

## Pension Policy

### Introduction

At Brook Learning Trust we bring together our unique academies in our belief in the power of education to change lives and communities. It is our steadfast purpose to challenge and defy the barriers that constrain the educational progress of any child. We set high aims for aspiration and secure collective responsibility for all our children's achievements. Our work is underpinned by the values of Integrity, Respect, Courage, Optimism, Excellence and Accountability.

### Aims and Objectives of this Policy

This policy is designed to fulfil BLT's obligations as a 'scheme employer' of the Local Government Pension Scheme, as defined by The Local Government Pension Scheme Regulations 2013. Under those regulations, each scheme employer must

- prepare a written statement of its policy in relation to the exercise of its discretionary functions, which must include regulations 16(2)e, 16(4)d, 30(6), 30(8) and 31
- keep its statement of policy under review and make appropriate changes
- send a copy of its revised statement to the administering authority within a month of the ratification date
- publish its statement of policy

### Who does this policy apply to?

The policy statement applies to all members of staff who are eligible to be members of the LGPS, as defined in the regulations i.e. employees with a contract of employment of over 3 months' duration and who are under 75 years of age and are contractually enrolled at the start of employment. Those with contracts of less than 3 months, including casuals, can join but need to elect to do so.

Employees who are members of the pension scheme are only entitled to receive pension benefits if they have 2 years or more service. Under LGPS 2013 Regulation 18, if an employee leaves within 2 years of the start of their employment their contributions can be repaid or transferred to another scheme, unless there is some fraudulent offence or misconduct in connection with the employment.

### Decision Making Principles

Decisions relating to retirement will be made taking into account the business case and business implications, the financial implications, employment law consideration, the regulations and the legality of each case. Decision making may also take into account long term savings, affordability, skills and skills retention and impact on service delivery.

The definition of business efficiency shall include, but not be limited to financial savings and/or quality improvements judged on a case by case basis.

Each decision will be made free from discrimination on the grounds of any protected characteristic – age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation or any other personal criteria.

Brook Learning Trust's decisions relating to retirement and the release of pension benefits will be in line with the current pension regulations. These regulations may be updated from time to time and Brook Learning Trust will default to the regulations if the policy is not explicit on any current or future regulation.

Decisions relating to the release of deferred benefits to former employees will refer to the relevant pension policies applicable at the time of their employment. In such cases, the decision as to the release of deferred benefits will be on a case by case basis and will take into account the criteria detailed in these principles. Guidance may be sought from the pension administrators as required.

Compassionate grounds are defined in the Blue Book (Terms and Conditions of Employment) as: circumstances must be exceptional and would not reasonably be expected to prevail i.e. the occurrence of a disaster or accident etc. Financial hardship alone would not normally be deemed sufficient.

### **Discretions**

Within the regulations there are a number of discretionary statements that require Brook Learning Trust to explicitly state their position. The discretions detailed below relate to the current LGPS 2013 regulations and guidance.

### **Regulation 9 (1) and (3) - Contributions**

Brook Learning Trust will apply the nationally determined employee contribution rates and bands. These are subject to change and may be varied.

Brook Learning Trust will pay the rate of contributions determined in the regulations for employees whose pay is reduced through ill health or during authorised unpaid leave, including child-related leave.

Brook Learning Trust will determine the appropriate contribution band for an employee by using the pensionable pay received on 1 April each year.

Variable time employees will have their contribution rate at 1 April 2017 set at 5.5%.

Brook Learning Trust will notify employees of their individual contribution rates in their April payslips or salary statements each year. Details of the contribution rates, bands and appeal process are available on the LGPS website.

### **Regulation 16 (2)e and (4)d**

Shared Cost Additional Pension Contributions (SCAPC)

Brook Learning Trust will not operate a SCAPC where an employee wishes to purchase extra annual pension (up to the limit defined in the regulations).

The above does not apply where a scheme member has had a period of child-related leave or authorised unpaid leave and elects, within 30 days of return to work, to pay a SCAPC to cover the amount of pension 'lost' during the period of absence, Brook Learning Trust will contribute 2/3rds of the cost. If an election is made after the 30 day time limit the full costs will be met by the employee.

Where it is not possible to provide the employee with the information they need to make their election within the 30 day deadline, Brook Learning Trust will extend the limit. However, the scheme member must contact Brook Learning Trust to request this information within 30 days of returning to work and respond within 30 days of the information being provided.

### **LGPS Transitional Regulations 2014 1(1)(c) of Schedule 2: whether to allow the rule of 85 to be 'switched on' for members age 55-59**

It is not Brook Learning Trust's general policy to make use of the discretion to 'switch back on' the 85 year rule protections unless there are clear financial or operational advantages to Brook Learning Trust. Each case will be considered on its merits by the Chief Executive Officer and the Finance Director.

### **Regulation 17 (1) – Shared Cost Additional Voluntary Contributions (SCAVC)**

Brook Learning Trust will not operate a SCAVC for employees.

### **Regulation 21(5) – in determining Assumed Pensionable Pay whether a lump sum payment made in the previous 12 months is a 'regular lump sum'**

Brook Learning Trust will maintain a list which details what Brook Learning Trust considers to be a regular lump sum payment made to our employees to be used in the calculation of the Assumed Pensionable Pay.

### **Regulation 22 (7)(b) and (8)(b) - Aggregation of Benefits**

Employees who have previous LGPS pension benefits in England and Wales will automatically have these aggregated with their new LGPS employment unless they elect within 12 months of commencing membership of the LGPS in the new employment to retain separate benefits. Brook Learning Trust has the discretion to extend this period beyond 12 months and each case will be considered on its own merits.

### **Regulation 30(6) – Flexible Retirement**

It is Brook Learning Trust’s policy to provide consent to consider flexible retirement requests only where there are clear financial or operational advantages to Brook Learning Trust.

### **Regulation 30(8) – Waiving of Actuarial Reductions**

It is not Brook Learning Trust’s general policy to waive any actuarial reductions applied to benefits paid early or where a scheme member has previously been awarded a deferred benefit. Each case will be considered on its merits by the Chief Executive Officer and the Finance Director.

### **Regulation 31 – Award of Additional Pension**

Brook Learning Trust has the discretion to award additional pension (up to the additional pension limit defined in the regulations) to an active member or within 6 months of leaving the scheme to a scheme member who was dismissed on grounds of redundancy or business efficiency.

Brook Learning Trust will only exercise this discretion in exceptional circumstances and only at the discretion of the Chief Executive Officer and the Finance Director.

### **Regulation 100(6)**

If an employee wishes to transfer any pension benefits they have built up in other schemes to the Local Government Pension Scheme, the election to do so must be made within 12 months of starting a new period of membership. This time limit may be extended if the employee can demonstrate exceptional circumstances so as to justify this.

#### **POLICY REVIEW AND RATIFICATION**

Policy reviewed annually and ratified by the Finance Committee in February

This review by the Finance Director      February 2020

Summary of amendments  
to this iteration:      No change

Ratified by Finance Committee      February 2020

Next review      February 2021