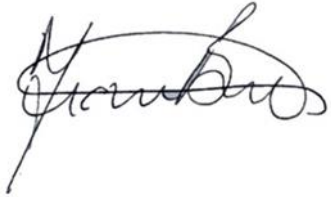


SHINE Multi Academy Trust Pension Discretions Policy



Management log

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Chair of the Board CEO

Document history

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V1	August 2019	Sarah Brown	12 September 2019	13 September 2019	To secure pension discretion in place within SHINE
V2	October 2020	Sarah Brown	5 November 2020	20 November 2020	Annual review
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1. Introduction

1.1 The purpose of this policy is to ensure that SHINE Multi Academy Trust (SHINE) complies with:

- The Local Government Pension Scheme Regulations 2013¹ (“the 2013 Regulations”)
- The Local Government Pension Scheme (Transitional Provisions and Savings) Regulations 2014² (“the 2014 Regulations”)

2. Overview

2.1 The Local Government Pension Scheme (“LGPS”) in England and Wales was amended with effect from 1 April 2014. The provisions of the amended LGPS are now contained in the 2013 Regulations and the 2014 Regulations. This policy statement relates to the exercise of the employer (SHINE) discretions contained in the above Regulations.

3. General principles to be adopted in exercising discretions

3.1 SHINE in formulating the policy statements outlined below, has sought to ensure that its discretionary powers will be exercised reasonably. The discretionary powers:

- will be exercised in the public interest
- will not be used for an ulterior motive
- will be used with regard to all relevant factors (costs to SHINE will be balanced against benefit for the SHINE/academy)
- will only be used where there is a real and substantial benefit to SHINE in return for incurring extra costs
- will only be used having considered the views of the scheme Actuary
- will be duly recorded when used

3.2 SHINE will also consider the views of the appropriate pensions administering authority (Derbyshire County Council or Nottinghamshire County Council).

3.3 In support of its deliberations regarding requests made on compassionate grounds, SHINE will take into account all relevant factors and require whatever information, documentation and supporting evidence it considers appropriate.

¹ <http://www.legislation.gov.uk/uksi/2013/2356/contents/made>

² www.legislation.gov.uk/uksi/2014/525/contents/made

3.4 SHINE’s discretionary powers will be exercised having regard to the extent to which the exercise of any policy discretion would lead to a serious loss of confidence in the public service.

3.5 The policy statements do not limit or fetter how SHINE exercises any of the discretions afforded by the pension scheme.

4. Discretions

Discretion	Regulation reference	DPF guidance reference	Published discretion
Whether, how much, and in what circumstances to contribute to a shared cost APC scheme	R16(2)(e) & R16(4)(d)	1.1	SHINE will not normally exercise this discretion but may consider it under exceptional circumstances, taking into account the business case and foreseeable costs to the Academy/SHINE.
Whether, at full cost to the Scheme employer, to grant extra annual pension of up to £6,822 (figure at 1 April 2018) to an active member or within 6 months of leaving to a member whose employment was terminated on the grounds of redundancy or business efficiency	R31	1.2	SHINE will not normally grant any additional pension to an active member or within 6 months of ceasing to be an active member by reason of redundancy or business efficiency but may consider it under exceptional circumstances, taking into account the business case and foreseeable costs to the Academy/SHINE
Whether to waive, in whole or in part, actuarial reduction on benefits which a member voluntarily draws before normal pension age	R30(8)	2.1	SHINE will not normally exercise this discretion but may consider it under exceptional circumstances, taking into account the business case and foreseeable costs to the Academy/SHINE.
Whether to waive any actuarial reduction on pre and/or post April 2014 benefits paid early on compassionate grounds	TP3(1), TPSch 2, paras 2(1)	2.2	SHINE will not normally exercise this discretion but may consider it under exceptional circumstances, taking into account the business case and foreseeable costs to the Academy/SHINE.
Whether to “switch on” the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60.	TPSch 2, paras 1(2) and 2(2)	3	SHINE will not normally exercise this discretion but may consider it under exceptional circumstances, taking into account the business case and foreseeable costs to the Academy/SHINE.

Discretion	Regulation reference	DPF guidance reference	Published discretion
Whether all or some benefits can be paid if an employee over 55 reduces their hours or grade (flexible retirement)	R30(6) & TP11(2)	4	<p>When exercising its discretion in relation to flexible retirement, SHINE will look at its operating requirements; have regard to pension fund members' individual circumstances and the impact on services of granting flexible retirement together with the cost to the Academy/SHINE.</p> <p>As a general rule SHINE will only grant flexible retirement to members where there is, in the opinion of SHINE, a financial or operational benefit to the academy in granting the member's request for flexible retirement.</p> <p>As a general rule SHINE's policy is not to exercise this discretion but will consider individual cases on their merits having regard to the cost to the Academy/SHINE.</p> <p>Any application by a scheme member must be supported by a business case in writing.</p> <p>SHINE will not as a general rule exercise its discretion to waive any actuarial reduction in benefits although each case will be considered on its merits.</p>
Whether to waive, in whole or in part, actuarial reduction on benefits paid on flexible retirement	R30(8)	4 and/or 2.1	As a general rule it is SHINE's policy not to exercise these discretions, but it will consider individual cases on their merits having regard to the compassionate grounds of individual members and having regard to the cost to the Academy/SHINE.

5. Decision maker(s)

5.1 Where a decision is required the Board of trustees have delegated this responsibility to their appointed resources committee.

6. Appeals

6.1 If an employee is dissatisfied with the decision maker(s) decision in response to a request for flexible retirement they can appeal in writing within 14 days of receiving the decision to the decision maker(s).

6.2 Appeals should be made in writing stating the reasons for the appeal to the clerk of the Board via email governance@shine-mat.com or in writing SHINE Office, Whitemoor Academy, Bracknell Crescent, Whitemoor, Nottingham NG8 5FF.

7. Publication

7.1 A copy of this document is being sent to Derbyshire County Council (Pension Fund), and Nottinghamshire County Council (Pension Fund) as the appropriate pensions administering authority for a number of SHINE employees. In preparing this policy statement SHINE have had regard to the extent to which the exercise of the functions mentioned in this policy could lead to a serious loss of confidence in the public service. SHINE are satisfied that our adopted policies would not lead to any such loss of confidence and that the policy individually and generally is workable, affordable and reasonable having regard to foreseeable costs.

This policy will be subject to review from time to time. Any subsequent change in this policy statement will be notified to affected employees and to Derbyshire County Council (Pension Fund), and Nottinghamshire County Council (Pension Fund) and will be published on SHINE's website.