

SLM Fitness and Health Ltd (SLM)

This document outlines SLM's policy in exercising its discretion under the Avon Pension Scheme.

SLM has entered the Avon Pension Fund under an Admitted Body Status Agreement.

In accordance with that Agreement, those SLM employees who transferred to SLM through a TUPE agreement on 1st October 2006, to carry out a contract with Bristol City Council are entitled to remain in the Local Government Pension Scheme.

The Legislation states that there is a provision for individual employers to have discretion over Benefit Regulations 12, 13, 18 and 30. This covers the entitlements of employees past and present.

This document is to summarise how Discretion Regulations 12, 13, 18, and 30 will be applied as 1st June 2009. This document will be reviewed annually.

Benefits Regulation 12. Augmentation of period of membership.

This regulation gives the employer the right to augment (increase) the membership of a member paying into the scheme, up to a maximum of 10 years. This would include any additional membership in relation to different employments

SLM does not intend to make use of this provision at present, but it reserves the right to consider its use in exceptional circumstances at any point in the future.

Benefits Regulation 13. Power of employing authority to award additional pension.

This regulation allows for the provision of the employer to award up to £5000 a year of additional pension payable from the same date as his/her pension is payable. This benefit may be paid in addition to Regulation 12

SLM does not intend to make use of this provision at present, but it reserves the right to consider its use in exceptional circumstances at any point in the future.

Benefits Regulation 18. Flexible retirement.

A member who had attained the age of 55 and who, with his/her employer's consent, reduces the number of hours they work or lowers the grade they

work may make a request to the Avon Pension Fund in writing to receive all or part of those benefits even though they have not retired and are still employed. The employer must also consent to the payment of benefits. If the payment of benefits takes effect from before the member's 65th birthday the benefits payable will be reduced in line with the guidance issued by the Government Actuary. However the employer may agree to waive any such reduction referred to above.

Where a member is receiving benefits under Regulation 18, the period of membership used to calculate those benefits cannot be taken into account in any subsequent calculations for benefits to which they are entitled to under Regulation 18.

SLM notes Discretion Regulation 18 to allow an employee's right to flexible retirement. It will consider each application on an individual basis against certain criteria, which may include:

- That there will be no significant or detrimental effect upon service delivery.***
- That the flexible working arrangements are fair to all employees in the team.***
- The reduction in hours is significant (for example 40%)***
- The employee is moving to a lower grade job.***
- Compassionate grounds***

This list is not exhaustive or inclusive and other criteria will be considered.

SLM does not intend to make use of the discretionary power to waive any actuarial reduction as a result of an employee's early retirement at present, but it reserves the right to consider its use in exceptional circumstances at any point in the future.

Benefits Regulation 30. Choice of Early Payment of Pension.

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

If a member is aged less than 60 the consent of the employer must be given for benefits to be paid.

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

SLM does not intend to make use of this provision at present, but it reserves the right to consider its use in exceptional circumstances (e.g. compassionate grounds) at any point in the future.