

EMPLOYING AUTHORITY DISCRETIONS LIST

NAME OF EMPLOYER: Tullie House Museum and Art Gallery Trust

The following are discretions, which each Employing Authority **MUST** formulate, publish and keep under review. It would be prudent to state that as these are discretionary policies, the Employing Authority retains the right to change their policies at any time. The policies confer no contractual rights and the policy, which is current at the time a relevant event occurs to a scheme member, will be the one applied to that member.

Regulation Number	Discretion	Decision: I confirm that the above named employer has adopted the following policy on discretions under the Local Government Pension Scheme Regulations.
52 and Benefits Regulations 2007 12	To increase membership of Scheme Members	Augmentation will not be granted except where the employee elects to convert their discretionary payment under Redundancy and Early Release in the interests of efficiency of the service to additional pension service – see discretionary payment below
Benefits Regulations 2007 12	To award additional pension to a member	Additional pension will not be granted
31 and Benefits Regulations 2007 30 (2)	To grant applications for early payment of benefits	Early payment of benefits, after age 55 but before age 60 will only normally be granted and will only be approved where it can be demonstrated to be in the employer's interest.

31 and Benefits Regulations 2007 30 (5)	To waive the percentage reduction on early payment of benefits.	Consideration, on compassionate grounds will be assessed on an individual basis.
67	To introduce a shared cost AVC (SCAVC) arrangement	Tullie House Museum and Art Gallery Trust will NOT offer employees who contribute to the Local Government Pension Scheme, shared cost AVC arrangements. That is, Tullie House Museum and Art Gallery Trust will not contribute to any additional voluntary contribution contract on behalf of an employee, but this does not prevent employees taking out an AVC arrangement and contributing in their own right.

(Transitional Regulations) 9	To grant 'free' widowers pensions	Tullie House Museum and Art Gallery Trust will pay female spouses pensions, in respect of active members of the Local Government Pension Scheme on 1 April 1998, by counting service between 1 st April 1972 and 5 th April 1988.
13 (1) ©	Specify in an employee's contract any additional pensionable allowances.	To consider on an individual basis whether to include other payments or benefits, other than those specified in regulation 13 (1) (a) and not precluded by regulation 13 (2) as pensionable.
18 (6) and (7)	To extend the normal time limit for a member to pay contributions to cover a period of absence from duty	To consider on an individual basis.
89	The employer may deduct pension contributions direct from a persons pay	To deduct contributions from employee's pay.

34 (1) (b)	If a scheme member is entitled	To consider on an individual basis, if the employee does not make an election within three months of
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	to benefits under more than one regulation, the employer can choose which benefit is to be paid	becoming entitled to elect.
66 (9) (b)	To allow a member more than 30 days to elect to convert AVC's into scheme membership	To consider on an individual basis.
92	Where a C.E.P is due from a refund of conts (part is paid by the member) the balance may be recovered from the Fund	To recover the balance of the Contributions Equivalent Premium (C.E.P) from the Fund.
88	A member due a refund is not so entitled if employment ceased due to fraud or grave misconduct, unless the employer directs that a total or partial refund may be paid	To consider on an individual basis.
111	If a member ceases employment and is convicted of an offence in connection with that employment which was gravely injurious to the state or liable to lead to serious loss of confidence in the public service, the employer may apply to the Secretary of State for a forfeiture certificate	To consider on an individual basis whether to apply for forfeiture certificate within three months of conviction.

112	If a forfeiture certificate is issued before the employer has applied for one, the employer may direct that interim payments are made out of the Pension Fund until such time as it decides to apply the forfeiture cert	To consider on an individual basis.
113	Where a member ceases employment because of a criminal, negligent or fraudulent act and has incurred a monetary obligation as a result of this, the employer may recover said amount from the value of the member's pension rights	To consider on an individual basis.
115	Where a member ceases employment because of an offence involving fraud or grave misconduct and the employer has suffered a direct financial loss and a forfeiture certificate has been issued, the employer may recover the financial loss from the Pension Fund	To consider on an individual basis.
32 (8) 121 (8)	A member wishing to transfer in previous pension rights	A member must elect within 12 months of employment to amalgamate any previous service. This time limit will only be extended in exceptional circumstances.

65 (3)	To allow a member who has paid AVC's with a previous LGPS employer and who recommences employment within 1 month and 1 day, more than 1 month to elect to continue paying AVC's	To consider on an individual basis.
71 (7) (a)	The current employer may consent to a former employer assigning to them their rights under any life cover policy the former employer held for a member under an SCAVC arrangement	To consider on an individual basis.
Benefits Regulations 2007 18	Flexible Retirement	<p>Members can elect to draw their pension from age 55 onwards while remaining in employment, but only if at the same time : :</p> <ul style="list-style-type: none"> • the employee takes up a lower graded job <i>or</i> • there is a minimum of 20% reduction in their working hours. <p style="text-align: center;"><i>And</i></p> <ul style="list-style-type: none"> • Tullie House Museum and Art Galley Trust approves the flexible retirement and will normally only be agreed when it is in the organisation's best interests. • The employee's earnings, including pension payment are a not more than their earnings before the flexible retirement took effect (excluding any cost of living awards) <p>Tullie House \Museum and Art Gallery Trust will not normally waive any reduction in pension benefits arising as the result of flexible retirement unless there is a strong business case for doing so.</p> <p>Once Flexible Retirement has been agreed, Tullie House Museum and Art Gallery Trust will not normally allow the employee to work additional hours (on a permanent or temporary basis).</p> <p>It should be noted that this facility does not replace the Early Retirement and Voluntary Redundancy Schemes. It is merely an additional provision.</p>

	Optional contributions during absence due to a trade dispute	Applications to pay contributions for absence due to a trade dispute must be made in writing by the employee within 30 days of the date of return to normal work or the date employment is terminated if earlier. (Although this period can be extended at the employer's discretion, it will only be done so in exceptional circumstances).
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DISCRETIONARY PAYMENTS		Tullie House Museum and Art Gallery Trust's policy on discretionary payments is
	1	Calculation of a redundancy payment will be based on the employee's contractual weekly earnings, and not the statutory redundancy payment ceiling.
Compensation Regulations 2006	2	Redundancy: Tullie House Museum and Art Gallery Trust will make a discretionary redundancy payment of 1.5 times the statutory entitlement in addition to the statutory requirement (giving a payment of 2.5 times statutory entitlement) (based on the employee's actual pay as above)
	3	Early retirement in The Interest of The Efficiency of The Service: Where an employee is granted early retirement in the interest of the efficiency of the service Tullie House Museum and Art Gallery Trust will not normally make any discretionary compensatory payment; however, where it decides to do so, this will be 1.5 times the statutory number of weeks that they would have received if they had been made redundant. based on actual pay.
	4	Members leaving Tullie House Museum and Art Gallery Trust through redundancy or early release in the interests of efficiency of the service may elect to convert discretionary payments received to additional pension service
	NB	Where at the sole discretion of the County Council an employee is made redundant or granted early retirement in the interests of the efficiency of the service the award should depend on there being a clear value for money case. Tullie House Museum and Art Gallery Trust will take into account the full effects of the strain on the pension fund resulting from the early payment of benefits as well any additional costs.

Signed: _____

Andy Dale

Roger Cooke

Position: _____

Director

Board member

Date: _____

26 / 7 / 11

26 / 07 / 2011