



The Local Government Pension Scheme (Scotland) Regulations 2014

Policy Statement

The statement is applicable to all employees of West Lothian College who are eligible to be members of the Local Government Pension Scheme.

1. Regulation 16(2)(e) & 16(4)(d) of the Local Government Pension Scheme (Scotland) Regulations 2014: Additional Pension Contributions

West Lothian College will not have a general policy of entering into an APC contract with a scheme member, but will consider individual cases on their merits. West Lothian College may exercise this discretion in an individual case by written resolution where financial or operational advantages can be demonstrated.

2. Regulation 29(5) of the Local Government Pension Scheme (Scotland) Regulations 2014: Retirement Benefits: Early payment of benefits on or after age 55 and before age 60

West Lothian College will not have a general policy of granting early payment of benefits on or after age 55 and before age 60 but will consider requests on a case by case basis. West Lothian College may exercise this discretion where a sound business case can be made for doing so or where other exceptional circumstances arise that make payment of those benefits justifiable. An election made by a member aged less than 60 is ineffective without the consent of the member's employing authority or former employing authority.

3. Regulation 29(6) of the Local Government Pension Scheme (Scotland) Regulations 2014: Flexible Retirement

West Lothian College will not have a general policy of agreeing to requests for early payment of retirement benefits from a member who has attained age 55 and who with his employer's consent, has also reduced his hours and/or grade. However, where West Lothian College consider it can be demonstrated as being to their advantage or in their operational interests, it will consider such requests.

Should West Lothian College agree to the early payment of benefits under this regulation in any case, they will not have a general policy of waiving any reduction which would normally be applied to the benefits.

4. Regulation 29(8) of the Local Government Pension Scheme (Scotland) Regulations 2014: Waiving Actuarial Reduction on Early retirement between 55 and 60.

Any scheme member aged 55 or over, providing they have left employment, can ask for the early payment of pension benefits, but these benefits may be reduced for early payment.

West Lothian College will not have a general policy of agreeing to requests for early payment of retirement benefits from a member who has attained age 55 or over and is under age 60. However, where West Lothian College considers it can be demonstrated as being to their advantage or in their operational interests, it will consider such requests.

Should West Lothian College agree to the early payment of benefits under this regulation in any case, they will not have a general policy of waiving any reduction which would normally be applied to the member's benefits.

5. Schedule 2 – paragraphs 2 & 3 of the Local Government Pension Scheme (Transitional Provisions and Savings) (Scotland) Regulations 2014

West Lothian College will not have a general policy of agreeing to requests for early payment of retirement benefits from a member who has attained age 55 and is under age 60 who with his employer's consent. However, where West Lothian College considers it can be demonstrated as being to their advantage or in their operational interests, it will consider such requests.

Should West Lothian College agree to the early payment of benefits under this regulation in any case, they will not have a general policy of applying the Rule of 85, nor will they waive any reduction which would normally be applied to the benefits.

6. Regulation 30 of the Local Government Pension Scheme (Scotland) Regulations 2014: Award of Additional Pension

West Lothian College will not have a general policy of awarding additional pension in this way, but will consider individual cases on their merits. West Lothian College may exercise this discretion in an individual case by written resolution where financial or operational advantages can be demonstrated.

7. Regulation 29(5) of the Local Government Pension Scheme (Scotland) Regulations 2014: (Voluntary Early Retirement between the ages of 55 and 60)

A former scheme member aged 55 or over, providing they are not in Local Government Employment, can ask for the early payment of their deferred pension benefits. Where the member is under age 60, it is at the employer's discretion to agree to early payment.

West Lothian College will not have a general policy of allowing early payment of benefits for former employees, but will consider applications on their merits. West Lothian College may consent to voluntary early release where it can be demonstrated as being in the College's financial or operational interests. Where early payment is permitted, the employer will not have a general policy of applying the Rule of 85, nor will they waive any reduction which would normally be applied to the benefits

8. Regulation 30 of the Local Government Pension Scheme (Benefits, Membership and Contributions) (Scotland) Regulations 2008: (Voluntary Early Retirement between the ages of 50 and 60)

Any scheme member aged 50 or over, providing he has left his employment, can ask for the early payment of pension benefits. Where the member is under age 60, it is at the employer's discretion to agree to early payment. This discretion may also apply to former members with deferred pension rights when they attain age 50¹.

West Lothian College will not have a general early release policy, but will consider applications on their merits. West Lothian College may consent to voluntary early release under regulation 30 of the Benefits Regulations where it can be demonstrated as being in the College's financial or operational interests. In the event that the College does consent to a scheme member's early release it may further determine on compassionate grounds under regulation 30(5) that a scheme member's benefits should not be reduced. The College will only exercise this further discretion in exceptional cases of hardship.

8. Regulation 17(1) of the Local Government Pension Scheme (Scotland) Regulations 2014: Shared Cost AVC's

This regulation allows West Lothian College to set up an additional voluntary contributions (AVC) scheme requiring a contribution from the College. Scheme members already have access to AVC arrangements which accept member-only contributions. The policy of West Lothian College is not to establish a shared cost AVC scheme.

9. Regulation 89 of the Local Government Pension Scheme (Scotland) Regulations 2014: Forfeiture of pension rights after conviction for employment-related offences

Under this regulation, West Lothian College may apply to the Scottish Ministers to forfeit all or part of a scheme member's pension benefits. This would apply in a case of conviction for a serious offence which were either 'gravely injurious to the State or 'liable to lead to a serious loss of confidence in the public service'. In the interests of maintaining confidence in the public service, West Lothian College reserves the right to exercise this discretion should the need arise.

10. Regulation 90 of the Local Government Pension Scheme ((Scotland) Regulations 2014: Recovery or retention where former member has misconduct obligation

Under this regulation, West Lothian College may recover from his pension benefits any loss arising from a criminal, negligent or fraudulent act by a former employee. Providing that all other efforts to recover monetary obligations have been exhausted, in the interest of maintaining confidence in the public service, the College reserves the right to exercise this discretion should the need arise.

11. Regulation 98 of the Local Government Pension Scheme (Scotland) Regulations 2014: Inward Transfer of Pension Rights

West Lothian College will not have a general policy of allowing a late transfer to proceed. Instead it will consider individual applications on their merits and may, in agreement with Lothian Pension Fund, exercise discretion to allow a late transfer to proceed where there is no financial impact on the College and Lothian Pension Fund.

12. Regulation 9(4) of the Local Government Pension Scheme (Scotland) Regulations 2014: Member Contributions

Under this regulation, West Lothian College may adjust a member's contribution rate should a change in pay move them into a different band during the financial year. Providing that a consistent approach is taken, in the interest of maintaining confidence in the public service, the College reserves the right to exercise this discretion should the need arise.

13. Regulation 16(16) of the Local Government Pension Scheme (Scotland) Regulations 2014: Additional Pension Contributions

Under this regulation, where a member enters into an additional pension contract to which employer contributions may be made (Shared Cost Additional Pension Contract), an application to enter into the contract must be made within 30 days of returning to work. West Lothian College will not generally agree to extend this time limit, but will do so exceptionally, where an employee provides evidence of extenuating circumstances.

14. The Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998 and the Local Government (Discretionary Payments and Injury Benefits) (Scotland) Amendment Regulations 2008

West Lothian College will have a general policy of awarding payment in respect of redundancy in line with the statutory requirements in place at the given time. It will not have a policy of awarding any payments over and above the statutory minimum, nor of increasing the amount of weeks' pay in any instance where payment is applicable.

West Lothian will not have a policy of awarding compensatory added years, and will only apply actual years service in calculating entitlements.

Policy Review

In making this policy, West Lothian College has referred to the statutory provisions and to advice from the City of Edinburgh Council as the Pension Scheme administering authority.

This policy statement will be kept under review and will be revised as and when necessary to reflect any changes in regulation or policy. Any changes to this policy will be advised to the administering authority and scheme members in writing within one month of the change taking effect.

Authorised Signature:

Designation:

Date: