# Employer Guide

# Retirements

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**Notifying Pensions of a Retirement**

LPPA aim to pay benefits within 10 working days of either the date on which benefits are due or within 10 working days of receiving all the information required to calculate pension benefits whichever is the later. It is therefore important that all relevant documentation is received from both employers and members as soon as possible.

Payroll should accurately complete the Leaver form, and forward it to LPPA with the member’s P45 as soon as possible, but within 5 working days of the last salary payment at the latest.

**Normal Pension Age Retirement - Reg 30 (1)**

The normal retirement age for scheme members is linked to the member's State Pension Age (SPA) unless SPA is less than 65 in which case the normal pension age will be 65. When a member reaches Normal Pension Age an immediate pension becomes payable once the member has left employment. A member may retire before normal pension age, but their pension benefits may be subject to reduction. (refer to early retirement section).

If a member continues in employment beyond normal retirement age their benefits are increased to reflect the period that they have not been in payment (see next section).

**Retirement after Normal Pension Age - Reg 30(3)**

When a member has reached normal retirement age and continues to work pension benefits are only payable when employment has finished.

If a member wishes to remain in employment, they continue to build up membership until they leave employment. Pension benefits are paid on retirement and are increased to reflect the period that they have not been in payment from normal retirement age until their retirement date.

**Please note that pension benefits must be paid the day before member’s 75th birthday at the latest.**

**Voluntary Early Retirement from age 55 - Reg 30 (5)**

Once a member has attained the age of 55, they may leave employment and receive immediate payment of their pension benefits at an actuarially reduced rate.

The employer has the power to waive all or some of the actuarial reductions. If the reductions are waived there will be a pension strain charge payable by the employer.

Details of how reductions are applied are shown at Appendix 1.

**Redundancy / Business Efficiency- Reg 30 (7)**

The LGPS allows for the immediate payment of unreduced pension benefits to any employee from the age of 55 on the grounds of redundancy or business efficiency subject to satisfying the Scheme’s vesting period (e.g. having 2 year’s membership)

The member must take immediate payment of the pension benefits that relate to the terminated post.

Members who are made redundant and are under 55 are entitled to deferred benefits (providing the member satisfies the vesting period).

For the purpose of the regulations, redundancy includes retirement in the interests of efficiency or because the member held a joint appointment which ended because the other post holder left.

Please also see the discretions section.

**Cost of Early Retirement**

When an employer consents to allowing a pension scheme member to leave early, that member may become entitled to receive early payment of their pension under the scheme rules. If they do, there is a cost known as "Pension Strain", which reflects that the employee is receiving their pension for longer than they otherwise would.

**In all cases where you are considering allowing an employee to leave early on redundancy, efficiency, flexible retirement or where you are waiving actuarial reductions(including where you have decided to “fully switch on” the rule of 85), you should request an estimate of the pension benefits from LPPA using the Estimate request form.** The cost of early retirement can be relatively high, depending on the member's age at retirement, the reason for leaving and the value of their pension benefits.

If the employee suffers reductions due to the early retirement (employer consent or flexible retirement where reductions are not waived by the employer) the cost of early retirement can be mitigated and even wiped out, but you should always get an estimate of the costs up front.

**For all types of early retirements where there is a pension strain, the employer will be invoiced for the full cost of the early retirement shortly after the retirement date.**

Ill health early retirements (including preserved pension into payment on health grounds) also place an additional strain on the pension fund ;- however, the cost is borne in the overall liabilities of the employer and the employer contribution rate and is not invoiced directly to the employer.

**Flexible Retirement – Reg 30 (6)**

An employer may consent to the payment of pension benefits to an active member of the LGPS who is aged at least 55 provided the member either reduces their working hours or takes a reduction in pay.

The member with the employer’s consent may request to take all, some, or none of their Post March 08 benefits. The member must draw all their pre-April 08 benefits.

There may be an actuarial reduction applied to the benefits being paid if they are being paid early. If there is such a reduction, the employer can decide to waive part or all of that reduction. If the reductions are waived there will be a pension strain charge payable by the employer.

The flexible retirement provisions do not specify by how much a member must reduce their hours and there is also nothing in the regulations which state whether the reduction needs to be a permanent reduction in hours. These issues should be set out in the employer’s flexible retirement policy.

A member can also take flexible retirement more than once.

**Options available to the member**

The benefits taken by the member on flexible retirement can be divided into 4 categories:

1. The total (Whole time equivalent) period of membership up to and including 31 March 2008, excluding any relevant service arising from item (4), but including any transferred-in service and employer augmentations "Pre 2008"
2. The total (Whole time equivalent) period of membership from 1 April 2008 up to 31 March 2014, excluding any relevant service arising from item (4), but including any transferred-in service and employer augmentations "between 1 April 2008 and 31 March 2014 – IE Post 2008 to Pre 2014
3. The total (Whole time equivalent) CARE benefits from 1 April 2014 up to the date of flexible retirement, excluding any relevant service arising from item (4), but including any transferred – in service and employer augmentations Post 2014
4. Additional benefits including:
5. Service under added years contracts where the election occurred before 1 October 2006
6. Service under added years contract where the election occurred on or after 1 October 2006
7. AVCs that commenced before 13 November 2001
8. AVCs that commenced on or after 13 November 2001
9. Additional pension contracts – either ARCs or APCs

The member must take all of the benefits under (1) above, which relates to Pre 2008 membership. There is no option to take partial benefits.

The member can elect to take all, none, or part of the benefits under (2) above, which relates to benefits that are accrued between 1 April 2008 and 31 March 2014.

The member can elect to take all, none, or part of the benefits under (3) which relates to Post 2014 benefits.

**Additional Benefits under (4)**

A member who takes flexible retirement must –

1. cease any added years contracts under 4(a); and
2. cease any AVCs under 4(c)

And the resulting benefits must be drawn on the flexible retirement.

The member can choose to take all or none of the benefits arising from 4(b), (d) or (e) arrangements at flexible retirement. If the member chooses to take their additional pension (4(e)) benefits, their existing contract must cease. However, a new additional pension contract could commence after flexible retirement; more AVCs could also be paid.

**Initial Draw-down Percentage**

The percentage of service which a member decides to take (is known as the "Initial Draw-down Percentage" (IDP%)".

For Post 2008 membership the member must decide the respective draw - down percentage for Part B, C and D membership. They can elect to take only a partial percentage and the same percentage does not need to apply to each category, so the IDP% for B, C and D membership can range from 100% to 0% and can differ for each period

**Example**

A member has service in the scheme from 1 April 2005 and wishes to take flexible retirement on 31 December 2019. They are also purchasing added years (pre-October 06 case). The member has the following options:

Take 100% of the pre-April 08 benefits and 100% of the benefits from the added year’s contract. The member can elect to take between 0% and 100% of their 2008 -2014 benefits and elect to take between 0% to 100% of their post-2014 benefits.

If an employee is granted flexible retirement, please complete flexible retirement form to inform us of the last day of pensionable service and confirmation of the reduction in hours or grade.

Upon flexible retirement, the member, remains an active member where a new pension record will be created to build up further benefits. If the member does not wish to remain a member upon flexible retirement, the member needs to opt out after the start date of the new pension records.

**Ill health Retirement – Reg 35**

Please see "Ill Health" section of the Employer guide

**Retirement of Deferred Members**

The following applies to members that leave the LGPS on or after 1 April 2014. There are certain variations for leavers prior to that date; further information is available in the Employer’s Area of the website.

Members who have opted out of the LGPS but remain in the employment will normally only be able to access the resultant deferred benefits under the following situations if they have also ceased that employment.

**Normal Payment Date – Reg 30 (1)**

Deferred benefits are usually brought into payment at Normal Pension Age (NPA). NPA means the member’s State Pension age (or 65 if later).

The member may elect to receive payment of the deferred benefit between age 55 and their normal pension age at a reduced rate. The member does not need the employer’s consent for this as the pension benefits will be reduced. However, the former employer has discretion to waive all or some of the actuarial reduction. - (at an additional cost to the former employer).

**Ill health (Ben Reg 38)**

If a deferred member suffers a permanent breakdown in health before normal pension age, deferred benefits can be paid immediately subject to the previous employer arranging a medical with its authorised Independent Registered Medical Practitioner. The Employer – Ill Health Certificate Deferred Pension needs to be completed by the former employer to confirm entitlement to early payment on ill health grounds. If the former employer determines that they meet the following conditions, they will be entitled to payment of their pension:

1. the member is permanently incapable of discharging efficiently the duties of the employment the member was engaged in because of ill-health or infirmity of mind or body; and, if so,
2. whether as a result of that condition the member is unlikely to be capable of undertaking gainful employment before reaching normal pension age, or for at least three years, which is the sooner

If the member meets the conditions the benefits will become payable from the date of the decision (i.e. the date the employer certifies the form).

Further information about ill health retirement is available in the ‘Ill Health’ section.

**Entitlement to Pension Benefits**

The member must satisfy the Scheme’s vesting period (for example, have 2 years membership).

The Scheme is funded on the basis that benefits normally become payable at normal pension age. Whether a member is eligible for immediate payment of benefits on leaving Local Government employment largely depends on how old they are and the reason for leaving.

When a member, who is under age 55, leaves employment for reasons other than ill-health, immediate benefits are not payable but there are several options available regarding pension benefits and when they are payable. These options depend on whether the member has satisfied the vesting period. Please refer to the section "leaving the scheme before retirement" for further information.

Immediate benefits may be payable for the following reasons:

1. Normal Pension Age
2. Late Retirement
3. Voluntary Early Retirement from age 55
4. Redundancy / Business efficiency from age 55
5. Flexible Retirement from age 55
6. Ill Health Retirement from any age

When benefits are paid earlier than normal pension age there can be an increased cost to the Fund which is sometimes known as "pension strain". For non ill-health early retirements, this pension strain cost is payable immediately by the employer. It is important that before you decide as to whether to allow an employee to retire early, you request an estimate of benefits and costs the Estimate Request form.

**Calculation of Pension Benefits**

**From 1 April 2014**

There are two sections in the scheme from 1 April 2014 – the main section and the 50/50 section.

**The main section**

In the main section pension benefits are built up at the rate of

1/49th of pensionable pay the member receives in a Scheme year.

**The 50/50 section**

In the 50/50 section pension benefits are built up at the rate of

1/98th of pensionable pay the member receives in a Scheme year.

The scheme year is 1 April to 31 March.

**Prior to 1 April 2014**

The pension benefits accrued before 1 April 2014 are built up as follows,

The benefits payable are based on length of membership and the pay on which contributions were made in the year before retirement or on notional pay if, during that year, there was absence because of sickness.

If higher, we will use the pay earned in one of the two years immediately preceding the final year (best of the last 3-year rule). If a year other than the final year is used the year period must end with the anniversary of the leaving date.

Every year of membership **from 1 April 2008** gives:

**Index-linked annual pension** = 1/60 x final year’s pay x years / days membership

Every year of membership **before 1 April 2008** gives:

**Index-linked annual pension** = 1/80 x final year’s pay x years / days membership

**Plus**

**Tax free lump sum** = 3 x pension

**Men with pre-April 1972 Membership**

The formula for calculating benefits is the same, however, married men or men who have ever been married with membership before 1 April 1972, had their membership prior to 1 April 1972 reduced by 11% on 1 April 1998 unless additional contributions were being made in order to avoid this reduction.

**Part-time Members' Calculation**

The calculation of benefits is the same for part-time members. However, the pay used in the Pre 1 April 2014 calculation are not the actual pay but the full-time equivalent and membership is reduced by the appropriate part-time fraction (see following example).

**Example of a Part-time Employee retiring at age 65 (31 March 2015)**

Miss Jones has worked for 10 years at full-time to 31 March 2008 and 6 years at 11 hours a week from 1 April 2008. (Full-time 37 hours a week). Her actual pay in her final year up to age 65 is £4,608. Pensionable Pay for the CARE scheme is £4805

**Calculation for Membership**

10 years x Full-time = 10 years

6 years x 11/37 = 1 year 286 days

**Total Membership = 11 years 286 days**

**Calculation for Final Pay**

£4,608 x 37/11 = £15,500

**A : Benefits Pre April 2008**

**Pension**

10 years x 1/80 x £15,500 = £1,937.50 pa

**Tax Free Lump Sum**

3 x Pension = £5,812.50

**B : Benefits Post April 2008**

**Pension**

1 year 286 days x 1/60 x £15,500 = £460.75 pa

**C : Benefits Post April 2014**

**Pension**

1/49th x £4,805 = £98.06

**Total Benefits**

**Annual Pension** = £1,937.50 + £460.75 + £98.06 = **£2,496.31**

**Automatic Lump Sum £5,812.50**

**Options for Members Retiring**

**Converting Pension to Lump Sum – Reg 33**

A member who draws benefits can elect to commute pension into lump sum at the rate of 12:1. So for £1 of pension commuted by the member a lump sum will be provided of £12.

The maximum lump sum which a member can receive (including the lump sum for pre-April 08 benefits) is 25% of the capital value of retirement benefits

To work out a member’s capital value of benefits you multiply the annual pension coming into payment by the lump sum.

(Employees who only have membership after 1 April 2008 will not have an automatic lump sum entitlement so converting pension into lump sum is an option if a lump sum and smaller pension is preferred by the member, however members with scheme membership before the 1 April 2008 will have an automatic lump sum entitlement but can increase it further as mentioned above).

E.g. Calculating the capital value of the benefits and maximum lump sum

 Pension £6,000.00 x 20 = £120,000.00

 Plus Lump Sum = £18,000.00

 Capital value of benefits = £138,000.00

 25% of £138,000.00 = **£32,142.84** (maximum lump sum\*)

\* Unfortunately, this calculation is not as straightforward as it seems, because as soon as you convert pension into lump sum, you change the value of the figures above. This is because each pound of pension is valued by multiplying it by 20 but £1 of annual pension given up only provides £12 of lump sum. LPPA can provide estimated figures for any potential retirement.

**How to make an Election**

As the member must make the election to convert pension into lump sum before retirement benefits are paid. On receipt of the Employer’s notification to inform LPPA of the members intended retirement we will write to the member with details of the options available i.e. the standard pension benefits and the pension benefits available to obtain the maximum lump sum allowable. The employee does not have to elect for the maximum and may wish to convert enough pension for a particular level of lump sum.

**AVCs**

Members who are retiring are that also have an AVC, in most situations, are required to draw their AVCs at the same time.

The member may take up to 100% of the AVC as tax free cash. However this is providing that the total lump sum taken, including any 3/80 lump sum (for service prior to 1 April 2008), any lump sum from commutation and the AVC fund does not exceed 25% of the capital value of all benefits. As mentioned above LPPA will inform the member of the value of their AVC fund at retirement, whether they can take the maximum AVC fund as tax free cash and any other options they may have regarding their AVC fund.

Please note that where a member makes AVC contributions in their last month of employment before retiring there will be a delay in making the payment of the pension benefits, due to the time it takes for the AVC provider to receive the money, invest and then disinvest the payment.

**Payment of Pensions**

To enable LPPA to comply with overriding legislation and pay the pension benefits on time, it is vital that the Employer notifies LPPA as soon as approval is given for early retirement, ill health retirement has been certified or when an employee aged 60 or over submits their resignation. You should notify LPPA of this using the Leaver Form.

Pensions are paid by LPPA on the last banking day of each month. As pensions are taxable, Parts 2 and 3 of tax form P45 should also be forwarded to LPPA with the Leaver form to ensure that tax is correctly deducted.

Payment is made in arrears for the whole of the month and can only be paid into a Bank/Building Society/or National Giro Account **which bears the members name**. It cannot be paid by means of cheque to home address.

Members who pay additional voluntary contributions (AVCs) have a number of options at retirement with their AVC fund. They can elect to take an annuity with their existing provider, or on the open market, or convert into additional pension or in certain circumstances Scheme membership. They also have the option to take some or all of their fund value as a cash lump sum.

**Pensioner online pay slips**

Paper payslips are no longer issued. However, the member may register through our website so that they can view each month’s pension payslip. This is for all members excluding those in the Newham pension fund.

**Increases to Pensions**

At present pensions are increased annually in accordance with the Pensions (Increase) Act 1971, as amended. Any pension increases due are currently applied from the first Monday following the 5th April. Pensions are increased by the appropriate amount provided pensioners are aged 55 or over.

Pensioners under 55 have any aggregated pension increases from the date of retirement up to age 55, applied on their 55th birthday. This age limit does not apply to ill health pensions, spouses’, and children’s pensions.

Deferred benefits, including deferred lump sums, are subject to the increases between the date of leaving and the date of payment. Once brought into payment, pension increases are applied the same way.

**Death of a Pensioner**

The next of kin or Administrator of the Estate usually notifies LPPA directly of the death of a pensioner. However, should an employer be notified of a death of a pensioner who was formerly an employee, they should inform LPPA of the next of kin or Administrator of the Estate and the date of death without delay.

**Spouses and Civil Partners pensions – Reg 41**

When a member is survived by a spouse, civil partner, or cohabiting partner a pension is payable. This pension will be based on the following

Pre 1 April 2014 benefits will be based on the deceased's final pay x 1/160th of their scheme membership.

Post 1 April 2014 benefits will be calculated assuming that member's pension had an accrual rate of 1/160th.

Where the death occurs in service and before the members normal pension age (SPA or 65 if later) the pension will include enhanced membership.

**Cohabiting Partners Pensions Reg 41**

A cohabiting partner can receive a survivor benefits without the need to be nominated by the deceased providing the relationship met certain qualifying conditions.

All pensions payable to spouses, civil partners and cohabiting partners are increased in line with inflation and payable for life.

**Children's Pensions Reg 42**

Children’s pensions are also payable to 'eligible' children

“eligible child”, in relation to a deceased member, means—

1. *(a) a natural or adopted child of a member who meets any of conditions A to C and who was born before, on, or in the case of a natural child, within 12 months of the member’s death; or*
2. *(b) a step-child or child accepted by the deceased as a member of the family (excluding a child sponsored by the member through a registered charity) who—*
3. *(i) meets any of conditions A to C; and*
4. *(ii) was dependent on the member at the date of death.*

*Condition A is that the person is aged under 18.*

*Condition B is that the person is in full-time education or vocational training and has not reached the age of 23 (but an administering authority may continue to treat a person as fulfilling Condition B notwithstanding any break in a course of education or vocational training, although the person does not fulfil Condition B during such a break).*

*Condition C is that the person is unable to engage in gainful employment because of physical or mental impairment and either—*

1. *(i) has not reached the age of 23; or*
2. *(ii) the impairment is in the opinion of an IRMP likely to be permanent and the person*

*was dependent on the member at the date of the member’s death because of that physical or mental impairment.*

*“gainful employment” means paid employment for not less than 30 hours in each week for a period of not less than 12 months.*

**Post Retirement Marriage/Civil partnership**

Where the marriage/civil partnership occurred after leaving active membership, the pension payable to the surviving spouse/civil partner may be less than if the marriage/civil partnership occurred before leaving. Where the survivor is a male survivor of an opposite-sex marriage, membership before 6 April 1988 will not be included when working out the survivor pension. Where the survivor is a male survivor of a same-sex marriage/civil partnership or where the survivor is a female survivor of an opposite-sex marriage/same-sex marriage/civil partnership, membership before 6 April 1978 will not be included when working out the survivor pension.

**Trivial Pensions Reg. 34**

The regulations allow a member to convert small pensions to a ‘one off’ lump sum payment subject to certain conditions. LPPA provides details to members and dependents where this option is requested.

This arrangement discharges any further liability for LPPA to pay any pension, death grant or dependants’ benefits.

**Persons Incapable of Managing their own Affairs reg 83**

Administering authorities are now able to redirect the payment of pension benefits to an appropriate person in respect of pensioners and other beneficiaries of the scheme who are no longer capable of managing their own affairs. Administering authorities also have the power to make any such payments or expenditure themselves on behalf of individuals who are now no longer capable of managing their own affairs.

**Appendix 1 - 85 Year rule Protections**

If a member retires before normal pension age, there may be reductions applied to their pension benefits.

The ‘rule of 85’ was introduced in 1998. If the member’s age and length of membership in the scheme totalled 85 or more there would be no reductions to their benefits.

The ‘rule of 85’ was removed from the regulations on 1 October 2006. However, there are transitional provisions.

A number of protected categories of member now exist and the rule of 85 is still applied to some or all of their service, depending on their age and membership. The protections cover many but not all scheme members and can be summarised as follows:

**Please note that if a member retires voluntarily before age 60 the 85 year rule date cannot be before age 60. Therefore, reductions will apply even if the 85 year rule date has been met**

**Members who joined the scheme on or after 1st October 2006**

• Benefits accrued up to 31 March 2014 and voluntarily drawn before age 65 will be reduced with reference to the period the benefits are drawn and age 65

• Benefits accrued from 1 April 2014 and voluntarily drawn before age 65 will be reduced with reference to the period the benefits are drawn and SPA (minimum of age 65)

**Members with service before 1st October 2006 who are not 60 before 1 April 2020**

• Benefits accrued up to 31 March 2008 and drawn voluntarily before age 65 will be reduced with reference to the date the benefits are drawn and CRA (can't be later than age 65)

• Benefits accrued between 1 April 2008 and 31 March 2014 and drawn voluntarily before age 65 will be reduced with reference to the date the benefits are drawn and age 65.

• Benefits accrued from 1 April 2014 and drawn voluntarily before SPA (minimum age 65) will be reduced with reference to the date the benefits are drawn and SPA (minimum age 65)

**Members with service before 1st October 2006 who are 60 before 1 April 2016**

• Benefits accrued up to 31 March 2016 and drawn voluntarily before age 65 will be reduced with reference to the date drawn and CRA (Can't be later than age 65)

• Benefits accrued from 1 April 2016 and drawn voluntarily before SPA (minimum pension age) will be reduced with reference to the date drawn and SPA (minimum age 65)

**Members with service before 1st October 2006 who are 60 between 1 April 2016 and 31**

**March 2020**

• Benefits accrued up to 31 March 2008 and drawn voluntarily before age 65 will be reduced with reference to the date the benefits are drawn and CRA (can't be later than age 65)

• Benefits accrued between 1 April 2008 and 31 March 2020 and drawn voluntarily before age 65 will be have reductions applied on a sliding scale. This will be a proportion of the normal reduction to age 65.

• Benefits accrued from 1 April 2020 and drawn voluntarily before SPA 9minimum age 65) will be reduced with reference to the date the benefits are drawn and SPA (minimum age 65).