

BRISTOL CATHEDRAL CHOIR SCHOOL

LOCAL GOVERNMENT PENSION SCHEME

Policy Statement of Exercise of Discretionary Powers

Benefits Regulation 12

Power of employer to increase total membership of an active member.

The School does not intend to make general use of this power but may wish to consider its use in exceptional circumstances. The exercise of this power will be at the discretion of the Governors.

Benefits Regulation 13

Power of the employing authority to award additional pension

The School does not intend to make general use of this power but may wish to consider its use in exceptional circumstances. The exercise of this power will be at the discretion of the Governors.

Benefits Regulation 18

Flexible Retirement

The School will consider allowing flexible retirement where there is a clear benefit to the School, e.g. to retain skills and knowledge valuable to the School and where there is a clear business benefit. The decision to allow flexible retirement will be at the discretion of the Governors taking account of the personal circumstances of the member of staff concerned and the costs and benefits to the school. The school will not waive any actuarial reduction to the member's pension benefits and abatement will apply.

Benefits Regulation 30

Choice of early payment of pension

When a member leaves employment before he/she is entitled to the immediate payment of retirement benefits, once he/she has reached the age of 55 he/she may choose to receive payment of the benefits immediately.

The School will normally consent to this choice made by the employee.

The School will not agree to waive the reduction in whole or in part.

Administration Regulation 22

Extending the time limit for members to pay contributions following a period of absence.

A scheme member may elect to pay **optional contributions** to cover a period of absence from duty providing the option **is** made within 30 days of return to work/cessation of employment, the School will not extend this period except where there is a legal obligation to do so.

Administration Regulation 47

Exclusion of rights to a return of contributions

A scheme member who meets the normal criteria for a refund of pension contributions is not entitled to such a refund if he/she left his/her employment because of:

- a an offence of fraudulent character - unless the School directs that a total or partial refund may be made to the member, his/her spouse, civil partner, nominated cohabiting partner or any dependant of him/her.
- b grave misconduct - unless the School directs that a total or partial refund may be made to the member.

The decision of the School in this instance will be made by the Governors' disciplinary committee.

Administration Regulations 72 and 73

Forfeiture of pension rights after conviction of employment-related offences

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 School can apply to the Secretary of State for the issue of a forfeiture certificate. If a certificate is issued the employer may direct that any of the person's rights be forfeited.

The decision of the School in this instance will be made by the Governors' disciplinary committee.

Administration Regulation 73

Interim payments directions

Where the Secretary of State has issued a forfeiture certificate but the School has not applied the certificate nor notified the scheme member of an award of benefits under the LGPS the School may direct that interim payments are made out of the Pension Fund until such time as it decides to apply the forfeiture certificate or to make an award of benefits

The decision of the School in this instance will be made by the Finance & general purposes committee.

Administration Regulation 74
Recovery or retention where former member has misconduct obligation

Where a member

- a. ceases employment in consequence of a criminal, negligent or fraudulent act or omission in connection with that employment and
- b. has incurred a monetary obligation arising therefrom to the School and
- c. is entitled to pension benefits under the LGPS, the School may recover the amount of the monetary obligation or the value of the members pension rights, if less (other than transferred in pension rights) from the Pension Fund and reduce the members benefits accordingly.

The decision of the School in this instance will be made by the Governors' disciplinary committee.

Administration Regulation 76
Transfers of sums from the pension fund to compensate for member's misconduct

Where

- a. a member ceases employment in consequence of an offence involving fraud or due to grave misconduct in connection with that employment, and
- b. the School has suffered a direct financial loss resulting therefrom, and
- c. 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 School may direct that the amount of the direct financial loss (or the refund of contributions, if less) be recovered from the Pension Fund

The decision of the School in this instance will be made by the Governors' disciplinary committee.

Administration Regulation 83(8)
Inward transfers of pension rights

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. The School will not allow an extension to this period.