

Ombudsman's Determination

Applicant	Mrs S
Scheme	Local Government Pension Scheme (the Scheme)
Respondents	Bridgend County Borough Council (the Council) Porthcawl Comprehensive School (the School) Rhondda Cynon Taf (the Authority)

Outcome

1. I do not uphold Mrs S' complaint and no further action is required by the Council, the School or the Authority.
2. My reasons for reaching this decision are explained in more detail below.

Complaint summary

3. Mrs S retired early and requested the School to allow her to retire under "the rule of 85" (**the rule**). The School turned down Mrs S' request to retire under the rule on several occasions. Mrs S has complained that the School has never considered her request appropriately and believes the matter should be remitted back to the School to reconsider.

Background information, including submissions from the parties

4. To qualify for retirement under the rule, the 2014 Transitional Provisions, Savings and Amendment Scheme Regulations (**the 2014 Regulations**) state that a Scheme member's age plus the amount of whole years' service accumulated must be equal to or greater than 85 years. If the rule is "switched on", the Scheme member can retire early without their pension benefits being subject to actuarial reduction. This may result on a strain being put on the pension fund, which the Scheme employer is required to pay for.
5. However, if the member is between the age of 55 and 60 on the date of making the request, they are not automatically entitled to have their benefits unreduced under the rule. The 2014 Regulations state this must be agreed by the Scheme employer.
6. If the Scheme employer chooses not to agree but the member satisfies the rule, their benefits accrued before the "relevant date" (1 April 2008 in Mrs S' case) are reduced by reference to the period from the date the member made the request and age 60. If

the member does not satisfy the rule, the accrued benefits are reduced by reference to the period from the date the date of the request and age 65. Thus, the 2014 Regulations provide a certain measure of protection for the member regardless of the employer's decision.

7. The 2014 Scheme Regulations also requires a Scheme employer to have a written Policy in place by 1 July 2014 on whether to apply the rule to Scheme members who are between the age of 55 and 60 and request to retire under it. For the purpose of this complaint, the Scheme employer is defined as the Council. However, the Council's Policies discussed in this complaint devolve the decision making powers in relation to whether to apply the rule to the School.
8. The relevant extracts of the Scheme Regulations and Policies in respect of this complaint are set out in the appendix.
9. Mrs S turned 55 in November 2014, and had been a member of the Scheme since 1977, meaning that she met the criteria for the School to consider her retirement under the rule.
10. In September 2014, Mrs S informed the Head Teacher of the School (**Mr E**) of her intention to retire early within the upcoming year. Mrs S says she had also previously told Mr E of her eligibility to retire under the rule.
11. Mrs S ascertained from the Authority that the cost to the School for funding her early retirement with unreduced benefits was £52,816.62.
12. On 18 December 2014, Mr E took Mrs S' request to the School's Pay Committee. The Agenda states:

"the cost to protect the pension reduction is too expensive but the cost to apply the rule and protect lump sum reduction on pre 2008 service is the order of a one off payment of £4,000. I recommend this course of action is approved".
13. The Pay Committee did not agree to pay Mrs S the £4,000 recommended by Mr E to protect the lump sum reduction on her pre 2008 service, nor did it agree to allow Mrs S to pay the cost of allowing her to retire under the rule for the following reasons:-
 - There was no obligation to make the enhanced payment and the associated cost should benefit the children of the school.
 - Any enhanced payment may set a precedent and there were uncertain financial times ahead for the School.
 - The request to retire under the rule did not constitute a redundancy situation, so there was no obligation to pay it. The request did not meet the criteria of the School's Early Retirement, Ill Health Retirement and Redundancy Policy ("**the 2010 Policy**") for staff.
14. Mrs S was informed verbally of the Pay Committee's decision the following day.

15. On 1 September 2015, Mrs S resigned from the School, with a retirement date of 1 December 2015.
16. On 14 September 2015, Mrs S wrote to Mr E to reconsider her request to retire under the rule. In her letter, she said:

“By not replacing my post, this should result in financial savings for the School. There should be measurable net savings to the salary bill over a maximum period of five years. The person that you have selected to shadow me has given you a commitment for this period. Also, as you have decided to minimise the risk by not making an external appointment into this role but by sharing the knowledge amongst staff that you trust, this should benefit service delivery following my retirement. In light of your decisions which have resulted in changing circumstances, I politely request that the Pay Committee consider implementing their discretionary power under [the rule].”
17. On 22 September 2015, Mr E wrote to the School’s Chair of Governors regarding the restructure of the administrative support department Mrs S was part of and said:

“The impending retirement of [Mrs S] will allow the restructuring of the administrative support team. [Mrs R] (Examination Office) will move to the post of “Business Manager” grade to be finalised by [the Council]. [Mrs N] will move the post of examination officer, grade 9. No grade change. A member of staff or appointment will move to the post of Examination Secretary”

....

“There are several reasons that underpin these changes: -

A minor financial saving as the Business Manager is at a lower grade than the post vacated by [Mrs S].

The changes of roles within the office ensure stability and continuity within the administrative support team.

This approach means a pooling of knowledge which will minimise the risk of further change.

The individuals concerned know the School, its customs and practice thus there will be no delay for training etc.

The enhanced roles for staff will be both motivational and will secure their longer term positions at our school.

This approach involved staff with proved track records so represents less of a risk to the School.”
18. On 20 October 2015, the Pay Committee convened to consider Mrs S’ application. At the meeting, it was decided that Mrs S’ request ought to be considered by the School’s Staffing Committee.

19. On 20 November 2015, Mrs S submitted a grievance to the Council on the grounds that the, "school had no formal mechanism in place to legitimately discuss my requests". Mrs S had also previously asked for an up to date copy of the School's policy for early retirement, which had not been provided.
20. On 25 November 2015, the Staffing Committee met to consider Mrs S' request to retire under the rule. The request was again turned down. The minutes of the meeting set out the Staffing Committee's reasoning:

"following advice received from HR, and with due consideration of [the 2010 Policy] the governors identified that [Mrs S'] request does not meet any of the appropriate criteria. The Governors therefore agree with the Pay Committee's original decision not to support the request, as the request does not meet the criteria of the schemes contained within the above adopted school policy."
21. On 1 December 2015, the School wrote to Mrs S to inform her of the Staffing Committee's decision.
22. On 14 December 2015, Mrs S wrote to the School to appeal the decision. In her letter, Mrs S contended that her request had not been considered in accordance with the appropriate Scheme Regulations, which state that the School must have a written Policy on its discretion whether to switch on the rule. Mrs S argued that her request was considered under the "outdated" 2010 Policy, therefore it could not have been considered in accordance with the 2014 Scheme Regulations. Mrs S also said that the Staffing Committee had not explained what criteria she did not meet.
23. On 14 January 2016, the School's Staffing Appeals Committee met to consider Mrs S' appeal. The Committee said that the Council was amending its early retirement policy to comply with the 2014 Regulations, so the Committee agreed that it was correct to have considered Mrs S' request under the 2010 policy. Regarding the criteria Mrs S had not met, the minutes of the meeting state:

"Scheme A - Voluntary Early Retirement (The 85 Year Rule)

This requires the employee to be 60 on 1 April 2016. [Mrs S] will not be, therefore she does not qualify under this scheme. Governors were advised that the changes mentioned by [Mrs S] to the 85 year rule are discretionary and not mandatory."

...

"Governors also confirmed that the cost to release pension benefits without actuarial reductions was significant and they could not justify this as finances should be directed towards education and the children."
24. On 28 January 2016, the School wrote to Mrs S with the outcome of the Staffing Appeals Committee's meeting.
25. On 17 February 2016, the grievance hearing was held. In summary, the outcome of the hearing was:-

- There was a lack of communication between the School and Mrs S after her request was first considered on 14 December 2014. Mrs S did not receive a written decision until 7 October 2015 and was not given the right of appeal until this date.
 - Mrs S' request had been discussed by the wrong committee on two occasions.
 - Mrs S' request to retire under the rule had been correctly considered by the Staffing Appeals Committee on 14 January 2016. The Grievance Panel was satisfied that there was a mechanism in place to discuss requests regarding retirement.
26. Mrs S appealed the outcome of the Grievance Hearing. A Grievance Appeal Hearing was held on 18 April 2016. Mrs S' appeal was not upheld by the panel for similar reasons to the original Grievance Hearing.
27. Mrs S invoked the Council's Internal Dispute Resolution Procedure (**IDRP**). On 14 July 2016, Mrs S received the Council's stage 1 decision which said:
- "the monitoring officer has determined that the grievance process has identified that the incorrect regulations were applied at the time of your request. The School is in the process of considering the application which is due to conclude within the near future."
28. In September 2016, the Council published its 2016 Early Retirement, Ill-Health Retirement and Redundancy Policy (**the 2016 policy**).
29. On 29 September 2016, the School wrote to Mrs S to say that there would be a delay before the Staffing Committee's next meeting as one of the governors had resigned.
30. On 21 October 2016, Mrs S appealed the IDRP 1 decision, citing the length of time it had taken for the School to reconsider her application to retire under the rule.
31. On 15 February 2017, the Staffing Committee met to consider Mrs S' request. The minutes of the meeting state:
- "Governors were provided with information prior to the meeting for consideration and [HR] confirmed that Mrs S had tendered her resignation and was not made redundant.
- [HR] provided information on the correct policy to use, advising when the request was made and the regulations, which were in place at the time.
- Governors asked about the member of staff's age and referred to the fact sheet provided and also asked about discretion and the guidelines of that discretion. [HR] confirmed the governing body has the discretion to agree or not agree to the enhancement under the regulations.

[HR] advised, before making a decision governors may wish to consider the financial position of the school. It was noted the school has falling roles, which will mean a shortfall of funding along with a 1% across the board budget cut by [the Council]. The request would likely cost the school in excess of £50,000.

Governors discussed the request and agreed unanimously not to grant the request for enhancement. The reasons were noted as:

- It was a voluntary retirement, a personal choice by the member of staff.
- Significant cost to the School's budget"

32. On 23 February 2017, Mrs S received written confirmation of the Staffing Committee's decision.

33. On 22 March 2017, Mrs S received a letter from the Authority which said:

"the Monitoring Officer of [the Authority], has determined that the matter should now be referred back the Monitoring Officer of [the Council] so that the stage 1 decision can be reconsidered in light of the recent decision of the Staffing Committee of [the School]."

34. On 27 April 2017, Mrs S received another stage 1 decision from the Council which stated:

"The school procedures have concluded and at your request the Monitoring Officer has also considered their decision under Stage 1 of the [IDRP]. The Monitoring Officer has determined that the school has properly exercised its discretion in this matter and has no information that leads to consider overturning that decision and is therefore rejecting the application."

35. After exhausting the Authority's complaints process, Mrs S brought her complaint to this Office. Mrs S provided evidence of the financial position of the School for the year 2016 - 2017. The evidence Mrs S provided showed that the School had underspent its budget by £178,000.

36. After the complaint was brought to this Office, the Council confirmed that Mrs S' request to retire under the rule had never been considered under its 2016 Policy. It also informed this Office that the cost of Mrs S' retirement under the rule was £50,816.62.

37. The School was asked whether it had considered anything other than cost. The School responded and said:

"Mrs S' application was considered in the round and not only on the basis of cost."

...

"Of particular relevance was the fact that the request arose from an entirely voluntary decision to retire on the part of Mrs S. It was entirely her personal

decision to end her employment and no indication has been given to her that she had any reason to fear for the security of her job. Furthermore, she did not discuss the action she was taking with any member of the School's management team or governing body. Obviously therefore, there is no question of any indication having been given to Mrs S that any application under [the rule] would be granted; she can have no legitimate expectation that [this] would be the case.

Cost was however also a significant factor in the decision. Mrs S' request would have placed a significant strain on the School's budget at a time when it was already under unprecedented pressure. Furthermore, the School did not realise any meaningful savings as a result of Mrs S' retirement as her role was not redundant and had to be filled.

Taking everything into account, the decision was taken that the School's resources should be used for the benefit of all learners and not for one single individual and therefore Mrs S' request should be refused."

Adjudicator's Opinion

38. Mrs S' complaint was considered by one of our Adjudicators who concluded that no further action is required by the Authority, but the School and the Council should each pay Mrs S £500 for the significant distress and inconvenience suffered. However, Mrs S' request to retire under the rule should not be remitted back to the School. The Adjudicator's findings are summarised below: -

- It is not for the Ombudsman to replace the decision made by the trustee or scheme administrator. The Ombudsman will look at whether the decision has been made in line with the correct Scheme rules and whether the decision has been made in accordance with the relevant Policy. They will also look at whether all relevant factors have been considered, and that no irrelevant factors have been taken into account. In addition, an Ombudsman needs to be satisfied that the decision reached is not perverse, which is a decision which no reasonable decision maker could arrive at in the same circumstances.
- When Mrs S' request was considered by the School in November 2015, it was turned down because her request, "does not meet any of the appropriate criteria" of the 2010 Policy. This was seemingly based on the understanding that Mrs S was ineligible because she had not reached aged 60. However, notwithstanding that the 2010 Policy had not been written in accordance with the 2014 Regulations, Scheme A of the 2010 Policy allows early retirement under the rule for members who have attained age 55. Consequently, in the Adjudicator's view not only did the School use the wrong Policy, it also misinterpreted it.
- Mrs S' request had been incorrectly turned down under the 2010 Policy because she would not be 60 on 1 April 2016. The Council had not provided

the School with a Policy in accordance with the 2014 Regulations, as it is required to do. Therefore, the School could not have come to a correct decision using the 2010 Policy.

- Mrs S' request was eventually remitted back to the School in July 2016 following the Council's stage 1 IDRPs decision, however it was not until February 2017 that the Staffing Committee reconvened to consider the request again. Coupled with the School's original failure to make their decision in the proper manner, the Adjudicator believed that this warranted a £500 award from the School for the significant distress and inconvenience caused to Mrs S.
- The Adjudicator also believed that the Council should award Mrs S a further £500 for the significant distress and inconvenience suffered by not having an early retirement policy in place in accordance with the 2014 Regulations at the time that Mrs S' request was originally considered by the School. The Council's failure to do so means it is also responsible for the School incorrectly considering Mrs S' request to retire under the rule, which elongated the process and exacerbated the distress and inconvenience suffered by Mrs S.
- Overall, the Adjudicator was satisfied that the School took into account all relevant factors when it eventually reconsidered Mrs S' request to retire under the rule in February 2017.
- Mr E had written to the Chair of Governors in September 2015 regarding the restructure of the administrative support department following Mrs S' retirement. The Adjudicator noted that in the letter, Mr E said that only a "minor saving" would be made as a result of recruiting a lower grade business manager.
- Furthermore, it appears that the School's decision to restructure its administrative support department was made following Mrs S' retirement, along with a combination of other factors, rather than as a direct consequence of her retirement. Therefore, even if the School made a saving as a result of the restructure, the fact that this was not considered by the School does not in itself mean that the decision to decline Mrs S' retirement under the rule was flawed. It is ultimately for the School to decide how it intends spend any savings made due to her retirement.
- The Council have said that Mrs S' request to retire under the rule was never considered under the 2016 Policy. Therefore, if the decision were to be remitted back to the School, it should be reviewed under the 2016 as this is the only available Policy written in accordance with the 2014 Regulations. The School considered the fact that funding Mrs S' unreduced early retirement would cost the School over £50,000, and that Mrs S' decision to retire early was voluntary, which it would be required to consider under the 2016 Policy.
- When considering whether the request ought to be remitted back to the School, the Adjudicator took into account the case of *Batt v Royal Mail* [2011] ECHW

900 (Ch), in which Mr Justice Briggs concluded that procedural irregularities do not necessarily invalidate the eventual decision. Following the logic of *Batt v Royal Mail*, the Adjudicator was not persuaded that remitting the decision back to the School for it to be considered under the 2016 Policy would result in a different outcome for Mrs S. Although procedurally incorrect, all of the factors which the 2016 Policy requires must be considered when reaching a decision, have been. On this basis, the Adjudicator concluded that it is unlikely the decision would be any different had it been considered with reference to the correct policy.

- Mrs S has pointed to the fact that the School had an underspend of £178,000 for the year 2016/2017. However, the Adjudicator explained that simply because the School had an underspend does not automatically mean that it should fund Mrs S' early retirement under the rule. It is for the School to decide how it spends the budget it is allocated, giving consideration to its financial plans for future years and how much of this is set aside for staffing needs. The School is entitled to take its own interests into account when exercising its discretion. Although the School may have a budget surplus, this does not, in and of itself, mean that the decision not to allow Mrs S retirement under the rule was flawed.

39. The Council, the School and Mrs S accepted the part of the Opinion that the Adjudicator upheld and an award of £500 each from the School and the Council was paid to Mrs S.
40. After the Adjudicator issued his Opinion, Mrs S highlighted that the School had considered the incorrect cost when it reconsidered her request in 2015. The Council had initially informed this Office that the cost of paying for her full unreduced early retirement was £50,816.62, and later clarified this ought to have been £52,816.62, at her retirement date of 1 December 2015. However, Mrs S said that the actual cost of her retirement on her date of leaving was £42,540.58, which the Council confirmed was correct.
41. Mrs S did not accept the Adjudicator's Opinion that the decision ought not to be remitted back to the School and the complaint was passed to me to consider. Mrs S provided her further comments which do not change the outcome. I agree with the Adjudicator's Opinion and I will therefore only respond to the key points made by Mrs S for completeness: -
 - Mrs S says that savings were a relevant factor when considering the merits of her request to retire under the rule and that there is no evidence that savings were considered. She argues that as the School considered its financial position when considering her request, so equally it ought to have considered any potential future savings resulting from her retirement.
 - If, when exercising discretion, the only relevant factor is cost, then the pension strain cost considered in February 2017 is incorrect. The School has considered

the pension strain cost from 2014 which was £52,816.62, however the cost of her retirement under the rule had not been updated when it reconsidered her request in 2017, where at this point the cost had reduced to £42,540.58. As cost is approximately £10,000 less, Mrs S believes that if the decision was remitted back to the School, its decision could be different.

- Once cost has been established, Mrs S is led to believe that regardless of any other factors the School only have to decide to agree or not agree to the application in order to properly exercise its discretions. Mrs S believes there is a “50:50 chance of a successful application”.
- Mrs S highlighted three statements from the School’s response to this Office when providing further explanation on what was taken into account when it reconsidered her request in February 2017. She considers the statement that she “did not discuss the action she was taking with any member of the School’s management team or governing body” shows that the School has taken into account an irrelevant factor when making its decision to decline her request to retire under the rule.
- Mrs S says that in 2014, Mr E recommended that a £4,000 payment be made to her “at a time of no savings, no loss of a post and a higher pension strain cost”. In regard to the School’s statement that “obviously therefore, there is no question of any indication having been given to Mrs S that any application under [the rule] would be granted; she can have no legitimate expectation that that would be the case” Mrs S says she had been informed of the circumstances in which applications would be approved. At the point of her application in September 2015, Mrs S had a reasonable expectation of a favourable outcome.
- Finally, Mrs S takes issue with the statement that “the School did not realise any meaningful savings” as no savings were quantified when her request was declined by the School. Mrs S estimates that the savings made as a result of recruiting a lower grade post than hers would be approximately £8,500 per year. She believes that if savings made by the School outweigh the cost of her retirement under the rule, she may receive a different outcome if the decision is remitted back to the School.

Ombudsman’s decision

42. Mrs S has accepted the award of £500 each from the Council and the School. I do not believe a further award is warranted for the distress and inconvenience suffered, therefore what is left for me to determine is whether the School should reconsider its decision to decline Mrs S’ request to retire under the rule. It is not my role to replace the School’s decision with a decision of my own. Rather, my role is to determine whether the decision was made in the proper manner following a set of well-established principles, whether it was made in accordance with the appropriate Policy and if the decision reached was perverse.

43. I have considered Mrs S's arguments that her case should be remitted to the School for further redecision, but I am not persuaded that there is any injustice left to remedy.
44. The School has now applied a relevant updated policy to its decision. This says 'should the number of approved applications under Scheme A need to be limited for financial or other reasons, selection will be on the basis of economy, effectiveness and the efficiency of the service.'
45. It has now been established that the School did not update the cost of £52,816.62 when it reconsidered Mrs S' retirement under the rule in February 2017 to reflect her retirement date of 1 December 2015. If it had done so, the cost it should have considered would have been £42,540.58. Applying the updated policy, I do not consider that this cost difference indicates an error of principle or procedure sufficient to remit the case for reconsideration. I bear in mind that the School cited two reasons for turning down her request: significant cost to the School's budget and that Mrs S' retirement was entirely voluntary. I am satisfied that the two reasons given remain valid. Albeit it is lower, £42,540.58 is still a "significant cost" to the budget which would otherwise be available for the benefit of all learners.
46. Mrs S has contended that the School's decision was flawed on the basis that it did not take into account the potential savings incurred due to her retirement. Mrs S argues that the School's decision may have been different if it had done so. Given the wording of the policy, I am not persuaded that the school was obliged to do this. Even in a scenario where the retirement of Mrs S resulted in the School's savings being greater than the cost of her early retirement under the rule, it does not automatically follow that the School is obligated to spend the savings on her early retirement. Once it had concluded that budget was constrained it was allowed to prioritise provision of its service above the interests of individuals.
47. Mrs S considers that in the School's response to this Office, the statement that she "did not discuss the action she was taking with any member of the School's management team or governing body" shows that it has considered irrelevant a factor which is not applicable to her request to retire under the rule. However, when reading this statement in context of the School's entire response, it is evident that it was simply providing further details of the circumstances surrounding her retirement, in particular pointing out that there had been no conversations capable of giving rise to an expectation that the employer would exercise its discretion positively. There is no evidence to suggest that these comments were mentioned or considered in the Staffing Committee's meeting in February 2017. The minutes of the meeting clearly set out what was discussed and considered.
48. Mrs S may have had an expectation that her request would have been approved by the School, however there is no evidence from the School or the Council to show that it was going to accept Mrs S' request. Mr E's recommendation that Mrs S receive a £4,000 lump sum payment still had to be approved by the Pay Committee, and was swiftly rejected.

PO-18676

49. Although there were procedural errors, which have been admitted, I am satisfied that these have since been remedied through existing processes. When the School eventually considered Mrs S' request under the revised policy, I am satisfied that its decision to decline paying for the cost of Mrs S' retirement under the Rule was made in the proper manner and that it is not perverse.
50. Therefore, I do not uphold Mrs S' complaint.

Karen Johnston

Deputy Pensions Ombudsman
18 September 2018

Appendix A

The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014

Schedule 2

- 1 (1) Paragraph 1 (3) applies where a member of the description in paragraph 3(1) or (2) makes a request to receive immediate payment of retirement benefits under—

(c) regulation 30(5) (retirement benefits: early retirement) of the 2013 Regulations , or regulations 30(1)(choice of early pension) or 30A (choice of payment of pension: pensioner member with deferred benefits) of the Benefits Regulations, if the member is aged 55 or over but aged under 60 at the date of making the request and the Scheme employer agrees that paragraph 1(3) of this Schedule should apply

(3) Where this sub-paragraph applies—

(a) if the member satisfies the 85 year rule, that part of the member's retirement benefits which is calculated by reference to any period of membership before the relevant date shall not be reduced in accordance with regulations 30(4) or 30A(4) of the Benefits Regulations or regulation 30(5) or (6) of the 2013 Regulations

- 2 (2) Regulation 60 of the 2013 Regulations (statements of policy about exercise of discretionary functions) applies to paragraph 1(1)(c) of this Schedule and to this paragraph as if they were specified in paragraph (1) of that regulation.

(3) Where a Scheme employer agrees that paragraph 1(1)(aa), 1(1)(c) or 1(1)(f) of this Schedule should apply to a member, or determines to waive a reduction under sub-paragraph (1), an administering authority may require the Scheme employer concerned to make additional payments to the appropriate fund in respect of any extra charge on the fund, as calculated by an actuary appointed by the administering authority, resulting from the agreement or waiver of reduction.

The Local Government Pension Scheme Regulations 2013

60 Statements of policy about exercise of discretionary functions

(1) A Scheme employer must prepare a written statement of its policy in relation to the exercise of its functions under regulations—

(a) 16(2)(e) and 16(4)(d) (funding of additional pension);

(b) 30(6) (flexible retirement);

(c) 30(8) (waiving of actuarial reduction); and

(d) 31 (award of additional pension),

PO-18676

and an administering authority must prepare such a statement in relation to the exercise of its functions under regulation 30(8) in cases where a former employer has ceased to be a Scheme employer.

(2) Each Scheme employer must send a copy of its statement to each relevant administering authority before 1st July 2014 and must publish its statement.

Appendix B

Early Retirement III-Health Retirement and Redundancy Policy 2010

4 SCHEME A - VOLUNTARY EARLY RETIREMENT (The 85 Year Rule)

4.1 Any proposals under Scheme A must be approved by the School's Governing body and Corporate Director Children

4.2 The Local Government Pension Scheme (Amendment) Regulations 2006 removed the 85 Year Rule with effect from 1 October 2006. However, these Regulations allow for a measure of protection for existing scheme members as at 30 September 2006 who would be aged 60 or over before 1 April 2016.

4.3 Scheme A only applies to those employees protected by the LGPS (Amendment) (No 2) Regulations 2006.

4.4 This scheme will apply to those employees who are 50 years (55 years from 1 April 2010) of age and over (if protected) who apply to retire early and elect to receive immediate payment of retirement benefits under Regulation 31 of the Local Government Pension Scheme Regulations 1997 ('The 85 Year Rule').

4.5 An employee who qualifies and whose total of age and service is 85 years or more will receive pension and lump sum benefits based upon actual service.

Early Retirement III-Health Retirement and Redundancy Policy 2016

3 SCHEME A - VOLUNTARY EARLY RETIREMENT (The 85 Year Rule)

3.1 The Local Government Pension Scheme (Amendment) Regulations 2006 removed the 85 Year Rule with effect from 1 October 2006. However, these Regulations allow for a measure of protection for existing scheme members as at 30 September 2006.

3.2 Scheme A only applies to those employees protected by the LGPS (Amendment) (No 2) Regulations 2006.

3.3 This scheme applies to those employees who are 55 years of age and over (if protected) who apply to retire early and elect to receive immediate payment of retirement benefits.

3.4 An employee who qualifies and whose total of age and service (both in whole years) is 85 years or more will receive pension and lump sum benefits based upon actual service, which may be subject to actuarial reductions; as determined on the merits of the individual application by the VER Panel.

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Making applications under the Schemes

PO-18676

12.4 Should the number of approved applications under Scheme A need to be limited for financial or other reasons, selection will be on the basis of economy, effectiveness and the efficiency of the service.