



Employer Pensions Discretions Policy

The LGPS Regulations 2013

and

The LGPS Regulations 2014

(Transitional Provisions and Savings)

and

The LGPS Regulations 2008

(Benefits, Membership and Contributions)

Employer name/number: Coventry College

Policy effective from: 13/12/2023

These policies may be subject to review from time to time. Affected employees will be notified of any subsequent change to this Policy Statement.

Print name of authorised officer: Carol Thomas

Job title: Principal & CEO

Signature of authorised officer:

Date: 13 December 2023



West Midlands Pension Fund

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Section 1: Mandatory LGPS 2013 & 2014 discretions

Discretionary policies from 1 April 2014 in relation to post 31 March 2014 active members and post 31 March 2014 leavers (excluding councillor members)

Shared Cost Additional Pension Contribution APC's) Reg 16(2)(e) & Reg 16(4)(d))	Policy Decision:
<i>'Whether, how much, and in what circumstances to contribute to a shared cost APC scheme.'</i>	Due to potential cost burden Coventry College will not normally fund additional contributions either wholly or in part.
Flexible Retirement R30(6) & TP11(2)	Policy Decision:
<i>'Whether all or some benefits can be paid if an employee reduces their hours or grade (flexible retirement).'</i>	The college's normal position is that requests to access flexible retirement benefits will only be approved where there is no cost to the college.
Flexible Retirement – Waiving Reductions R30(8)	Policy Decision:
<i>'Whether to waive, in whole or in part, actuarial reduction on benefits paid on flexible retirement.'</i>	The college will not normally waive any actuarial reduction that would otherwise be applied for members who take voluntary retirement or agreed flexible retirement.
Waiving Reductions R30(8)	Policy Decision:
<i>'Whether to waive, in whole or in part, actuarial reduction on benefits which a member voluntarily draws before normal pension age other than on the grounds of flexible retirement (where the member only has post 31 March 2014 membership).'</i>	Any employee from their 55th birthday can voluntarily retire and access their benefits with an actuarial reduction. The college will not normally waive any actuarial reduction that would otherwise be applied for members who take voluntary retirement or agreed flexible retirement.
'Switch on' the 85-year rule TPSch 2, para 1(2) & 1(1)(c)	Policy Decision:

<p><i>'Whether to "switch on" the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60 (other than on the grounds of flexible retirement)'.</i></p>	<p>Employees can request that the College 'switch on' the 85 year rule, if they are eligible.</p> <p>To be eligible, the employee's LGPS Service (all service) and their age must equal 85 years or more, and they must have joined the pension scheme before 1st October 2006.</p> <p>Deferred members from the age of 55 can access their deferred pension benefits early without employer's consent; however the pension income will reduce after the actuarial reduction is applied.</p>
<p>Waive actuarial reductions to members benefits TP3(1), TPSch 2, para 2(1), B30(5) & B30A(5)</p>	<p>Policy Decision:</p>
<p><i>'Whether to waive any actuarial reduction for a member voluntarily drawing benefits before normal pension age other than on the grounds of flexible retirement (where the member has both pre 1 April 2014 and post 31 March 2014 membership):</i></p> <ul style="list-style-type: none"> a) <i>on compassionate grounds (pre 1 April 2014 membership) and / or, in whole or in part on any grounds (post 31 March 2014 membership) if the member was not in the Scheme before 1 October 2006,</i> b) <i>on compassionate grounds (pre 1 April 2014 membership) and / or, in whole or in part on any grounds (post 31 March 2014 membership) if the member was in the Scheme before 1 October 2006, will not be 60 by 31 March 2016 and will not attain 60 between 1 April 2016 and 31 March 2020 inclusive,</i> c) <i>on compassionate grounds (pre 1 April 2016 membership) and / or, in whole or in part on any grounds (post 31 March 2016 membership) if the member was in the Scheme before 1</i> 	<p>The College will not normally waive, on compassionate grounds, any reductions that would otherwise be made to a member's pension payable on early retirement.</p>

<p>October 2006 and will be 60 by 31 March 2016,</p> <p>d) on compassionate grounds (pre 1 April 2020 membership) and / or, in whole or in part on any grounds (post 31 March 2020 membership) if the member was in the Scheme before 1 October 2006, will not be 60 by 31 March 2016 and will attain 60 between 1 April 2016 and 31 March 2020 inclusive.'</p>	
Power of employing authority to grant additional pension Reg 31	Policy Decision:
<i>'Whether to grant additional pension to an active member or within 6 months of ceasing to be an active member by reason of redundancy or business efficiency (by up to £6,500 p.a. on 1 April 2014 - this figure is inflation proofed annually).'</i>	The College will not normally award additional pension to either an active member or a former active member.

Section 2: Pre 2014 mandatory discretions

Discretions to be exercised on and after 1 April 2014 in relation to scheme members who ceased active membership between 1 April 2008 and 31 March 2014

'Switch on' the 85-year rule TPSch 2, para 1(2) & 1(1)(c)	Policy decision
<p><i>'Whether to "switch on" the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60.'</i></p> <p><i>'Whether to "switch on" the 85 year rule for a pensioner member with deferred benefits voluntarily drawing benefits on or after age 55 and before age 60.'</i></p>	The College will not normally "switch on" the 85 year rule.
Waive actuarial reductions to members benefits B30(5), B30A(5), TPSch 2, para 2(1)	Policy decision

<p><i>'Whether to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early under B30 (member).'</i></p> <p><i>'Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early under B30A (pensioner member with deferred benefits).</i></p>	<p>The College will not normally waive, on compassionate ground, any reductions that would otherwise be made to a member's pension payable on early retirement.</p>
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Section 3: Pre 2014 mandatory discretions

Discretions to be exercised on and after 1 April 2014 in relation to scheme members who ceased active membership between 1 April 1998 and 31 March 2008

Grant application for early payment of deferred benefits R31(2) LGPS Regulations 1997	Policy decision
<i>'Grant application for early payment of deferred benefits on or after age 50 and before age 55.'</i>	It is not normally the policy of the College to allow deferred benefit applications on or after age 50 and before age 55.
'Switch on' the 85-year rule upon the voluntary early payment of deferred benefits TPSch 2, para 1(2) & 1(1)(f) & R60	Policy decision
<i>'Whether to "switch on" the 85 year rule for a member with deferred benefits voluntarily drawing benefits on or after age 55 and before age 60.'</i>	The College will not normally "switch on" the 85 year rule.
Waive actuarial reductions to members benefits R31(5) 1997 & TPSch 2, para 2(1)	Policy decision
<i>'Waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early.'</i>	The College will not normally waive any actuarial reduction for deferred members on compassionate grounds.

Section 4: Pre LGPS 2014 mandatory discretions

Discretions to be exercised on and after 1 April 2014 in relation to members who ceased active membership before 1 April 1998

Grant application for early payment of deferred benefits TP3(5A)(vi), TL4, L106(1) 1997 Transitional & D11(2)(c) 1995 Regs	Policy Decision:
<i>'Grant application for early payment of deferred benefits on or after age 50 on compassionate grounds. Although the common provisions of the 1997 Transitional provisions regulations do not specify regulation D11(2)(c), there intention was that it should apply to this regulation.'</i>	The College will not normally allow deferred benefit applications on or after age 50 and before age 55.

Section 5: Recommended LGPS 2013 & 2014 (Non-mandatory discretions)

There is no requirement to have a written policy in respect of non-mandatory discretions. However, there are some non-mandatory discretions where it is recommended for Scheme employers to have a written policy so that both members and the Pension Fund administering authority can be clear on the employer's policy on these matters.

How an employee's contribution band will be initially determined and thereafter reviewed R9(1) & R9(3)	Policy Decision:
<i>'Determine rate of employees' contributions.'</i>	The tiered contribution rate for each employee will normally be based on the pensionable pay elements immediately. Basic salary is assessed at the full-time equivalent rate in each post an employee holds.
Extend the time limit for member to elect for a Shared Cost Additional Pension Contribution R16(16)	Policy Decision:
<i>'Whether to extend 30 day deadline for member to elect for a shared cost APC upon return from a period of absence from work with permission with no pensionable pay (otherwise than because of illness or injury,</i>	The College will not normally extend the 30 day deadline.

<i>relevant child-related leave or reserve forces service leave).</i>	
Shared Cost Additional Voluntary Contribution Arrangement (SCAVC) R17(1) and definition of SCAVC in RSch 1	Policy Decision:
<i>'Whether, how much, and in what circumstances to contribute to shared cost AVC arrangements.'</i>	The College will not normally fund additional contributions either wholly or in part.
Whether to include a regular lump sum payment when calculating assumed pensionable pay (APP) Reg 21(5)	Policy Decision:
<i>'In determining Assumed Pensionable Pay (APP), whether a lump sum payment made in the previous 12 months is a "regular lump sum".'</i>	The College will examine each case at the appropriate time subject to affordability.
Whether to substitute a higher level of pensionable pay when calculating assumed pensionable pay R21(5A) and 21(5B)	Policy Decision:
<i>'Where in the Employer's opinion, the pensionable pay received in relation to an employment (adjusted to reflect any lump sum payments) in the 3 months (or 12 weeks if not paid monthly) preceding the commencement of Assumed Pensionable Pay (APP), is materially lower than the level of pensionable pay the member would have normally received, decide whether to substitute a higher level of pensionable pay having had regard to the level of pensionable pay received by the member in the previous 12 months.'</i>	The College will examine each case at the appropriate time subject to affordability.
Extend the 12-month time limit for a member to elect not to aggregate Post 31 March 2014 deferred benefits R22(8)(b) and R22(7)(b)	Policy Decision:
R22(8)(b): <i>'Whether to extend the 12 month option period for a member to elect that post 31</i>	The College's normal position is that it will not accept late elections after 12 months.

<p><i>March 2014 deferred benefits should not be aggregated with a new employment.</i></p> <p>R22(7)(b):</p> <p><i>'Whether to extend the 12 month option period for a member to elect that post 31 March 2014 deferred benefits should not be aggregated with an ongoing concurrent employment.'</i></p>	
<p>Extend the 12-month time limit for a member to elect to aggregate Pre 1 April 2014 deferred benefits TP10(6)</p>	<p>Policy Decision:</p>
<p><i>'Whether to extend the 12 month option period for a member (who did not become a member of the 2014 Scheme by virtue of TP5(1)) to elect that pre 1 April 2014 deferred benefits should be aggregated with a new employment.'</i></p>	<p>The College's normal position is that it will not accept late elections after 12 months.</p>
<p>Extend the 12-month time limit for transfer of pension rights R100(6)</p>	<p>Policy Decision:</p>
<p><i>'Extend normal time limit for acceptance of a transfer value beyond 12 months from joining the LGPS.'</i></p>	<p>The College's normal position is that it will not accept late elections after 12 months.</p>
<p>Applications for Adjudication of Disagreements R74 (1)</p>	<p>Adjudicator:</p>
<p><i>Each Scheme employer and administering authority must appoint a person ("the adjudicator") to consider applications from any person whose rights or liabilities under the Scheme are affected by-</i></p> <p>(a) <i>a decision under regulation 72 (first instance decisions); or</i></p> <p>(b) <i>any other act or omission by a Scheme employer or administering authority,</i></p> <p><i>and to make a decision on such applications.</i></p>	<p>R72 - Notification of first instance decisions: Responsibility for determinations under the first stage of the procedure now rests with "specified person appointed by Coventry College. The specified person for Coventry College is:</p> <p><i>CEO / Principal Coventry College 50 Swanswell Street Coventry CV1 5DG</i></p>

Section 6: Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (as amended)

Redundancy Payments calculation R5	Policy Decision:
<i>'To base redundancy payments on an actual week's pay where this exceeds the statutory week's pay limit.'</i>	The College's normal position is that it will only pay the statutory redundancy pay.
Lump-sum compensation R6	Policy Decision:
<i>'To award lump sum compensation of up to 104 week's pay in cases of redundancy, termination of employment on efficiency grounds, or cessation of a joint appointment.'</i>	The College's normal position is that it will only pay the statutory redundancy pay.