may resolve to award a member additional pension of not more than £5,000 per year payable from the same date as his pension payable under any other provisions of the pension regulations. • Additional pension may be paid in addition to any increase of total membership resolved to be made under regulation 12.
Policy	Agincare BANES Ltd notes the new discretion to award additional pension benefits. It has no intention to make general use of this discretionary power.

Regulation 18	Flexible retirement
Explanation	<ul style="list-style-type: none"> A member who has attained the age of 55 and who, with her/his employers consent, reduces the hours s/he works, or the grade in which s/he is employed, may make a request in writing to the appropriate administering authority to receive all or part of her/his benefits under these Regulations, and the authority may pay those benefits to her/him notwithstanding that s/he has not retired from that employment.
	<ul style="list-style-type: none"> If the payment of benefits referred to above takes effect before the members 65th birthday, the benefits payable are reduced in accordance with guidance issued by the Government Actuary. The employer may, however, agree to waive, in whole or in part, any such reduction as is referred to above.
	<ul style="list-style-type: none"> In the case of a person who is a member on the 31st March 2008, and who makes the request before 31st March 2010, paragraph (1) applies as if 'the age of 50' were substituted for 'the age of 55'.
	<ul style="list-style-type: none"> Where a member is receiving benefits under this regulation, the period of membership used to calculate those benefits is not taken into account in any subsequent calculation of such benefits to which he is entitled under these Regulations.
Policy	<ul style="list-style-type: none"> Agincare BANES Ltd notes this discretion to allow an employee to take 'Flexible Retirement' pension benefits. Agincare BANES Ltd will consider this option for staff on reaching the age of 60; when exercising its right to agree to an employee's 'Flexible Retirement', Agincare Banes Limited will consider each application on its merit taking account of: <ul style="list-style-type: none"> There is no significant detrimental effect on service delivery The flexible working arrangement is fair and equitable to all employees in the team The reduction in hours is significant (for example 40% of current hours worked) or the employee is moving to a lower graded post. <p>Or on compassionate grounds.</p>

	<p>The principals listed above are not exhaustive or inclusive.</p> <p>Agincare BANES Ltd has no intention to make general use of the discretionary power to waive any actuarial reduction as a result of the employees early retirement.</p>
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Additional Discretions

Regulation 22	Absence Contribution Time Limit
Explanation	<ul style="list-style-type: none"> A member who has been away from work as a result of maternity, paternity or adoptive leave, industrial action (mainly strikes) or unpaid leave of absence has the right to pay voluntary pension contributions to prevent any gap in membership. Their request to do so normally has to be made within 30 days of returning to work (or within 30 days of their last day of service if they don't return). The employer has discretion to extend the 30 days time limit.
Policy	Agincare BANES Ltd requires members to make a request to pay voluntary pension contributions for any unpaid leave of absence within 30 days of returning to work (or within 30 days of their last day of service if they don't return).

Regulation 15 & 25	Shared Cost AVCs
Explanation	<ul style="list-style-type: none"> It is implicit in these two Regulations that an employer may contribute towards a Shared Cost AVC Scheme, i.e. an AVC Scheme into which the employer pays contributions as well as the member.
Policy	Agincare BANES Ltd will not contribute towards a Shared Cost AVC Scheme.

Regulation 47 (2), 72, 73, 74 & 76	Forfeiture of Pension Rights
Explanation	<ul style="list-style-type: none"> If the member leaves as a result of a conviction for an offence in connection with their LPGA employment or as a result of their own criminal, negligent or fraudulent act in connection with that employment, the employer has discretion to direct that all or part of their LGPS pension rights should be forfeited and/or paid over to the

	employer or specified dependents of the member.
Policy	Where a member is convicted of an offence in connection with their LGPS employment or as a result of their own criminal, negligent or fraudulent act in connection with their employment, Agincare BANES Ltd will not require that LGPS pension rights be forfeited in connection with that employment in any way unless Agincare BANES Ltd incurred a loss as a direct consequence of the members action.

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