

New Employer Discretions

Power of employer to increase total membership of an active member (Benefits Regulation 12)

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.

Policy

This power will not be exercised unless it is in the University's best interest to do so.

Power of employing authority to award additional pension (Benefits Regulation 13)

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.

Additional pension may be awarded in addition to any increase of total membership resolved under Benefits Regulation 12.

Policy

This power will not be exercised unless it is in the University's best interest to do so.

Flexible retirement (Benefits Regulation 18)

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.

The minimum retirement age is 55 for new scheme members from 1st April 2008 and 1st April 2010 for those who are members of the scheme on 31st March 2008. Therefore, from 1st April 2008 to 31st March 2010 the minimum retirement age will be 50 for those who are members of the scheme on 31st March 2008.

Policy

The University would be willing to allow flexible retirement under Benefits Regulation 18 provided there is no financial cost to the University.

Choice of early payment of pension (Benefits Regulation 30)

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.

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.

The minimum retirement age is 55 for new scheme members from 1st April 2008 and 1st April 2010 for those who are members of the scheme on 31st March 2008. Therefore, from 1st April 2008 to 31st March 2010 the minimum retirement age will be 50 for those who are members of the scheme on 31st March 2008.

Policy

The University would be willing to allow an early payment of pension provided there is no cost to the University unless it is in the University's interest to incur such a cost.

Further Discretionary Policies

Extending the time limit for members to pay contributions following a period of absence - Regulation 22 - Administration

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.

Policy

The University would consider each request on its merits

Exclusion of rights to a return of contributions - Regulation 47 - Administration

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 a fraudulent character** – unless the employer directs that a total or partial refund may be made to the member.
- b) **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.

Policy

The University would consider each case on its merits.

Forfeiture of pension rights after conviction of employment-related offences - Regulation 72 & 73 - Administration:

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**.

Policy

The University would consider each case on its merits.

Interim payments directions – Regulation 73 - Administration

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

Policy

The University would consider each case on its merits.

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

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.

Policy

The University would consider each case on its merits.

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

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.

Policy

The University would consider each case on its merits.

Inward transfers of pension rights – Regulation 83(8):

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.**

Policy

The University agrees that members must request a transfer of pension rights within 12 months unless there are circumstances which would have made it impossible to do so.

Existing Discretions

Regulation 15

To reduce or waive employee contributions for those with 40 or more years local government service.

Policy

The University has decided not to waive an employee's pension contributions when he/she has achieved 40 years membership of the Local Government Pension Scheme and is unable to accrue additional pensionable service.

Regulation 31

Permitting the early release of benefits for those members who leave between the ages of 50 – 59 inclusive.

Policy

The University has decided that applications for early release of benefits from employees between the ages of 50 – 59 inclusive will only be accepted in cases where it can be demonstrated as being in the University's best interests.

In such cases where early release of pension benefits is approved, actuarial abatement will be applied to the pension benefits.

Regulation 52

The ability to grant additional service to members leaving at or after the age of 50.

Policy

The University has no intention to make general use of the discretionary power to augment an employee's pension benefits on retirement but may wish to consider its use in exceptional circumstances.

Regulation 53

The ability to grant additional service to members within 6 months of joining the scheme

Policy

The University has no intention to make general use of the discretionary power to augment an employee's service within 6 months of joining the scheme but may wish to consider its use in exceptional circumstances in the future.

Regulation 67

A shared cost additional voluntary contribution arrangement.

Policy

The University does not intend to set up a Shared Cost AVC scheme in the foreseeable future.