

TORBAY COUNCIL-PENSION DISCRETIONS.

Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (As Amended).

Local Government Pension Scheme (Administration) Regulations 2008 (As Amended).

TORBAY COUNCIL DISCRETIONARY POWERS POLICY STATEMENT DECISIONS.

<u>DETAIL OF DISCRETION.</u>	<u>TORBAY COUNCIL POLICY DECISION.</u>
<p><u>Regulation 12: Power of Employing Authority to Increase Total Membership of Active Members.</u></p> <p>Employers can increase the total membership of an active employee by up to a maximum of 10 years service.</p>	<p>Torbay Council will not normally exercise this discretion.</p>
<p><u>Regulation 13: Power of Employing Authority to award Additional Pension.</u></p> <p>Employers can award a scheme member an amount of additional pension of not more than £5,000.00 per annum.</p>	<p>Torbay Council will not normally exercise this discretion.</p>
<p><u>Regulation 18: Flexible Retirement.</u></p> <p>Flexible Retirement is available to members of the LGPS from age 55.</p> <p>There is no age limit to flexible retirement, and an employee can draw their pension benefits in full, and carry on working for the Council, retain membership of the LGPS, and accrue a further set of pension benefits</p> <p>The pension benefits can only be paid if the Council consents to a reduction in hours, or grade and agrees to the release of the accrued pension benefits. The minimum reduction in hours that will be considered is a 20% cut in hours.</p> <p>The employee must commit to a permanent reduction in hours or grade. There is no automatic right of the employee to revert back to the former working arrangements. The employee must commit to remaining in employment for a minimum period of 1 year or up to age 60 if earlier.</p>	<p>Torbay Council will take all reasonable steps to accommodate an employee's request for flexible retirement.</p> <p>The Council will not waive any reduction to pension, and under Torbay Council's discretionary powers, will consider flexible retirement only where there is no cost to the employer.</p>
<p><u>Regulation 25(3): Shared Cost Additional Voluntary Contribution Scheme.</u></p> <p>An employing authority may decide to establish a Shared Cost AVC arrangement. If this discretion is exercised the administering authority (Devon Pension Services) has to make the appropriate arrangements with an insurance company.</p>	<p>Torbay Council will not enter into a Shared Cost AVC arrangement.</p>
<p><u>Regulation 30: Choice of Early Payment of Pension (Employer Consent). (Active Members).</u></p> <p>An employee can request early payment of their pension benefits, if they are aged 55, but before age 60.</p> <p>The pension benefits, will be subject to a reduction unless the employee satisfies the ' 85 Year Rule', or the employer agrees to waive the reduction on compassionate grounds.</p> <p>The Employer must consent to the release of the pension benefits.</p>	<p>Employee's can apply in writing to their line manager, and each case is considered on an individual basis.</p> <p>Any strain payment cost arising, as the result of a successful application will be met by the employee's business unit, or school.</p>
<p><u>Regulation 30 (A): Choice of Early Payment of Pension: (Employer Consent). (Deferred Members).</u></p> <p>An ex employee with deferred pension benefits can request early payment of their pension benefits, if they are aged 55, but before age 60.</p> <p>The pension benefits, will be subject to a reduction unless the employee satisfies the ' 85 Year Rule', or the employer agrees to waive the reduction on compassionate grounds.</p> <p>The Employer must consent to the release of the pension benefits.</p>	<p>Ex-Employee's can apply in writing, and the following process will apply:</p> <p>If an ex-employee does not satisfy the ' 85 Year Rule', therefore the benefits are subject to a reduction, and there is no strain payment cost to the employer, the ex-employee can elect to receive their pension benefits.</p> <p>If an ex-employee satisfies the ' 85 Year Rule', the benefits are payable in full, and there will be a strain payment cost.</p> <p>Then the case should be referred to the Executive Head of the service area, or the Head Teacher where the ex-employee worked, for a decision on whether the strain payment will be paid, and the pension benefits released.</p>