

Employer Discretions Policy

Bath Tourism Plus Limited (BTP), as an employing body, is required to formulate a Statement of Policy in respect of certain discretionary provisions within the new Pensions Regulations (2008).

Regulation	Title
12	Power to increase of total membership of active members
13	Power to award additional pension
18	Flexible Retirement
30	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	BTP notes the new discretion to increase an employee's total membership but has no intention to make general use of this discretionary power. It may wish to consider its use in exceptional cases in the future.

Application of policy: Delegated to the Finance Director in consultation with the Finance Committee and main board.

Regulation 13	Power of employing Authority to award additional pension. Explanation
Explanation	<ul style="list-style-type: none"> • An employer may resolve to award a member additional pension of not more than £5,000 a 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	BTP notes the new discretion to award additional pension benefits. It has no intention to make general use of this discretionary power but may wish to consider its use in exceptional cases in the future.

Application of policy: Delegated to the Finance Director in consultation with the Finance Committee and main board.

Regulation 18	Flexible retirement Explanation
Explanation	<ul style="list-style-type: none"> • A member who has attained the age of 55 and who, with her/ his employer's 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. • If the payment of benefits referred to above takes effect before the member's 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 • In the case of a person who is a member on 31st March 2008, and who makes a request before 31st March 2010, paragraph (1) applies as if 'the age of 50' were substituted for 'the age of 55'. • 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	<p>BTP notes this discretion to allow an employee to take 'Flexible Retirement' pension benefits. BTP when exercising its right to agree to an employee's 'Flexible Retirement' will consider each application on its merit taking account of:</p> <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>The principals listed above are not exhaustive or inclusive. BTP has no intention to make general use of the discretionary power to waive any actuarial reduction as a result of the employee's early retirement but may wish to consider its use in exceptional cases</p>

Application of policy: Delegated to the Finance Director in consultation with the Finance Committee and main board.

Regulation 30	Choice of early payment of pension
Explanation	<ul style="list-style-type: none"> • If a member leaves a Local Government employment before s/he is entitled to the immediate payment of retirement benefits (apart from this regulation), once s/he has attained the age of 55 s/he may chose to receive payment of them immediately • A choice made by a member of less than 60 is ineffective without the consent of his employing authority or former employing authority • If the member so chooses, s/he is entitled to a pension payable immediately calculated in accordance with regulation 29 • Her/his pension must be reduced by the amounts shown as appropriate in guidance issues by the Government Actuary • A member's employing authority may determine on compassionate grounds that her/his retirement pension should not be reduced under the above) • In the case of a person who is an active member on

	31st March 2008, and who makes an election before 1 April 2010, the above applies as if 'the age of 50' were substituted for 'the age of 55'
Policy.	BTP note the discretion to allow an employee to retire before their normal retirement date or before aged 60. BTP has no intention to make general use of this discretionary power but may wish to consider its use in exceptional cases (e.g. compassionate grounds) in the future

Application of policy: Delegated to the Finance Director in consultation with the Finance Committee and main board

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 adoption 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	BTP 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 16	Membership Aggregation
Explanation	<ul style="list-style-type: none"> A member who transfers from another LGPS employer, either directly or after a break, may opt to aggregate the two periods of membership provided they do so while still an active member in the new post and within twelve months of joining.

Policy	BTP normally requires any request to aggregate LGPS membership to be made within the twelve months time limit. Individual requests outside this limit will be considered on merit with the decision delegated to the Finance Director in consultation with the Finance Committee and main board
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	BTP 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 a member leaves as a result of a conviction for an offence in connection with their LGPS 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 dependants 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 that employment, BTP will not require that LGPS pension rights be forfeited in connection with that employment in any way unless BTP incurred loss as a direct consequence of the member's actions
Regulation 22	Transfers of Pension Rights
Explanation	<ul style="list-style-type: none"> A member who has previous pension rights in a different pension scheme may transfer them into the LGPS provided they opt to do so within twelve months of joining it

Policy

BTP normally requires members to transfer any pension rights with a different pension scheme within twelve months of joining BTP. Individual requests outside this limit will be considered on merit with the decision delegated to the Finance Director in consultation with the Finance Committee and main board.