

# Pensions and Retirement Policy Statement

## Preamble

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This policy sets out Oxfordshire County Council's approach to the administration and management of pensions and retirement for employees who are members of the Local Government Pension Scheme (LGPS) or are eligible to join. It incorporates the requirements of the LGPS regulations 2014. Separate versions of this policy apply to teachers and uniformed fire-fighters.

The provision of a contributory pension scheme is an important employee benefit which is valued by both employees and the Council as an employer. Employees are encouraged to join a pension scheme in order to make adequate provision for themselves and their dependents in their retirement or the event of misfortune such as permanent injury or illness or death<sup>1</sup>.

Employees are no longer subject to a general retirement date. Employment will therefore continue until it is ended by either the employee giving notice or action by the employer for a specified reason such as redundancy or dismissal for conduct or capability reasons.

The Council acknowledges the importance for employees who are planning to retire to achieve a balance between work and other interests. Managers are encouraged to seriously consider requests for flexible working arrangements which are desired as a variation to the existing contract of employment. However, managers reserve the right to refuse requests where there are sound business reasons which require that the job under consideration can only be carried out effectively on its present basis.

## Pensions

1. This policy applies to all employees who are members of the LGPS or are eligible to join.

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<sup>1</sup> To assist with the costs of making pension provision, from April 2014 employees can choose to pay half rate contributions to build up half the standard benefits which may be a more affordable option for some.

2. Employees with a contract for at least three months, and aged between 16 and 75 will be brought into the LGPS automatically from their first day of employment. Those with a contract of less than three months, and casual employees, have a right to join and will need to opt in (also see para 4 below).
3. From the first day of employment employees will be able to elect not to be a member of the LGPS. It is not permitted to complete and return an opt-out form until after commencing employment.
4. Oxfordshire County Council is legally required to auto-enrol certain employees into a pension scheme once every three years starting 1 February 2013 or when they meet certain criteria. This will take place again in 2019 and those affected will be informed in writing on enrolment. Casual employees will be postponed auto-enrolment into the pension scheme for three months. From this point on they will be auto-enrolled if eligible and will need to opt out if they wish to do so.
5. The pension contribution rates applied are published at Appendix 2 of the Pay Policy Statement. From 1 April 2014 a continual assessment will be made each pay period using the annual rate of pensionable pay together with any pensionable allowances.
6. If an employee feels that their contribution rate has not been assessed correctly and not in accordance with this policy statement, they must contact the Pensions Administration Team in the IBC (via an enquiry form) to ask for a breakdown of the assessment no later than three months following any change. Where it is confirmed that the assessment has been made in accordance with this policy statement and appropriate LGPS Regulations but the employee is challenging the assessment, then the complaint will be referred to the County HR Manager. If a complaint cannot be resolved satisfactorily then employees can use the Adjudicator as in paragraph 21 below.
7. Employees with more than one job with the Council will be assessed separately for each individual contract of employment.
8. An employee who has chosen not to contribute to the Local Government Pension Scheme will receive no pension benefits from the Fund under this scheme upon retirement. Redundancy compensation will be paid where appropriate as set out in Paragraph 18 below.
9. The Council will not at any time augment the pension or membership of employees nor award or fund additional pension to employees unless required to do so by the LGPS Regulations.

## Retirement

10. An employee who is aged 55 or older may choose to leave and draw their pension by giving the appropriate notice. Those employees who have a sufficient period of membership in the pension scheme may choose to receive immediate payment of pension, in accordance with Pension regulations.
11. From April 2014 members choosing to leave aged between 55 and under age 60 may request immediate payment of their pension. In these circumstances all pension payable (whether built up in the scheme before or after April 2014) will be subject to a full reduction. The county will not, in any circumstance use its option to waive any or part reduction that may apply in the early payment of a pension under this section. Employees are advised to contact Pension Services for information about any pension entitlement and the arrangements for payment options.
12. An employee who is aged between 55 and 75 may request “flexible retirement” under the LGPS Regulations. This involves continuing to work and either reducing his/her hours of work or accepting a lower paid job within the Council while receiving an immediate payment of pension benefits. These benefits may be reduced or unreduced depending on entitlement. The council will not, in any circumstance use its option to waive any reduction that may apply in the early payment of a pension under this section. Requests for payment of part benefits will not be agreed. This flexible retirement arrangement will only be available where all of the following apply:
  - Approval is obtained from Pensions Benefits Sub-Committee, see Paragraph 18 below. Each case will be considered on its merits, although an application is unlikely to succeed where there are costs to the Council and the benefits to the service are not explicit.
  - Where the costs of the flexible retirement are below £5,000, approval has been delegated to the Director of Human Resources through the County HR Manager.
  - There is a mutual agreement between the employee and management that the change in hours or grade can be accommodated and the arrangement is expected to continue for a period of no less than one year.
  - The changes to employment result in a reduction in income of 25 per cent or more of the normal pay of the current contracted employment, either by a reduction in hours or a reduction in grade or a combination of both.

13. Retirement with an immediate payment of pension before normal pension age may also arise for the reasons set down in paragraphs 17 and 18 below and is subject to the conditions stated.
14. An ex-employee who has retired and is receiving a Local Government Pension will not normally be re-employed by the County Council unless he/she has been selected by a full recruitment process. However, retired employees may register for short-term casual work without further process. All re-employed pensioners and employees who commence employment are required to advise the Authority who pays his/her pension of any new employment as his/her pension may be reduced in accordance with Pension Scheme Regulations and Compensation Regulations.
15. Employees are advised to seek guidance about the financial implications of continuing to work and starting to draw a LGPS or personal pension.

## Special Retirements

16. In the case of the retirements referred to in paragraphs 17 and 18 below re-deployment to other appropriate employment will be considered and offered as an alternative to retirement where appropriate and available.

## III Health Retirements

17. Where an employee with at least two years' membership of the LGPS has been certified by an independent Occupational Health Advisor as being permanently incapable of discharging his/her duties or other comparable duties due to ill health or infirmity of body or mind, the Council will consider awarding early retirement with immediate payment of a pension in accordance with Pension regulations. Ill health retirement may occur at any age.

Where the ill-health pension is for a limited period and is subsequently suspended, the ex-employee may request early payment of benefits before age 60 in accordance with paragraph 18 (b) below.

## Other Retirements requiring the Approval of the Pensions Benefits Sub-Committee

18. Early retirement may be granted for employees aged 55 years and over with at least two years' membership in the LGPS in the circumstances set out in a) to (c) below, taking into consideration the full cost of the retirement and the best interest of the Council.
  - a) Redundancy, after the Council's Redundancy Procedure has been followed.

In this case employees will receive immediate payment of their pension entitlement and redundancy compensation will be paid where appropriate in accordance with the Oxfordshire County Council Redundancy Payments Scheme (effective 1 April 2011) which is one and a half times the statutory calculation based on actual pay.

- b) Where an employee has continuing health problems and it is in the interests of the efficiency of the Council's operations.

In this case immediate payment of pension will be granted to an employee who does not satisfy the Local Government Pension Scheme criteria for retirement on the grounds of ill health, but who is suffering from a substantial medical or psychiatric condition and whose retirement is recommended by the Council's Occupational Health physician because he/she is likely to be significantly less efficient for the foreseeable future due to health reasons.

- c) Where an employee has requested flexible retirement and satisfies the criteria in Paragraph 12 above.

19. The Council will not normally agree to early payment of benefits or early retirement on other grounds, or deferred benefits from ex-employees where there is a cost to the Council. This does not prevent an employee aged 55 to 59 years who wishes to, from leaving the employment of the authority and accessing their pension early under the terms of paragraph 11 above or from making a written request to the Sub-Committee to consider the waiving of any or all the reduction on compassionate grounds of an early payment of pension. However, such applications will not normally be supported by management and are unlikely to succeed due to the associated costs. Furthermore, benefits will be reduced in any cases which might be agreed, unless compassionate grounds apply.

20. The Council reserves its power to agree early retirement in exceptional cases which are commensurate with the efficient and effective running of the service as part of a Settlement Agreement.

## Redundancy with no Entitlement to Immediate Payment of Pension Benefits

21. Where a redundant employee has contributed to the LGPS but has no entitlement to immediate payment of pension, which from April 2014 will include over age 55 with under two years' membership, he/she will receive redundancy compensation, where appropriate, in accordance with the Oxfordshire County Council Redundancy Payments Scheme (effective from

1 April 2011) which is one and a half times the statutory calculation based on actual pay and is not subject to age restrictions.

## Disputes Procedure

22. Where a member of the LGPS has a dispute regarding his/her pension he/she may refer this as appropriate through the County's agreed Raising Concerns at Work Procedure or through the process laid down in the Pension Regulations to the Adjudicator

## Revision of this Policy

23. This policy will be reviewed within three years of its implementation or earlier if deemed necessary.

## Director of Human Resources

Reviewed February 2017