



The Governing Body of Queen Elizabeth's Grammar School Ashbourne Academy has adopted the pension discretions of Derbyshire County Council (DCC) in respect of the Local Government Pension Scheme.

The schedule below is to be read in conjunction with guidance found at <http://www.lgpsregs.org/index.php/guides/hr-guide-to-the-2014-scheme?showall=&start=20> and DCC Employers' Discretions and Policies found at http://www.derbyshire.gov.uk/working_for_us/pensions/governance/policy_statements/default.asp

| Discretion | Regulation | Required to Publish by 30/06/2014 | Derbyshire County Council (DCC) Published Discretion | Adopt DCC discretion? Yes/No | Published Discretion if Not adopting DCC Discretion (attach additional sheet if required) |
|---|-----------------------|-----------------------------------|--|------------------------------|---|
| Whether, how much, and in what circumstances to contribute to a shared cost APC scheme | R16(2)(e) & R16(4)(d) | Y | Policy is for Pensions and Investment Committee* to consider a shared cost APC in exceptional circumstances, where a person opts to pay for the break after 30 days up to a period of 12 months, from the end of the break. If the person opts to pay an APC to buy extra pension the shared cost option does not apply. | Yes | |
| Whether all or some benefits can be paid if an employee reduces their hours or grade (flexible retirement) | R30(6) & TP11(2) | Y | Policy is that all pension benefits can be paid. | Yes | |
| Whether to waive, in whole or in part, actuarial reduction on benefits paid on flexible retirement | R30(8) | Y | Policy is to not waive the actuarial reduction for routine flexible retirements. | Yes | |
| Whether to waive, in whole or in part, actuarial reduction on benefits which a member voluntarily draws before normal pension age | R30(8) | Y | Policy is to not to waive any actuarial reduction on benefits which a member voluntarily draws before normal pension age. | Yes | |



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|---|--|-----------------------------------|---|------------------------------|---|
| 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) and 2(2), B30(5) and B30A(5) | Y | Policy is to continue to take cases to Pensions and Investment Committee* in order for it to consider whether an actuarial reduction is appropriate. | Yes | |
| 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) | Y | Policy is to not to switch on the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60. | Yes | |
| 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.) | R31 | Y | Policy is to not to grant any additional pension to an active member or within six months of ceasing to be an active member by reason of redundancy or business efficiency. | Yes | |
| Whether, for a member leaving on the grounds of redundancy or business efficiency on or before 31st March 2014, to augment membership (by up to 10 years). The resolution to do so would have to be made within 6 months of the date of leaving. Hence this discretion is spent entirely after 30th September 2014. | B12 | Y | Policy is not to grant any augmentation to a member leaving on the grounds or redundancy or business efficiency. | Yes | |



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| Whether to grant application for early payment of deferred benefits on or after age 55 and before age 60 | B30(2) | Y | Policy is to only grant application for the early release of deferred benefits on or after age 55 and before age 60 where there is no cost to the council. | Yes | |
| Whether to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early under B30 | B30(5) | Y | Policy is to continue to take cases to Pensions and Investments Committee* in order for it to consider whether an actuarial reduction is appropriate. | Yes | |
| Whether to grant an application for early payment of a suspended tier 3 ill health pension on or after age 55 and before age 60 | B30A(3) | Y | Policy is to grant an application for early payment of a suspended tier three ill health pension on or after age 55 and before age 60, where there is no cost to the council. | Yes | |
| Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early under B30A | B30A(5) | Y | Policy is to continue to take cases to Pensions and Investments Committee* in order for it to consider whether an actuarial reduction is appropriate. | Yes | |
| Grant application from a post 31.3.98. / pre 1.4.08. leaver or from a councillor for early payment of benefits on or after age 50/55 and before age 60 (see Note below) | 31(2) | Y | Policy is to grant an application from a post 31 March 1998/pre 1 April 2008 leaver or from a councillor for early payment of benefits on or after age 50/55 and before age 60, where there is no cost to the council. | Yes | |
| Waive, on compassionate grounds, the actuarial reduction applied to benefits paid early for a post 31.3.98. / pre 1.4.08. leaver or a councillor leaver | 31(5) | Y | Policy is to continue to take cases to Pensions and Investments Committee in order for it to consider whether an actuarial reduction is appropriate. | Yes | |



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| Councillor optants out and pre 1.4.08. employee optants out only to get benefits paid from NRD if employer agrees | 31(7A) | Y | Policy is to allow councillor optants out and pre 1 April 2008 employee optant outs to only get benefits paid from normal retirement date (NRD). | Yes | |

* Where an Employer chooses to adopt the same discretion as Derbyshire County Council, it will be deemed that any reference above to "Pensions and Investment Committee" is replaced by the relevant Employers Decision Maker(s) (i.e. Appointed Person(s), Governing Body, Director(s), Cabinet or Committee). Please also see next page for reporting of who Decision maker(s) are.

Please note that where an Employer does not wish to adopt Derbyshire County Council Discretions, it is possible to have discretions to review each case on a "case by case basis", however please be wary of the extra work involved if you have a large number of staff in reviewing each case individually and also of the risk of setting precedents.

Employer: Queen Elizabeth's Ashbourne Academy

Name: Anne Martin

Signature:

Job Title: Executive Headteacher

Date: 1st December 2016

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Please confirm below whom your “decision maker(s)” are, (If Governing Body, Cabinet or Committee, please just state the name of “Group”, no need to name individual members):

| Decision Maker Job Title or name of “Group” responsible | Name (if individuals) |
|--|------------------------------|
| QEGS Full Governing Body | |



Derbyshire County Council Policy for Flexible Retirement (Routine Cases)

An employer can consent to a reduction in an employee's hours or grade and consent to the release of pension benefits where the employee is aged 55 and over.

For the purpose of this policy, requests for flexible retirement can be categorised as follows:

- Category one - Employee is age 60 or over - There is no cost to the council as the employee is at or past their earliest retirement date. If they do not meet the Rule of 85 (*1) their pension benefits will be reduced to reflect early payment.
- Category two - Employee is age 55 or over but less than 60 and does not meet the Rule of 85 until on or after their 60th birthday. In this case the regulations allow for the cost of the early payment of pension benefits to be borne by the employee so as to avoid a pension fund shortfall. The benefits are actuarially reduced to reflect the fact that they are paid early.
- Category three - Employee is age 55 or over but less than 60 and does meet the Rule of 85 either at the date of flexible retirement or at a later date that is before their 60th birthday. In this case we would have to meet the Pension Fund shortfall arising from the early payment of pension benefits from the date when the Rule of 85 is met.

For those cases that fall within categories one and two above, our general policy is to consent to the payment of benefits from the Local Government Pension Scheme subject to a reduction of half of the employee's contractual hours.

A reduction of less than half of the employee's contractual hours may be considered:

- i) In exceptional circumstances, and provided that this would also bring an ongoing financial benefit to the council or
- ii) Where service delivery requires whole shifts to be worked.

The chief officer, taking account of HR, legal and financial advice under the established process, makes the decision.

Where the benefits payable are reduced to reflect early payment the employer can agree to waive in whole or in part the reduction and pay the cost to the pension fund. It is our policy, as a general rule, not to agree to this. However, the pensions committee will consider applications from departments where it is considered that it would be in our interests to meet this cost.

For category three cases, as there would be a cost to us, the general policy is not to agree to the early release of pension benefits. However, where it is considered to be in our interests, taking into account all the relevant factors including the cost, the pensions committee will consider applications for flexible retirement.

In every case the needs of the service must be paramount.

For a reduction in grade - the current policy does not provide for flexible retirement in this situation. Further guidance will be formulated if the policy needs to be extended to include this.

Increases in hours after taking flexible retirement

Where an employee has been allowed to reduce their hours for the purposes of flexible retirement they will not be allowed to increase them on a permanent basis. Where it is in our interests, a temporary increase in hours for a



period not exceeding six months can be permitted. The temporary increase in hours must be authorised by the chief officer.

An employee who has reduced their hours and taken flexible retirement must only be allowed to work additional hours or overtime at the same level that applied prior to the reduction in contractual hours. The aim is to prevent employees compensating for a reduction in contractual hours by working additional hours and overtime. The chief officer must approve requests for temporary increases in additional hours and overtime in advance.

Appeals

Categories one and two - an employee who is dissatisfied with the chief officer's decision in response to a request for flexible retirement can appeal in writing within 14 days of receiving the decision to the chief executive.

In category three - where the chief officer has refused an employee's request to reduce the hours they work for the purposes of flexible retirement, the person can appeal in writing within 14 days of receiving the decision to the chief executive.

Category three - where the chief officer has approved a reduction in hours but the application for the payment of pension benefits on flexible retirement is refused by the pensions committee, a dissatisfied employee can appeal under the pensions internal dispute resolution procedure writing in the first instance to Kay Riley, assistant director of legal services as the "specified person".

Details of the internal dispute resolution procedure can be found in the [pensions section](#).

Appeals should be made in writing stating the reasons for the appeal to:

Chief Executive
Derbyshire County Council
PO Box 2
County Hall
Matlock
Derbyshire
DE4 3AG

Kay Riley
Assistant Director of Legal Services
Derbyshire County Council
PO Box 2
County Hall
Matlock
Derbyshire
DE4 3AG

(*1 The Rule of 85 is where the sum of the scheme member's age plus period of membership in the Pension Scheme (both in whole years) is 85 or greater).