



Colston's Girls' School Academy

Company number: 06511936

Charity number: 1079551

Avon Pension Fund employer number: 198

Written statement on Discretionary Powers within the Avon Pension Fund

Requirement for Employers to make Policies on discretionary powers

Each employer within the Avon Pension Fund is required to prepare a written statement of its policy in relation to the exercise of its functions under the following Benefit Regulations:

- regulation 12 (power of employing authority to increase total membership of active members),
- regulation 13 (power of employing authority to award additional pension),
- regulation 18 (flexible retirement),
- regulation 30 (choice of early payment of pension)

The statement must be published to members of the LGPS within 3 months of the date on which you became a Scheme Employer of Avon Pension Fund (1st September 2008) and copied to the Avon Pension Fund.

An employer must:

- keep its statement under review
- make appropriate revisions following a change in its policy

If the statement is revised it must be published within one month of the date it is revised sent to members of the LGPS and a copy sent to the Avon Pension Fund within that month.

In preparing, or reviewing and making revisions to, its statement, an employer must have regard to the extent to which the exercise of any of the functions in accordance with its policy could lead to a serious loss of confidence in the public service.

Policies adopted by Colston's Girls' School Academy

This document sets out how Colston's Girls' School has decided to exercise its discretionary powers in relation to the LGPS

Benefits Regulation 12

Power of employer to increase total membership of an active member

This regulation allows an employer to resolve to increase the total membership of a member who is currently paying contributions to the Scheme. The member's increase in membership under this regulation (including additional membership in respect of different employments) must not exceed 10 years.

School Policy

The School's policy does not propose to increase the membership of an active member beyond the membership earned normally through employment.

Benefits Regulation 13

Power of employing authority to award additional pension

This regulation allows an employer to resolve to award a member additional pension of not more than £5000 a year payable from the same date as his / her pension payable under any other provisions of the Benefit Regulations.

School Policy

The School does not propose to award a member any additional pension in excess of that earned normally as a result of their employment..

Benefits Regulation 18

Flexible retirement

A member who has attained the age of 55 and with his / her employer's consent, reduces the hours he / she works, or the grade in which he / she is employed, may make a request in writing to the Avon Pension Fund to receive all or part of his / her benefits under the Benefits Regulations. However, payment of the benefits cannot be made without the employer's consent.

If the benefits are reduced in accordance with guidance issued by the Government Actuary, the employer may agree to waive, in whole or in part, any such reduction. If the benefits are reduced in accordance with guidance issued by the Government Actuary, the employer may agree to waive, in whole or in part, any such reduction.

School Policy

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. This will only occur where there is no early repayment cost to the School incurred as a result of the flexible retirement.

The Academy will not waive any actuarial reduction to the member's pension.

Benefits Regulation 30

Choice of early payment of pension

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

A choice made by a member aged less than 60 is ineffective without the consent of his / her employer or former employer.

School Policy

The school will normally consent to this choice made by the employee where there is no early repayment cost to the School incurred as a result of the early payment.

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

Administration regulations

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 or such longer period as the employer allows.

School Policy

The school will not extend this period except where there is a legal obligation to do so.

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:

1. **an offence of a fraudulent character** - unless the employer directs that a total or partial refund may be made to the member.
2. **grave misconduct** - unless the employer 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 his / her.

School policy

In such circumstances the decision of the School will be made by its Finance & General Purposes committee.

Regulation 72 & 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 employer 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**.

School policy

In such circumstances the decision of the School will be made by its Finance & General Purposes committee.

Regulation 73

Interim payments directions

Where the Secretary of State has issued a forfeiture certificate but the employer has not applied the certificate nor notified the scheme member of an award of benefits under the LGPS the employer 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.

School policy

In such circumstances the decision of the School will be made by its Finance & General Purposes committee.

Regulation 74

Recovery or retention where former member has misconduct obligation

Where a member

- i. ceases employment in consequence 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 pension benefits under the LGPS, the employer 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.

School policy

In such circumstances the decision of the School will be made by its Finance & General Purposes committee.

Regulation 76

Transfers of sums from the pension fund to compensate for member's misconduct:

Where

- i. a member ceases employment in consequence 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.

School policy

In such circumstances the decision of the School will be made by its Finance & General Purposes committee.

Regulation 83(8) Inward transfers of pension rights

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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 may allow.**

School policy

The school would expect that all transfers of rights will be made within 12 months of joining the LGPS. Any applications received outside the 12 month period would be considered by the Finance & General Purposes committee