

3 February 2025

Our Ref: FOI 638

Request

We received your request on 7 January 2025 for the following information:

1. *A copy of the existing relevant Flexible Retirement Policy and all previous versions of this policy relied upon by the Housing Executive to determine an application for Flexible Retirement in the last 5 years.*
2. *Details by grade and division of the number of staff in the Housing Executive currently on flexible retirement with no definite date for retirement i.e. not required by policy to retire within 3 years of commencing flexible retirement.*
3. *Details by grade and division of the number of staff in the Housing Executive currently on flexible retirement with a definite date for retirement i.e. required by policy to retire within 3 years of commencing flexible retirement.*

Your request has been handled under the Freedom of Information Act 2000 (FOIA).

Our response

1. Please find attached:-
 - Flexible Retirement Procedure – 2009, 2010, 2020 and Policy Statement on Pension Discretions.
2. Details by grade and division of the number of staff in the Housing Executive currently on flexible retirement with no definite date for retirement i.e. not required by policy to retire within 3 years of commencing flexible retirement. Please refer to Table below:-

| Count of Grade | Division | | | | | Total | |
|----------------|----------|-----------|--------------------|---------|------------------|-------|-------------------|
| | DLO | Asset Mgt | Corporate Services | Finance | Housing Services | | Regional Services |
| B4 | | | | 1 | | 1 | |
| B5 | 1 | 1 | | | 4 | 1 | 7 |
| B6 | | 1 | 1 | | 1 | | 3 |
| B7 | | 3 | | | | 1 | 4 |
| Total | 1 | 5 | 1 | 1 | 5 | 2 | 15 |

3. Details by grade and division of the number of staff in the Housing Executive currently on flexible retirement with a definite date for retirement i.e. required by policy to retire within 3 years of commencing flexible retirement. Please refer to Table below:-

| Count of Grade | Division | | | | | Total | |
|----------------|----------|-----------|--------------------|---------|------------------|-------|-------------------|
| | DLO | Asset Mgt | Corporate Services | Finance | Housing Services | | Regional Services |
| B2 | | | | 1 | 4 | | 5 |
| B3 | | | | | 4 | | 4 |
| B4 | 3 | | | 4 | 1 | 2 | 10 |
| B5 | 8 | 2 | | 2 | 4 | 1 | 17 |
| B6 | | 2 | | 3 | 4 | | 9 |
| B7 | | 1 | | 1 | 4 | 1 | 7 |
| B8 | | | 1 | | | | 1 |
| Total | 11 | 5 | 1 | 11 | 21 | 4 | 53 |

This concludes our response.

FLEXIBLE RETIREMENT PROCEDURE

1.0 Introduction

- 1.1 The Housing Executive recognises that the transition from working life to retirement should be an enjoyable and easy experience for staff.
- 1.2 Whilst the Housing Executive is committed to providing a balance between the personal and professional lives of staff, consideration must also be given to the need to maintain effective delivery of services.
- 1.3 This procedure sets out how the flexible retirement provisions contained within the Local Government Pension Scheme (LGPS) as administered by NILGOSC will be applied within the Housing Executive for those staff who are scheme members.
- 1.4 Those staff who are not LGPS members may seek to avail of the flexible arrangements on offer through the existing Flexible Working and Appointments and Promotions policies.
- 1.5 Employees wishing to work beyond age 65 should make a request under the Housing Executive's existing Age Retirement Procedure.
- 1.6 The Housing Executive strongly recommends that any individual considering exercising their right to request flexible retirement should satisfy themselves in respect of any impact this may have on their pay and pension arrangements prior to final agreement.

2.0 Flexible Retirement

- 2.1 The LGPS allows scheme members to draw all or part of their retirement benefits while remaining in work providing that:
 - the employer consents
 - there is a reduction in hours worked, or
 - there is a reduction in grade

Employees may also continue paying into the LGPS to build up further benefits.

- 2.2 Under the Housing Executive's Flexible Retirement Policy, staff may apply on the basis of a reduction in their normal hours of between 20% and 60%. In the case of an existing full-time employee this will equate to a reduction of between 1 and 3 days.
- 2.3 Alternatively staff may apply on the basis of a reduction in grade.
- 2.4 Applicants must intend to remain working at the new hours or grade for a minimum of 12 months or to age 65 if sooner. Applications which do not meet this criterion will only be considered in exceptional circumstances and approval will be subject to the needs of the business.
- 2.5 The employee's continuous service date will be unaffected by flexible retirement.
- 2.6 Employees should note that pension benefits may be subject to an actuarial reduction where they are paid prior to reaching age 65.
- 2.7 It is intended that flexible retirement will result in a reduction in salary similar to the level of pension to be received, such that an employee's new pay plus pension is not significantly more than the amount received prior to flexible retirement. An application which would result in a significant increase in income may result in a pension abatement. A [ready-reckoner](#) has been made available which will give an approximate indication of the effect on pay and the amount of benefits which will be released for any reduction in hours worked or grade.
- 2.8 Employees have a right to be accompanied at meetings held under the Flexible Retirement Procedure by a colleague or accredited trade union representative.
- 2.9 In all circumstances Housing Executive approval for flexible retirement will be required.

3.0 Eligibility

- 3.1 Employees who were members of the LGPS prior to 01 April 2008 can request flexible retirement at age 50 or over, providing they take it before 01 April 2010. Thereafter the minimum age for flexible retirement for scheme members becomes 55 years.

3.2 Employees who joined the pension scheme on or after 01 April 2008 must be aged at least 55 years to be eligible.

4.0 Application by way of Reduced Hours

4.1 Applications for flexible retirement by way of reduced hours are initially processed in a similar fashion to flexible working requests. Interested staff should complete a [Flexible Retirement Application Form](#) and submit it to their line manager in the first instance.

4.2 Applications should be submitted at least 3 months and no more than 12 months in advance of any intended flexible retirement date. Only one application will be considered in any 12 month period.

4.3 Applicants must propose to reduce their existing hours by a minimum of 20% and up to a maximum of 60%.

4.4 The line manager will determine whether the flexible working aspect of the application can be accommodated in light of the following criteria, and the extent to which hardship will arise if the application is refused:

- (i) the nature of the work undertaken by the employee – is it of a type which would be suited to a flexible working arrangement?
- (ii) the employee's skills, and whether there are other employees carrying out the same or similar duties
- (iii) whether there are other flexible working employees carrying out the same or similar duties
- (iv) the cost implications of a flexible arrangement
- (v) the practical implications of agreeing to a request – whether it would be possible to recruit extra staff; the likely impact on client or customer service; and any likely effect on quality or performance

- (vi) if having considered the request, the line manager decides that it is not possible for the employee to perform his or her existing duties on a flexible working basis, consideration should be given to offering suitable alternative employment which will accommodate the employee's needs.
- 4.5 The line manager will arrange to meet the employee to discuss the request within 28 days. The employee has the right to be accompanied at this meeting by a work colleague or accredited trade union representative.
- 4.6 Following the meeting, the line manager will complete Part B of the Application Form to confirm his/her response to the request, either:
- (i) accepting the request and agreeing a start date, or
 - (ii) confirming any compromise which has been agreed at the meeting, or
 - (iii) rejecting the application, providing a business ground and an explanation as to why this is relevant.
- 4.7 The Employment (NI) Order 2002 provides the following permitted reasons for rejecting a flexible working application:
- (i) the burden of additional costs
 - (ii) detrimental effect on ability to meet customer demand
 - (iii) inability to re-organise work among existing staff
 - (iv) inability to recruit additional staff
 - (v) detrimental impact on quality
 - (vi) detrimental impact on performance
 - (vii) insufficiency of work during the periods the employee proposes to work
 - (viii) planned structural changes

- 4.8 Employees who wish to appeal the decision of their line manager in respect of a request to vary working hours must do so in writing to their Assistant Director / Area Manager within 14 days of being notified of their line manager's decision.
- 4.9 The outcome of the appeal will be confirmed in writing within 14 days. The decision of the Area Manager / Assistant Director is final.
- 4.10 Where appropriate a revised contract of employment will be issued reflecting the new flexible working arrangements. Employees who reduce their working hours will receive relevant terms and conditions of employment on a pro-rata basis.

5.0 Application by way of Reduced Grade

- 5.1 The Housing Executive is not responsible for seeking lower graded jobs as part of a flexible retirement application. It is the employee's responsibility to seek and be successful in gaining a lower graded job through the normal Appointment and Promotions mechanisms. Employees who acquire a lower graded job will receive the terms and conditions applicable to the new job.
- 5.2 Where the employee is proposing a reduction in grade the completed [Flexible Retirement Application Form](#) should be forwarded directly to the Personnel Manpower Manager for retention until such time as he/she has been successful in attaining a lower graded post. It should be noted that the reduction in grade should also involve a reduction in salary (see 2.7 above).
- 5.3 The differential in grade must be maintained at least one level below the original grade for a minimum period of 12 months.
- 5.4 When in receipt of an offer of employment at the lower grade and salary the individual should contact the Personnel Manpower Manager to propose an effective date for flexible retirement.

6.0 Flexible Retirement Agreement

- 6.1 Where the employee has already submitted an application for flexible retirement and received formal approval for a reduction in

hours, or is applying by way of a reduction in grade, the Housing Executive will contact NILGOSC for an estimate of benefits which will be provided to him/her.

- 6.2 Where the estimate of benefits indicates that there is a pension abatement (See 2.7 above) then:
- i) Where applying by way of a reduction in hours the employee will have the option of revisiting the Flexible Working Application to adjust the agreed reduction.
 - ii) Where applying by way of reduced grade the employee may ask for the flexible retirement application to be held until such time as he/she has achieved a post of sufficiently lower grade and pay.
- 6.3 In exceptional circumstances the Housing Executive may apply the discretion (see 7.0 below) to waive any reduction in pension benefits as a result of them being paid prior to the employee reaching age 65.
- 6.4 If on receipt of the estimate of benefits the individual wishes to proceed then he/she will be provided, on request, with a Flexible Retirement Agreement along with a statement of the actual benefits that can be expected. If the employee wishes to proceed he/she will be required to sign and return the Flexible Retirement Agreement within 14 days. It should be noted that the individual can opt to proceed with flexible retirement even where there will be a reduction or abatement in benefits. He/she may wish to seek independent financial advice at this stage.
- 6.5 In all circumstances no request for flexible retirement will be processed more than 12 months in advance of any effective flexible retirement date.

7.0 Discretion to Waive a Reduction in Benefits

- 7.1 Scheme members should note that if the payment of retirement benefits takes place before the 65th birthday and they do not meet the 85 year rule, the benefits payable will be reduced in accordance with guidance issued by the Government Actuary. The Housing Executive retains the discretion to waive, in whole or

in part, any reduction in benefits, on the basis of compassionate grounds. Since this will result in additional cost to the Organisation, this discretion will only be exercised in the most exceptional of circumstances.

7.2 The criteria to be applied in exercising this discretion are as approved by the Board of the Housing Executive at its meeting on 30 April 2008 and communicated in Personnel Information Bulletin No.396.

7.3 It should be noted that there is no facility to allow the employee to pay for any additional cost to the Organisation.

8.0 Where the Employee makes a Request to Waive a Reduction in Benefits

8.1 Upon receipt of the estimate of benefits, where they have been actuarially reduced, the employee may make a request in writing to the Personnel Manpower Manager to waive the reduction.

8.2 The Personnel Manpower Manager will convene a meeting with the employee within 28 days to discuss the request to waive reductions.

8.3 Exercise of this discretion will require approval from the Chief Executive's Business Committee. The employee will be informed of this decision in writing within 14 days.

8.4 Employees who do not proceed with flexible retirement have the option to continue with their request for flexible working where this has already been agreed.

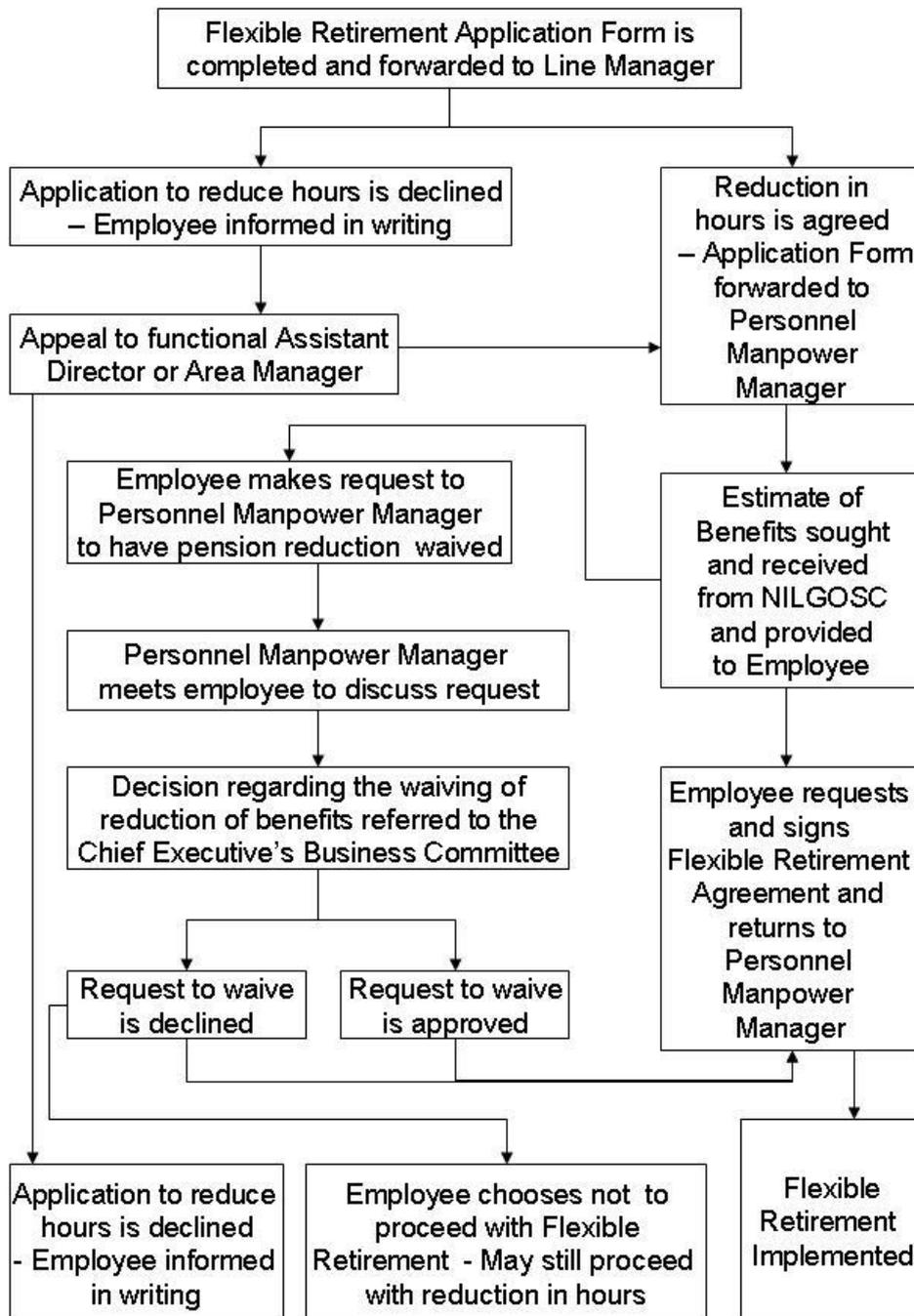
9.0 Review of Policy and Procedure

9.1 The Flexible Retirement Procedure will be reviewed in line with operational requirements and amendments to the Housing Executive's Policy Statement on pension discretions.

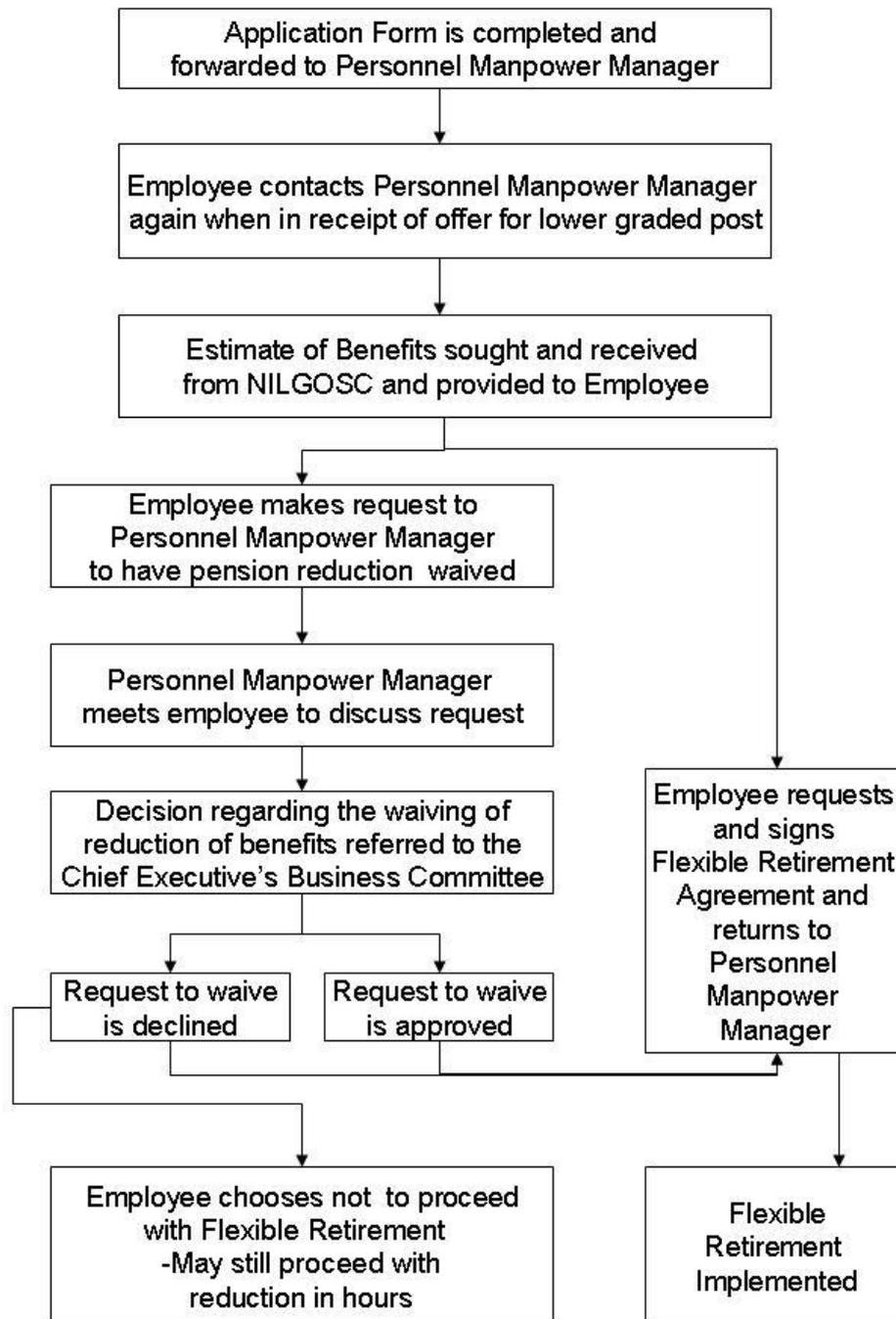
[Link to Flexible Retirement Application Form](#)

[Link to Benefits Ready-Reckoner](#)

Application by a Reduction in Hours



Application by a Reduction in Grade



Flexible Retirement

Human Resources Department

| | |
|------------------------------|------------------------------------------------------------------------------------|
| |  |
| Title | Flexible Retirement |
| Aim | |
| Version | |
| Last reviewed | |
| Last updated | |
| Staff affected | |
| Author(s) | Human Resources Policy Unit |
| Approved by | Housing Executive Board |
| Screened for equality impact | |
| Date of next review | |

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1.0 Introduction

- 1.1 The Housing Executive recognises that the transition from working life to retirement should be an enjoyable and easy experience for staff.
- 1.2 This procedure sets out how the flexible retirement provisions contained within the Local Government Pension Scheme (LGPS) as administered by NILGOSC will be applied within the Housing Executive for those staff who are scheme members.
- 1.3 Since first implementation of the Flexible Retirement Procedure in 2009 the Housing Executive has facilitated the flexible retirement of a number of staff. While the policy may be considered a staff benefit, there is also an acknowledgement that there should be an organisational benefit in the release of any member of staff on a flexible retirement basis.
- 1.4 The Chief Executive's Business Committee at its meeting on 17th May 2010 provided further detail on guidelines for the approval of flexible retirement applications as follows.

Any application may be refused on one of the following grounds:

- (a) the nature of the employee's work is such that it cannot be undertaken on a part time or flexible basis;
 - (b) the actuarial cost of releasing the employee's pension may be greater than any potential saving that may accrue over the 'initial three year payback' period;
 - (c) there is insufficient organisational benefit in regard to the cost of release.
- 1.5 In assessing organisational benefit the Housing Executive will take into account:
 - (a) Applications which may assist in restructuring or the resolution of redeployment issues.
 - (b) Applications which may assist in achieving savings within a local salary budget.
 - (c) Applications assisting staff with work/life balance after the organisational requirements have been considered.
 - 1.6 In approving the above guidelines the Chief Executive's Business Committee also set out the following criteria for dealing with applications:
 - (a) Applications from staff aged 60 and over can be made, at any time, to Personnel; these will be considered by the appropriate Director, taking account of 1.4 (a) above.
 - (b) Applications from staff in the 55-59 age range will only be accepted, and considered on foot of the organisation expressly inviting an expression of interest for such applications, taking account of the criteria outlined at paras 1.4 and 1.5 above

- 1.7 Consequently with effect from 01 July 2010 requests from staff of less than 60 years of age at the proposed date of flexible retirement will only be considered where applications have expressly been invited from amongst this group, by way of Human Resources Information Bulletin or other appropriate means. Staff who are 60 years of age or over at the proposed date of flexible retirement may submit an application at any time subject to the conditions set out at para 4.2 below.
- 1.8 Within the context of succession planning, normal resource planning and ensuring the needs of the business are met, flexible retirement request may be approved as part of a package that will include a final retirement at a specified date. This date will normally be within 2 – 3 years from the start of flexible retirement. In exceptional circumstances however, an alternative period may be agreed between the employee and their Director, and in consultation with HR. In the event that circumstances change within the agreed period, this date may be varied with the agreement of all parties.
- 1.9 Approval of flexible retirement will, therefore, constitute a binding commitment on both the employee and the Housing Executive to vary the contract of employment, and for the final retirement to take place on, or before, the specified date. For those who decide to leave before the specified date, the normal contractual notice period will apply.
- 1.10 Those staff who are not LGPS members may seek to avail of the flexible arrangements on offer through the existing Flexible Working and Appointments and Promotions policies.
- 1.11 The Housing Executive strongly recommends that any individual considering exercising their right to request flexible retirement should satisfy themselves in respect of any impact this may have on their pay, pension and tax arrangements prior to final agreement.

2.0 Flexible Retirement

- 2.1 Employees must be members of the LGPS and under LGPS rules must be aged 55 or over to be eligible for flexible retirement. The LGPS allows scheme members to draw their retirement benefits while remaining in work providing that:
 - the employer consents
 - there is a reduction in hours worked, or
 - there is a reduction in gradeEmployees may also continue paying into the LGPS to build up further benefits.
- 2.2 Under the Housing Executive's Flexible Retirement Procedure, staff may apply on the basis of a reduction in their normal hours of between 20% and 60%. In the case of an existing full-time employee this will equate to a reduction of between 1 and 3 days.
- 2.3 Alternatively staff may apply on the basis of a reduction in grade.
- 2.4 Applicants must intend to remain working at the new hours or grade for a minimum of 12 months. Where there is an actuarial cost to the Housing Executive this period may be extended. The maximum period for flexible retirement will normally be 2-3 years as outlined in paragraph 1.8 above.
- 2.5 The employee's continuous service date will be unaffected by flexible retirement.
- 2.6 Employees should note that pension benefits may be subject to an actuarial reduction where they are paid prior to reaching age 65.

- 2.7 A [ready-reckoner](#) will be available which will give an approximate indication of the effect on pay and the amount of benefits which will be released for any reduction in hours worked or grade.
- 2.8 Employees have a right to be accompanied at meetings held under the Flexible Retirement Procedure by a colleague or accredited trade union representative.
- 2.9 In all circumstances approval for an individual's flexible retirement will be required from the functional Director. Where there will be a cost to the Housing Executive additional approval will be required from the Chief Executive's Business Committee.
- 2.10 Employees who do not proceed with flexible retirement have the option to continue with their request for flexible working where this has already been agreed.

3.0 Application by way of Reduced Hours

- 3.1 Applications for flexible retirement by way of reduced hours are initially processed in a similar fashion to flexible working requests. Interested staff should complete a Flexible Retirement Application Form and submit it to their line manager in the first instance.
- 3.2 Applications should be submitted at least 3 months and no more than 12 months in advance of any intended flexible retirement date. Only one application will be considered in any 12 month period.
- 3.3 Applicants must propose to reduce their existing hours by a minimum of 20% and up to a maximum of 60%.
- 3.4 Subject to the guidelines set out at paras 1.4 and 1.5 above the line manager will determine whether the flexible working aspect of the application can be accommodated in light of the following criteria, and the extent to which hardship will arise if the application is refused:
 - (i) the nature of the work undertaken by the employee – is it of a type which would be suited to a flexible working arrangement?
 - (ii) the employee's skills, and whether there are other employees carrying out the same or similar duties
 - (iii) whether there are other flexible working employees carrying out the same or similar duties
 - (iv) the cost implications of a flexible arrangement
 - (v) the practical implications of agreeing to a request – whether it would be possible to recruit extra staff; the likely impact on client or customer service; and any likely effect on quality or performance
 - (vi) if having considered the request, the line manager decides that it is not possible for the employee to perform his or her existing duties on a flexible working basis, consideration should be given to offering suitable alternative employment which will accommodate the employee's needs
- 3.5 The line manager will arrange to meet the employee to discuss the request within 28 days. The employee has the right to be accompanied at this meeting by a work colleague or accredited trade union representative.
- 3.6 Following the meeting, the line manager will complete Part B of the Application Form to confirm his/her response to the request, either:

- (i) accepting the request and agreeing a start date, or
- (ii) confirming any compromise which has been agreed at the meeting, or
- (iii) rejecting the application, providing a business ground and an explanation as to why this is relevant.

3.7 The Employment (NI) Order 2002 provides the following permitted reasons for rejecting a flexible working application:

- (i) the burden of additional costs
- (ii) detrimental effect on ability to meet customer demand
- (iii) inability to re-organise work among existing staff
- (iv) inability to recruit additional staff
- (v) detrimental impact on quality (vi) detrimental impact on performance
- (vii) insufficiency of work during the periods the employee proposes to work
- (viii) planned structural changes

3.8 Employees who wish to appeal the decision of their line manager in respect of a request to vary working hours must do so in writing to their Assistant Director / Area Manager within 14 days of being notified of their line manager's decision.

3.9 The outcome of the appeal will be confirmed in writing within 14 days. The decision of the Area Manager / Assistant Director is final.

3.10 Where appropriate a revised contract of employment will be issued reflecting the new flexible working arrangements. Employees who reduce their working hours will receive relevant terms and conditions of employment on a pro-rata basis.

4.0 Application by way of Reduced Grade

4.1 The Housing Executive is not responsible for seeking lower graded jobs as part of a flexible retirement application. It is the employee's responsibility to seek and be successful in gaining a lower graded job through the normal Appointment and Promotions mechanisms. Employees who acquire a lower graded job will receive the terms and conditions applicable to the new job.

4.2 Where the employee is proposing a reduction in grade the completed [Flexible Retirement Application Form](#) should be forwarded directly to the Human Resources Department for retention until such time as he/she has been successful in attaining a lower graded post. It should be noted that the reduction in grade should also involve a reduction in salary.

4.3 The differential in grade must be maintained at least one level below the original grade for a minimum period of 12 months.

4.4 When in receipt of an offer of employment at the lower grade and salary the individual should contact the Human Resources Department to propose an effective date for flexible retirement.

5.0 Flexible Retirement Agreement

5.1 Where the employee has already submitted an application for flexible retirement and received

formal approval for a reduction in hours, or has achieved a reduction in grade, the Housing Executive will contact NILGOSC for an estimate of benefits and details of any actuarial costs payable to NILGOSC.

5.2 Where an actuarial cost is payable the Housing Executive, in accordance with the guidelines set out at paras 1.4 and 1.5 above, may determine whether a business case exists to facilitate the flexible retirement. In so doing the Housing Executive may take account of potential salary savings over a 3 year period and in such circumstances ultimate approval will depend on the Chief Executive's Business Committee authorising the payment of actuarial costs

5.3 In circumstances where NILGOSC confirm that

- there is no actuarial cost payable by the Housing Executive, and approval has been given by the functional Director

or;

- there is a cost to the Housing Executive and approval has been given by both the functional Director and the Chief Executive's Business Committee

the individual will be provided with a Flexible Retirement Agreement along with an estimate of the benefits that can be expected. If the employee wishes to proceed he/she will be required to sign and return the Flexible Retirement Agreement within 14 days. He/she may wish to seek independent financial advice at this stage.

5.5 In all circumstances no request for flexible retirement will be processed more than 12 months in advance of any effective flexible retirement date.

5.6 It should be noted that the individual can opt to proceed with flexible retirement even where there will be a reduction or abatement in pension benefits.

6.0 Discretion to Waive a Reduction in Benefits

6.1 Scheme members should note that if the payment of retirement benefits takes place before the 65th birthday and they do not meet the 85 year rule, the benefits payable will be reduced in accordance with guidance issued by the Government Actuary. The Housing Executive retains the discretion to waive, in whole or in part, any reduction in benefits, on the basis of compassionate grounds. Since this will result in additional cost to the Organisation, this discretion will only be exercised in the most exceptional of circumstances.

6.2 The criteria to be applied in exercising this discretion are as approved by the Board of the Housing Executive at its meeting on 30 April 2008 and communicated in Human Resources Bulletin No.396.

6.3 It should be noted that there is no facility to allow the employee to pay for any additional cost to the Organisation.

7.0 Where the Employee makes a Request to Waive a Reduction in Benefits

7.1 Upon receipt of the estimate of benefits, where they have been actuarially reduced, the employee may make a request in writing to the Human Resources Department to waive the reduction.

- 7.2 The Human Resources Manpower Manager will convene a meeting with the employee within 28 days to discuss the request to waive reductions.
- 7.3 Exercise of this discretion will require approval from the Chief Executive's Business Committee. The employee will be informed of this decision in writing within 14 days.
- 7.4 Employees who do not proceed with flexible retirement have the option to continue with their request for flexible working where this has already been agreed.

8.0 Review of Policy and Procedure

- 8.1 The Flexible Retirement Procedure will be reviewed in line with operational requirements and amendments to the Housing Executive's Policy Statement on pension discretions.

[Link to Flexible Retirement Application Form](#)

Link to Benefits [ready-reckoner](#)

Flexible Retirement

Human Resources Department

| | |
|------------------------------|------------------------------------------------------------------------------------|
| |  |
| Title | Flexible Retirement |
| Aim | |
| Version | |
| Last reviewed | |
| Last updated | |
| Staff affected | |
| Author(s) | Human Resources Policy Unit |
| Approved by | Housing Executive Board |
| Screened for equality impact | |
| Date of next review | |

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1.0 Introduction

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- 1.2 This procedure sets out how the flexible retirement provisions contained within the Local Government Pension Scheme (LGPS) as administered by NILGOSC will be applied within the Housing Executive for those staff who are scheme members.
- 1.3 Since first implementation of the Flexible Retirement Procedure in 2009 the Housing Executive has facilitated the flexible retirement of a number of staff. While the policy may be considered a staff benefit, there is also an acknowledgement that there should be an organisational benefit in the release of any member of staff on a flexible retirement basis.
- 1.4 The Chief Executive's Business Committee at its meeting on 17th May 2010 provided further detail on guidelines for the approval of flexible retirement applications as follows.

Any application may be refused on one of the following grounds:

- (a) the nature of the employee's work is such that it cannot be undertaken on a part time or flexible basis;
 - (b) the actuarial cost of releasing the employee's pension may be greater than any potential saving that may accrue over the 'initial three year payback' period;
 - (c) there is insufficient organisational benefit in regard to the cost of release.
- 1.5 In assessing organisational benefit the Housing Executive will take into account:
 - (a) Applications which may assist in restructuring or the resolution of redeployment issues.
 - (b) Applications which may assist in achieving savings within a local salary budget.
 - (c) Applications assisting staff with work/life balance after the organisational requirements have been considered.
 - 1.6 In approving the above guidelines the Chief Executive's Business Committee also set out the following criteria for dealing with applications:
 - (a) Applications from staff aged 60 and over can be made, at any time, to Personnel; these will be considered by the appropriate Director, taking account of 1.4 (a) above.
 - (b) Applications from staff in the 55-59 age range will only be accepted, and considered on foot of the organisation expressly inviting an expression of interest for such applications, taking account of the criteria outlined at paras 1.4 and 1.5 above

- 1.7 Consequently with effect from 01 July 2010 requests from staff of less than 60 years of age at the proposed date of flexible retirement will only be considered where applications have expressly been invited from amongst this group, by way of Human Resources Information Bulletin or other appropriate means. Staff who are 60 years of age or over at the proposed date of flexible retirement may submit an application at any time subject to the conditions set out at para 4.2 below.
- 1.8 Within the context of succession planning, normal resource planning and ensuring the needs of the business are met, flexible retirement request may be approved as part of a package that will include a final retirement at a specified date. This date will normally be within 2 – 3 years from the start of flexible retirement. In exceptional circumstances however, an alternative period may be agreed between the employee and their Director, and in consultation with HR. In the event that circumstances change within the agreed period, this date may be varied with the agreement of all parties.
- 1.9 Approval of flexible retirement will, therefore, constitute a binding commitment on both the employee and the Housing Executive to vary the contract of employment, and for the final retirement to take place on, or before, the specified date. For those who decide to leave before the specified date, the normal contractual notice period will apply.
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- 1.11 The Housing Executive strongly recommends that any individual considering exercising their right to request flexible retirement should satisfy themselves in respect of any impact this may have on their pay, pension and tax arrangements prior to final agreement.

2.0 Flexible Retirement

2.1 Employees must be members of the LGPS and under LGPS rules must be aged 55 or over to be eligible for flexible retirement. The LGPS allows scheme members to draw their retirement benefits while remaining in work providing that:

- the employer consents
- there is a reduction in hours worked, or
- there is a reduction in grade

Employees may also continue paying into the LGPS to build up further benefits.

- 2.2 Under the Housing Executive's Flexible Retirement Procedure, staff may apply on the basis of a reduction in their normal hours of between 20% and 60%. In the case of an existing full-time employee this will equate to a reduction of between 1 and 3 days.
- 2.3 Alternatively staff may apply on the basis of a reduction in grade.
- 2.4 Applicants must intend to remain working at the new hours or grade for a minimum of 12 months. Where there is an actuarial cost to the Housing Executive this period may be extended. The maximum period for flexible retirement will normally be 2-3 years as outlined in paragraph 1.8 above.
- 2.5 The employee's continuous service date will be unaffected by flexible retirement.
- 2.6 Employees should note that pension benefits may be subject to an actuarial reduction where they are paid prior to reaching age 65.

- 2.7 A [ready-reckoner](#) will be available which will give an approximate indication of the effect on pay and the amount of benefits which will be released for any reduction in hours worked or grade.
- 2.8 Employees have a right to be accompanied at meetings held under the Flexible Retirement Procedure by a colleague or accredited trade union representative.
- 2.9 In all circumstances approval for an individual's flexible retirement will be required from the functional Director. Where there will be a cost to the Housing Executive additional approval will be required from the Chief Executive's Business Committee.
- 2.10 Employees who do not proceed with flexible retirement have the option to continue with their request for flexible working where this has already been agreed.

3.0 Application by way of Reduced Hours

- 3.1 Applications for flexible retirement by way of reduced hours are initially processed in a similar fashion to flexible working requests. Interested staff should complete a Flexible Retirement Application Form and submit it to their line manager in the first instance.
- 3.2 Applications should be submitted at least 3 months and no more than 12 months in advance of any intended flexible retirement date. Only one application will be considered in any 12 month period.
- 3.3 Applicants must propose to reduce their existing hours by a minimum of 20% and up to a maximum of 60%.
- 3.4 Subject to the guidelines set out at paras 1.4 and 1.5 above the line manager will determine whether the flexible working aspect of the application can be accommodated in light of the following criteria, and the extent to which hardship will arise if the application is refused:
- (i) the nature of the work undertaken by the employee – is it of a type which would be suited to a flexible working arrangement?
 - (ii) the employee's skills, and whether there are other employees carrying out the same or similar duties
 - (iii) whether there are other flexible working employees carrying out the same or similar duties
 - (iv) the cost implications of a flexible arrangement
 - (v) the practical implications of agreeing to a request – whether it would be possible to recruit extra staff; the likely impact on client or customer service; and any likely effect on quality or performance
 - (vi) if having considered the request, the line manager decides that it is not possible for the employee to perform his or her existing duties on a flexible working basis, consideration should be given to offering suitable alternative employment which will accommodate the employee's needs
- 3.5 The line manager will arrange to meet the employee to discuss the request within 28 days. The employee has the right to be accompanied at this meeting by a work colleague or accredited trade union representative.
- 3.6 Following the meeting, the line manager will complete Part B of the Application Form to confirm his/her response to the request, either:

- (i) accepting the request and agreeing a start date, or
- (ii) confirming any compromise which has been agreed at the meeting, or
- (iii) rejecting the application, providing a business ground and an explanation as to why this is relevant.

3.7 The Employment (NI) Order 2002 provides the following permitted reasons for rejecting a flexible working application:

- (i) the burden of additional costs
- (ii) detrimental effect on ability to meet customer demand
- (iii) inability to re-organise work among existing staff
- (iv) inability to recruit additional staff
- (v) detrimental impact on quality (vi) detrimental impact on performance
- (vii) insufficiency of work during the periods the employee proposes to work
- (viii) planned structural changes

3.8 Employees who wish to appeal the decision of their line manager in respect of a request to vary working hours must do so in writing to their Assistant Director / Area Manager within 14 days of being notified of their line manager's decision.

3.9 The outcome of the appeal will be confirmed in writing within 14 days. The decision of the Area Manager / Assistant Director is final.

3.10 Where appropriate a revised contract of employment will be issued reflecting the new flexible working arrangements. Employees who reduce their working hours will receive relevant terms and conditions of employment on a pro-rata basis.

4.0 Application by way of Reduced Grade

4.1 The Housing Executive is not responsible for seeking lower graded jobs as part of a flexible retirement application. It is the employee's responsibility to seek and be successful in gaining a lower graded job through the normal Appointment and Promotions mechanisms. Employees who acquire a lower graded job will receive the terms and conditions applicable to the new job.

4.2 Where the employee is proposing a reduction in grade the completed [Flexible Retirement Application Form](#) should be forwarded directly to the Human Resources Department for retention until such time as he/she has been successful in attaining a lower graded post. It should be noted that the reduction in grade should also involve a reduction in salary.

4.3 The differential in grade must be maintained at least one level below the original grade for a minimum period of 12 months.

4.4 When in receipt of an offer of employment at the lower grade and salary the individual should contact the Human Resources Department to propose an effective date for flexible retirement.

5.0 Flexible Retirement Agreement

5.1 Where the employee has already submitted an application for flexible retirement and received

formal approval for a reduction in hours, or has achieved a reduction in grade, the Housing Executive will contact NILGOSC for an estimate of benefits and details of any actuarial costs payable to NILGOSC.

5.2 Where an actuarial cost is payable the Housing Executive, in accordance with the guidelines set out at paras 1.4 and 1.5 above, may determine whether a business case exists to facilitate the flexible retirement. In so doing the Housing Executive may take account of potential salary savings over a 3 year period and in such circumstances ultimate approval will depend on the Chief Executive's Business Committee authorising the payment of actuarial costs

5.3 In circumstances where NILGOSC confirm that

- there is no actuarial cost payable by the Housing Executive, and approval has been given by the functional Director

or;

- there is a cost to the Housing Executive and approval has been given by both the functional Director and the Chief Executive's Business Committee

the individual will be provided with a Flexible Retirement Agreement along with an estimate of the benefits that can be expected. If the employee wishes to proceed he/she will be required to sign and return the Flexible Retirement Agreement within 14 days. He/she may wish to seek independent financial advice at this stage.

5.5 In all circumstances no request for flexible retirement will be processed more than 12 months in advance of any effective flexible retirement date.

5.6 It should be noted that the individual can opt to proceed with flexible retirement even where there will be a reduction or abatement in pension benefits.

6.0 Discretion to Waive a Reduction in Benefits

6.1 Scheme members should note that if the payment of retirement benefits takes place before the 65th birthday and they do not meet the 85 year rule, the benefits payable will be reduced in accordance with guidance issued by the Government Actuary. The Housing Executive retains the discretion to waive, in whole or in part, any reduction in benefits, on the basis of compassionate grounds. Since this will result in additional cost to the Organisation, this discretion will only be exercised in the most exceptional of circumstances.

6.2 The criteria to be applied in exercising this discretion are as approved by the Board of the Housing Executive at its meeting on 30 April 2008 and communicated in Human Resources Bulletin No.396.

6.3 It should be noted that there is no facility to allow the employee to pay for any additional cost to the Organisation.

7.0 Where the Employee makes a Request to Waive a Reduction in Benefits

7.1 Upon receipt of the estimate of benefits, where they have been actuarially reduced, the employee may make a request in writing to the Human Resources Department to waive the reduction.

- 7.2 The Human Resources Manpower Manager will convene a meeting with the employee within 28 days to discuss the request to waive reductions.
- 7.3 Exercise of this discretion will require approval from the Chief Executive's Business Committee. The employee will be informed of this decision in writing within 14 days.
- 7.4 Employees who do not proceed with flexible retirement have the option to continue with their request for flexible working where this has already been agreed.

8.0 Review of Policy and Procedure

- 8.1 The Flexible Retirement Procedure will be reviewed in line with operational requirements and amendments to the Housing Executive's Policy Statement on pension discretions.

[Link to Flexible Retirement Application Form](#)

Link to Benefits [ready-reckoner](#)

Policy Statement on Pension Discretions

Policy Statement on Pension Discretions

Human Resources Department

| | |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | Housing Executive |
| Title | Policy Statement on Pension Discretions |
| Aim | This statement sets out the Housing Executive's Policy regarding certain discretion which, as an employer, it can exercise under the Local Government Pension Scheme Regulations |
| Version | |
| Last reviewed | November 2021 |
| Last updated | July 2015 |
| Staff affected | Members of Local Government Pension Scheme |
| Author(s) | Human Resources |
| Approved by | |
| Date of next review | November 2024 |

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INTRODUCTION

- 1.1 The Housing Executive is required to formulate, publish and keep under review a written policy statement on certain discretions in accordance with:
- Local Government Pension Scheme Regulations (NI) 2014
 - Local Government Pension Scheme (Amendment and Transitional Provisions) Regulations (NI) 2014
 - Local Government Pension Scheme (Administration) Regulations (NI) 2009 - in respect of leavers between 1 April 2009 and 31 March 2015
 - Local Government Pension Scheme Regulations (NI) 2002 – in respect of leavers between 1 February 2003 and March 2009
- 1.2 In addition, the Housing Executive is also:
- Recommended to formulate, publish and keep under review a written policy statement on one discretion under the Local Government Pension Scheme Regulations (NI) 2000 – in respect of leavers before 1 February 2003
 - Required to formulate, publish and keep under review a written policy statement on certain discretions in accordance with Regulation 66 of the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations (NI) 2007, effective from 1 October 2006; and
 - Required to formulate, publish and keep under review a written Statement of Policy on certain discretions in accordance with Regulation 25 of the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations (NI) 2003, operative from 24 March 2003 for terminations of employment on redundancy or efficiency grounds that occurred prior to 1 April 2007.
- 1.3 The Housing Executive, in exercising the discretions set out, will at all times:
- Exercise the discretions reasonably
 - Have regard to all relevant factors and no irrelevant factors
 - Record any decision taken in relation to the exercise of the discretions
 - Shall not act in a way that is likely to lead to a serious loss of confidence in the public sector
- 1.4 This policy statement sets out the Housing Executive's general policy in relation to each discretion. The Housing Executive will consider each case on its merits and may take into account exceptional circumstances. The policy statement indicates where compassionate grounds can be considered and Annex 1 to this policy provides some guidance around compassionate grounds.

- 1.5 The Housing Executive's discretion shall generally not be fettered by this Policy Statement. However, the Housing Executive's Board has agreed the fettering of discretions in respect of deferred members, having left the Housing Executive's employment, as recorded in Tables B and C below. This is because the strain on fund costs would have to be borne by the Housing Executive and expenditure could be considerable and would determine confidence in the Housing Executive's ability to manage public funds.
- 1.6 Where relevant and reasonable, the Housing Executive may request further information from an employee who is applying for a discretion to be exercised in the employee's favour. The member may refuse to provide the information, in which case the Housing Executive may proceed to make the decision without that information.
- 1.7 This policy statement on pension discretions has been compiled based on the model policy available on the NILGOSC website. It should be that:
- (i) The policies will confer no contractual rights
 - (ii) The Housing Executive will retain the right to change the policies at any time
 - (iii) The only policy applied to an employee/member will be the one that is current at the time a relevant event occurs.

The Housing Executive's policy statement on pension discretions is set out below in Tables A – E.

| Table A: Discretions to be exercised on and after 1 April 2015 under the LGPS Regulations (Northern Ireland) 2014 as amended in relation to active scheme members and members who cease active membership after 31 March 2015. | Housing Executive Policy |
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| <p>1. Employer Power to grant extra annual pension</p> <p>Whether, at full cost to the Housing Executive, to grant extra annual pension of up to £7,163 (figure at 1 April 2021) to an active scheme member or within 6 months of leaving to a member who is dismissed by reason of redundancy or business efficiency or whose employment is terminated by mutual consent on the grounds of business efficiency.</p> | <p>The Housing Executive will not make use of the discretion to grant extra annual pension of up to £7,163 (figure at 1 April 2021) to an active scheme member or within 6 months of leaving to a member who is dismissed by reason of redundancy or business efficiency or whose employment is terminated by mutual consent on the grounds of business efficiency except in exceptional circumstances where the Housing Executive considers it is in its financial or operational interests to do so. Each case will be considered on the merits of the financial and / or operational business case put forward.</p> |
| <p>2. Employer discretion to contribute towards the costs of purchasing extra pension</p> <p>Whether, where an employee wishes to purchase extra annual pension of up to £7,163 (figure at 1 April 2021) by making Additional Pension Contributions (APCs), the Housing Executive will voluntarily contribute towards the cost of purchasing that extra pension via a Shared Cost Additional Pension Contribution (SCAPC). The employee must make an election to pay an APC within 30 calendar days of returning to work or any such longer period that the employer may permit.</p> | <p>The Northern Ireland Housing Executive will only voluntarily contribute towards the cost of purchasing extra pension via a Shared Cost Additional Pension Contribution (SCAPC) in two situations.</p> <p>Firstly, where:</p> <ul style="list-style-type: none"> • an active scheme member returns from a period of authorised leave of absence, and • the member does not, within 30 days of returning from the leave of absence, make an election to buy-back the amount of pension 'lost' during that period of leave of absence, and • the member subsequently makes an election to do so and it can be demonstrated that the reason for the member missing the original 30 day deadline was because the member had not been made aware of that deadline, and • the election is made no more than 6 months after the member returns from the period of leave of absence or such longer period as the Housing Executive may deem reasonable in any individual case <p>A decision on whether the member meets the</p> |

| Table A: Discretions to be exercised on and after 1 April 2015 under the LGPS Regulations (Northern Ireland) 2014 as amended in relation to active scheme members and members who cease active membership after 31 March 2015. | Housing Executive Policy |
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| | <p>above criteria (and on whether the 6 month period referred to should be extended in any individual case) will be taken by the Executive Team and, where it is agreed that the conditions are met, the Housing Executive contributes two 3rds of the cost of buying back the 'lost' pension via a SCAPC.</p> <p>Secondly,</p> <ul style="list-style-type: none"> in exceptional circumstances where the Housing Executive considers it is in its financial or operational interests to do so. Each case to contribute to a SCAPC (and a decision on the amount to be contributed) will be considered on the merits of the financial and / or operational business case. |
| <p>3. Time limit for elections to cover lost pension due to a permitted absence</p> <p>Whether to allow an employee longer than 30 days following return to work after a period of absence with permission (not due to illness, child- related leave* or reserve forces service leave) to decide to apply to cover the lost pension through an Additional Pension Contract.</p> <p>*Child related leave is defined in Schedule 1 Interpretation of the Local Government Pension Scheme Regulations (NI) 2014 as:</p> <ul style="list-style-type: none"> Ordinary adoption leave, Ordinary maternity leave, Additional maternity or adoption leave during which the member receives some pensionable pay, Paternity leave, or Shared parental leave during which the member receives some pensionable pay. | <p>The Housing Executive will only extend the 30-day deadline following an active member's return to work after a period of authorised absence where they can decide to apply to cover the lost pension through an Additional Pension Contract (APC) where:</p> <ul style="list-style-type: none"> an active scheme member returns from a period of authorised leave of absence (other than illness, child related leave or reserve forces service leave), and the member does not, within 30 days of returning decide to apply to cover lost pension through an APC, and the member subsequently makes an application and it can be demonstrated the reason for the member missing the deadline was because they had not been made aware of that deadline. <p>Such extension will only be considered in exceptional circumstances where the Housing Executive considers it is in its financial or operational interests to do so. Each case will be considered on the merits of the financial and/or operational business case put forward.</p> |

| Table A: Discretions to be exercised on and after 1 April 2015 under the LGPS Regulations (Northern Ireland) 2014 as amended in relation to active scheme members and members who cease active membership after 31 March 2015. | Housing Executive Policy |
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| <p>4. Flexible retirement</p> <p>Whether to pay flexible retirement benefits for staff aged 55 or over who, with the agreement of the Housing Executive reduce their working hours or grade and, if so, as part of the agreement:</p> <ul style="list-style-type: none"> • whether, in addition to the benefits the member has accrued prior to 1 April 2009 (which the member must draw if flexible retirement is agreed), to permit the member to choose to draw • all, part or none of the pension benefits they accrued after 31 March 2009 and before 1 April 2015, and / or • all, part or none of the pension benefits they accrued after 31 March 2015, and • whether to waive, in whole or in part , any actuarial reduction which would otherwise be applied to the benefits taken on flexible retirement before Normal Pension Age (NPA). | <p>The Housing Executive will not agree to flexible retirement except in circumstances where it considers it is in its financial or operational interests to do so.</p> <p>Each case:</p> <ul style="list-style-type: none"> - will be considered on the merits of a financial and / or operational business case, - will set out whether, in addition to any pre 1 April 2009 benefits, the member will be permitted, as part of the flexible retirement agreement, to take; <ul style="list-style-type: none"> a) all, some or none of their 1 April 2009 to 31 March 2015 benefits, and /or b) all, some or none of their post 31 March 2015 benefits, and - will require the approval of the relevant Director where there is no actuarial cost and the approval of the Executive Team in cases where there is an actuarial cost. <p>Members, who are aged 55 or over, wishing to apply for Flexible Retirement may apply on the basis of a reduction in their normal hours (of between 20% and 60%) or by a reduction in grade. Where there is an actuarial cost, applications will only be considered where a saving over a 3 year period can be demonstrated.</p> <p>Flexible retirement requests will be approved as part of a package that includes a final retirement at a specified date. This date will normally be within 2-3 years from the start of the flexible retirement. In exceptional circumstances an alternative period may be agreed between the employee and Director in consultation with HR.</p> <p>Further details on the process for applying are outlined in the Flexible Retirement Procedure.</p> |

| Table A: Discretions to be exercised on and after 1 April 2015 under the LGPS Regulations (Northern Ireland) 2014 as amended in relation to active scheme members and members who cease active membership after 31 March 2015. | Housing Executive Policy |
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| | <p><u>Waiver of any actuarial reduction on flexible retirement</u></p> <p>Where flexible retirement is agreed, the benefits payable will be subject to any actuarial reduction applicable under the Local Government Pension Scheme Regulations (Northern Ireland) 2014. The Housing Executive will only waive such reduction, in whole or in part, where it considers it is in its financial or operational interests to do so and will require the approval of the Executive team.</p> |
| <p>5. 85 year rule for members voluntarily drawing benefits</p> <p>Whether, as the 85 year rule does not (other than on flexible retirement – see 4 above) automatically apply to members who would otherwise be subject to it and who choose to voluntarily draw their benefits on or after age 55 and before age 60, to switch the 85 year rule back on in full for such members.</p> | <p>The Housing Executive will not agree to switch the 85 year rule on in full where members choose to voluntarily draw their benefits on or after age 55 and before age 60 except in circumstances where the Housing Executive considers it is in its financial or operational interests to do so.</p> <p>Applications to retire early under the provisions of the Rule of 85, for those staff who are eligible, will only be considered in response to a trawl for expressions of interest where the Executive Team approves a case to do so or in circumstances where an application for VES has not been approved but an applicant wishes to consider Early Retirement under an 85 year rule release as an alternative.</p> <p>Each case;</p> <ul style="list-style-type: none"> - will be considered on the merits of the financial and / or operational business case put forward, and - will require the approval of the Executive Team. |
| <p>6. Waiving reductions on benefits which a member voluntarily draws before normal pension age</p> <p>Under Regulation 31(5) of the LGPS Regulations (NI) 2014, employees voluntarily</p> | <p>The Housing Executive will not agree to waive on compassionate grounds any reduction in benefits where members choose to voluntarily draw their benefits on or after age 55 and before Normal Pension Age except in circumstances where the Housing</p> |

| Table A: Discretions to be exercised on and after 1 April 2015 under the LGPS Regulations (Northern Ireland) 2014 as amended in relation to active scheme members and members who cease active membership after 31 March 2015. | Housing Executive Policy |
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| <p>retiring on or after age 55 and before Normal Pension Age (NPA) may elect to immediately draw benefits and deferred members to draw benefits (other than on ill health grounds) on or after age 55 and before NPA, in each case reduced by the amount shown in actuarial guidance issued by the Department.</p> <p>The amount of the reduction will vary in accordance with the age of the member, membership in the Scheme and the extent to which the transitional provisions with regard to the 85 Year Rule (Schedule 3 to the Transitional Regulations) apply to the individual member (if at all).</p> <p>The Housing Executive</p> <ul style="list-style-type: none"> • Under Regulation 31(8), may agree to waive any relevant reduction under Regulation 31(5) in whole or in part in respect of membership from 1 April 2015. No ground is stipulated by the Regulations. • Under Paragraph 2(1) of Schedule 3 to the Transitional Regulations, may determine on compassionate grounds to waive in full any relevant reduction calculated in accordance with Schedule 3. | <p>Executive considers it is in its financial or operational interests to do so or there are compelling compassionate reasons for doing so.</p> <p>Each case</p> <ul style="list-style-type: none"> - will be considered on the merits of the financial and / or operational business case put forward or - will be considered on the merits of the compassionate case put forward, and - will require the approval of the Executive Team including, where the reduction is only to be waived in part, approval for the amount of reduction to be waived. |
| <p>7. Shared Cost of AVC</p> <p>Whether, how much, and in what circumstances to contribute to a shared cost Additional Voluntary Contribution (SCAVC) arrangement entered into on or after 1 April 2015 and whether, how much, and in what circumstances to continue to contribute to any shared cost Additional Voluntary Contribution (SCAVC) arrangement entered into before 1 April 2015.</p> | <p>The Housing Executive does not currently contribute to any SCAVCs. The Housing Executive may consider entering into a SCAVC arrangement in circumstances where the scheme member enters into a SCAVC salary sacrifice arrangement.</p> |
| <p>8. Aggregating deferred benefits</p> <p>Whether to extend the 12 month time limit within which an employee who has a deferred LGPS</p> | <p>The Housing Executive will only extend the 12 month time limit within which an employee, who becomes an active member again (i.e. who has a deferred LGPS benefit in Northern Ireland)</p> |

| Table A: Discretions to be exercised on and after 1 April 2015 under the LGPS Regulations (Northern Ireland) 2014 as amended in relation to active scheme members and members who cease active membership after 31 March 2015. | Housing Executive Policy |
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| <p>benefit in Northern Ireland following the cessation of employment may elect not to have the deferred benefits aggregated with those in their new active member pension account.</p> | <p>may elect to aggregate the benefits in their deferred pensions account with those in their new active member pensions account:</p> <ul style="list-style-type: none"> a) where the Housing Executive agrees that the available evidence indicates the member had not been informed of the 12 month time limit due to maladministration; b) where the Housing Executive agrees that the available evidence indicates the member had made an election within 12 months of joining the LGPS but the election was not received by the Northern Ireland Local Government Officers' Superannuation Committee (e.g. the election form was lost in the post); or c) where the member has pre 1 April 2015 membership and where the Housing Executive agrees the available evidence indicates that, due to maladministration, the member had not been informed of the implications of having benefits aggregated and would, in consequence, suffer a detriment to their pension benefits (for example, where member's whole-time equivalent pensionable pay on commencing with the Housing Executive is, in real terms after allowing for inflation, significantly less than the whole-time equivalent pensionable pay upon which the deferred benefits were calculated). |
| <p>9. Determining contribution rates for employees</p> <p>How the pension contribution band/rate to which an employee is to be allocated on joining the Scheme, and at each subsequent April, will be determined and the circumstances in which (following a material change which affects pensionable pay in the course of a scheme year (1 April to 31 March) the pension contribution</p> | <p>The Housing Executive will</p> <ul style="list-style-type: none"> a) allocate a member to a contribution rate on joining the Scheme based on their substantive salary for the full year b) will not reallocate a member to a new contribution rate during a Scheme year (1 April to 31 March) following a material change to the terms and conditions of a member's employment which affects the |

| Table A: Discretions to be exercised on and after 1 April 2015 under the LGPS Regulations (Northern Ireland) 2014 as amended in relation to active scheme members and members who cease active membership after 31 March 2015. | Housing Executive Policy |
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| <p>band/rate to which an employee has been allocated will be reviewed.</p> | <p>member's pensionable pay (e.g. on promotion, demotion, re-grading, variation to a member's contractual hours, a change of job, or a move from a casual to a post with contractual hours) as it would be administratively difficult to do so and since a reallocation will occur in the following year as set out below</p> <p>c) reallocate a member to a new contribution rate each 1 April based on their earnings in the previous financial year, including overtime and other pensionable payments.</p> |
| <p>10. Assumed Pensionable Pay and determination of whether a lump sum that was received by the member was a regular lump sum</p> <p>Employers must provide NILGOSC with a member's Assumed Pensionable Pay (APP) when a member:</p> <ul style="list-style-type: none"> • Is absent due to illness or injury and on reduced contractual pay or no pay • Is absent on child related leave (as defined*) and the actual pay received is not greater than APP would be for that period • Is absent on reserve forces service leave • Where an ill-health retirement or death has occurred. <p>APP is calculated in accordance with Regulation 23. The annual rate of APP must include any regular lump sum payment received by the member in the 12 months prior to the relevant event, as set above (Reg 23 (4)(a)(iv) and 23 (5)(a)(iv). Regulation 23(5) defines a regular lump sum payment as <i>"a payment for which the member's employer determines there is an expectation that such payment would be paid on a regular basis."</i></p> <p>The employer must therefore determine in</p> | <p>The Housing Executive does not currently make any 'regular lump sum payments' to its employees. Therefore, if any lump sum payment were made to an employee, generally there would be no expectation that such a payment would be regular. However, the Housing Executive will consider each case on its merits and any final decision will rest with the Executive Team.</p> |

| Table A: Discretions to be exercised on and after 1 April 2015 under the LGPS Regulations (Northern Ireland) 2014 as amended in relation to active scheme members and members who cease active membership after 31 March 2015. | Housing Executive Policy |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>relation to any lump sum the member received in that 12 month period whether or not there was an expectation that payment would be paid on a regular basis. Where it determines that there is an expectation the lump sum must be included in the calculation of the annual APP figure.</p> <p>*Child related leave is defined in Schedule 1 interpretation of the Local Government Pension Scheme Regulations (NI) 2014 as:</p> <ul style="list-style-type: none"> • Ordinary adoption leave • Ordinary maternity leave • Additional maternity or adoption leave during which the member receives some pensionable pay • Paternity leave or • Shared parental leave during which the member receives some pensionable pay. | |
| <p>11. Whether to substitute a revised pensionable pay in calculating APP</p> <p>Where the pensionable pay received by a member in the relevant reference period for the calculation of APP under Regulation 23 is materially different from the level of pensionable pay that member normally received (“normal pensionable pay”), the employer may substitute in the calculation of APP a revised level of pensionable pay that reflects the member’s normal pensionable pay. The employer must have regard to the level of pensionable pay received by the member in the previous 12 months.</p> | <p>In calculating APP, the Housing Executive will usually substitute a revised pensionable pay for the actual pensionable pay received in the reference period where it is materially different to the pay normally received by the member. The revised pensionable pay used will reflect the member’s normal pensionable pay.</p> <p>In determining the member’s normal pensionable pay, the Housing Executive will take into account the pensionable pay received by the member in the previous 12 months.</p> <p>Each case will be determined on its merits and exceptional circumstances will be taken into account.</p> |

| Table B: Discretions to be exercised on and after 1 April 2015 under the LGPS Regulations in relation to scheme members who ceased active membership between 1 April 2009 and 31 March 2015 | The Housing Executive policy |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1. Waiving reductions to deferred benefits</p> <p>Whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to deferred benefits which are paid before age 65.</p> | <p>The Housing Executive will not waive, on compassionate grounds, any actuarial reduction that would normally be applied to deferred benefits which are paid before age 65.</p> <p>The strain on fund costs would have to be borne by the Housing Executive and the expenditure on such releases could be considerable and would undermine confidence in the Housing Executive's ability to manage public funds.</p> |
| <p>2. Application of 85 year rule for deferred members</p> <p>Whether, as the 85 year rule* does not (other than on flexible retirement) automatically apply to former employees who would otherwise be subject to it, and who choose to voluntarily draw their deferred benefits on or after age 55 and before age 60, to switch the 85 year rule back on in full for such members.</p> <p><i>*The 85 year rule is satisfied if the person was an LGPS member on 30 September 2006 and if the member's age at the date they draw their benefits and their scheme membership (each in whole years) add up to 85 or more. If they are part-time, their membership counts towards the 85 year rule at its full calendar length.</i></p> | <p>The Housing Executive will not agree to switch on the 85 year rule on in full where deferred members choose to voluntarily draw their deferred benefits on or after age 55 and before age 60.</p> <p>The strain on fund costs would have to be borne by the Housing Executive and the expenditure on such releases could be considerable and would undermine confidence in the Housing Executive's ability to manage public funds.</p> |

| Table C: Discretions to be exercised on and after 1 April 2015 under the LGPS Regulations in relation to scheme members who ceased active membership between 1 February 2003 and 31 March 2009 | The Housing Executive policy |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1. Waiving reductions to deferred benefits</p> <p>Whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to deferred benefits which are paid before age 65.</p> | <p>The Housing Executive will not waive, on compassionate grounds, any actuarial reduction that would normally be applied to deferred benefits which are paid before age 65.</p> <p>The strain on fund costs would have to be borne by the Housing Executive and the expenditure on such releases could be considerable and would undermine confidence in the Housing Executive's ability to manage public funds.</p> |
| <p>2. Application of 85 year rule for deferred members</p> <p>Whether, as the 85 year rule* does not (other than on flexible retirement) automatically apply to former employees who would otherwise be subject to it, and who choose to voluntarily draw their deferred benefits on or after age 55 and before age 60, to switch the 85 year rule back on in full for such members.</p> <p><i>*The 85 year rule is satisfied if the person was an LGPS member on 30 September 2006 and if the member's age at the date they draw their benefits and their scheme membership (each in whole years) add up to 85 or more. If they are part-time, their membership counts towards the 85 year rule at its full calendar length.</i></p> | <p>The Housing Executive will not agree to switch on the 85 year rule on in full where deferred members choose to voluntarily draw their deferred benefits on or after age 55 and before age 60 except in circumstances where the Housing Executive considers it is in its financial or operational interests to do so.</p> <p>The strain on fund costs would have to be borne by the Housing Executive and the expenditure on such releases could be considerable and would undermine confidence in the Housing Executive's ability to manage public funds.</p> |

| Table D: Discretions to be exercised under the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations (Northern Ireland) 2007 | Housing Executive policy |
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| <p>1. Redundancy Payment</p> <p>Whether to base a redundancy payment on an employee's actual weeks' pay where this exceeds the statutory week's pay limit of, currently £566 per week (as at April 2021).</p> | <p>Any redundancy payment will be calculated on an employee's actual week's pay and not limited to the statutory weeks' pay limit where pay exceeds that limit. The calculation of a weeks' pay, where it exceeds the statutory maximum, will not include employer pension contributions.</p> <p>Continuous local government service, as defined under the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order (Northern Ireland) 1999, will be taken into account in the calculation of redundancy payments.</p> |
| <p>2. Enhanced Compensation</p> <p>Whether to make a termination payment (inclusive of any redundancy payment) of up to a maximum of 104 weeks' pay to employees whose employment is terminated on the grounds of redundancy or efficiency of the service.</p> | <p>Staff whose employment is terminated on the grounds of redundancy or business efficiency will receive a termination payment (to incorporate any redundancy pay) calculated using the statutory redundancy payment formula but based on actual pay, enhanced by a multiplier of 2.6, in redundancy cases, and 1.2 in Efficiency of the Service cases, as approved by the Board in April 2014.</p> <p>An Age taper, to avoid a windfall payment to staff who are approaching or past normal retirement age (currently Age 65) will be applied in line with an agreement with the Housing Executive's sponsoring department DfC.</p> <p>The procedure for releasing employees on the grounds of redundancy or efficiency of the service is outlined in the Organisation Change Policy. Compensation payments will require Executive Team approval, and may be subject to Departmental approvals. Compensation payments will be managed in line with delegated limits.</p> |

| Table E: Discretions to be exercised under the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations (Northern Ireland) 2003 | Housing Executive policy |
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| <p>1. Abatement of annual compensatory added years pension</p> <p>How a person's annual compensatory added years pension is to be abated during, and following the cessation of, any period of re-employment by an employer who offers membership of the LGPS to its employees, regardless of whether or not the employee chooses to join the LGPS (except where the employer is an Admitted Body, in which case abatement only applies if the person is in, or eligible to be in, the LGPS in the new employment).</p> | <p>The Housing Executive will, during any period of re-employment in local government (see note below), abate a person's annual compensatory added years' payment by the 'excess' if the aggregate of:</p> <ul style="list-style-type: none"> - the annual compensation, and - the annual pension from the LGPS, and - the annual rate of pay from the new employment <p>exceeds the pay the person would have received from the employment in respect of which the compensatory added years were granted, based on the annual rate of pay at the date of ceasing the former employment as increased by the relevant cost of living increases (i.e. as increased by the rate at which an 'official pension' is increased under the Pensions (Increase) Act 1971). Index.</p> <p>Where compensatory added years were awarded on or after 24 March 2003, the Housing Executive will reduce a person's annual compensatory added years' payment following the cessation of a period of re-employment in local government (see note below) to the extent necessary to secure that if:</p> <ul style="list-style-type: none"> - the period of compensatory added years granted in respect of the former employment, <p>plus</p> <ul style="list-style-type: none"> - the period of membership the person has accrued in the LGPS (or would have accrued had he / she joined the scheme when first eligible to do so) during the period of re-employment in local government, counted at its part-time length, if the person was part-time, <p>exceeds</p> <ul style="list-style-type: none"> - the period of membership the person would have accrued during the period |

| Table E: Discretions to be exercised under the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations (Northern Ireland) 2003 | Housing Executive policy |
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| | <p>from the cessation of the former employment until age 65 on the assumption that he / she had continued in that former employment to age 65 (again counted at its part- time length if the person was part-time at the date of cessation of the former employment),</p> <p>then</p> <ul style="list-style-type: none"> - the annual pension and lump sum from the first job combined with the annual pension and lump sum from the second job (based on the assumption that the employee joined the LGPS when first eligible to do so), plus the annual compensation and lump sum of compensation, shall not in aggregate exceed the pension and lump sum in person would have achieved if he / she had remained in the first job through to age 65. <p>Where there is an excess, the annual compensation will be reduced by the excess pension and, if the annual compensation is not reduced to nil, the amount of the remaining (reduced) basic annual compensation will then be suspended until the excess lump sum (if any) is recovered.</p> <p>In calculating whether or not, in aggregate, the annual pension and lump sum from the first job, plus the annual pension and lump sum (if any) from the second job (based on the assumption that the employee joined the LGPS at the first opportunity), plus the annual compensation and lump sum compensation, exceeds the pension and lump sum the person would have achieved if he/she had remained in the first job through to age 65 it will be necessary to compare:</p> <p>(a) the actual LGPS pre 1 April 2009 1/80th pension and 3/80ths lump sum, plus the actual LGPS post 31 March 2009 1/60th pension (ignoring any commutation for a lump sum), plus the actual 1/80th annual</p> |

| Table E: Discretions to be exercised under the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations (Northern Ireland) 2003 | Housing Executive policy |
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| | <p>compensation and 3/80ths lump sum compensation, with</p> <p>(b) the 1/80th LGPS pension and 3/80ths lump sum the member would have achieved in their first job to 31 March 2009, plus the 1/60th LGPS pension the member would have achieved in their first job (ignoring any potential commutation for a lump sum), if the member had stayed in the first job through to age 65.</p> <p>In determining the benefits the employee could have achieved had he / she remained in the first employment through to age 65 it will be necessary to determine the pensionable pay to be used in the calculation. For this purpose, the pensionable pay figure used in the calculation of the pension benefits in the first job will be used as brought up to date by increasing it in line with the Pensions Increase (Review) Orders.</p> <p>If a person has been awarded more than one previous period of compensatory added years, e.g. as a result of being made redundant more than once, the abatement / claw back provisions are modified. In such a case, the rules under the former Local Government (Discretionary Payments) Regulations (Northern Ireland) 2001 will be applied where a person ceases a period of re- employment in local government and has previously been granted more than one period of compensatory added years, but using the pay in the first job as increased in line with inflation (i.e. ignoring regulations 17(5)(a)(ii), 17(6) and 17(7) of the Local Government (Discretionary Payments) Regulations (Northern Ireland) 2001.</p> <p>Where compensatory added years were awarded before 24 March 2003, the Housing Executive will reduce a person's annual compensatory added years' payment following the cessation of a period of re- employment in local government (see note below) in accordance with the Local Government</p> |

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| <p>Table E: Discretions to be exercised under the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations (Northern Ireland) 2003</p> | <p>Housing Executive policy</p> |
| | <p>(Discretionary Payments) Regulations (Northern Ireland) 2001.</p> |
| <p>2. Survivor compensatory added years apportionment</p> <p>How any surviving spouses or civil partner's annual compensatory added years' pension is to be apportioned where the deceased person is survived by more than one spouse or civil partner.</p> | <p>The Housing Executive will apportion any surviving spouses or civil partner's annual compensatory added year's pension where the deceased person is survived by more than one spouse or civil partner in such proportions as, at its sole discretion, it sees fit (based on the merits of the individual cases).</p> |
| <p>3. Annual compensation suspension rules</p> <p>Whether, if the spouse or civil partner of a person who ceased employment before 1 February 2003 remarries, enters into a civil partnership or cohabits after 1 February 2003, the normal annual compensation suspension rules will be disapplied i.e. the spouse's or civil partner's annual compensatory added years pension will continue to be paid.</p> | <p>If the spouse or civil partner of a person who ceased employment before 1 February 2003 remarries, enters into a new civil partnership or cohabits after 1 February 2003, the normal annual compensation suspension rules will be disapplied i.e. the spouse's or civil partner's annual compensatory added years pension will continue to be paid.</p> |
| <p>4. Annual compensation suspension rules (reinstatement)</p> <p>Whether, where a spouse's or civil partner's annual compensatory added years pension is suspended as a result of remarriage, entering into a new civil partnership or cohabitation, the spouse's or civil partner's annual compensatory added years pension should be reinstated after the end of the period of remarriage, new civil partnership or cohabitation, the spouse's or civil partner's annual compensatory added years pension should be reinstated after the end of the period of remarriage, new civil partnership or cohabitation.</p> | <p>No policy on this matter is required in light of 2 and 3 above.</p> |

ANNEX 1

CONSIDERATION OF REQUESTS ON COMPASSIONATE GROUNDS

1. Each request on compassionate grounds will be considered on its own merits.
2. The main criteria the Housing Executive will consider as compassionate grounds are;
 - to allow employees or former employees to care for a sick spouse, civil partner, co-habiting partner, parent, child, sibling or other dependant as that person's sole or main carer; and/or
 - on grounds of long-term severe financial hardship.
3. Proven long-term severe financial hardship means that the employee's long-term expenditure on basic living requirements (e.g. food, heat, electricity, rent or mortgage, clothing) exceeds the member's income from all sources and the member has either no or minimal savings. Long-term means greater than 12 months.
4. The employee must provide the Housing Executive with relevant information and evidence supporting his or her application. If the member refuses to provide information to the Housing Executive, then a decision may be taken without that information.
5. Where the employee wishes long-term severe financial hardship to be considered relevant information and documents may include (without limitation):
 - Full details of long-term severe financial hardship.
 - Details of all employments held since leaving the Housing Executive's employment.
 - Details of all income, pensions deferred or in payment and any other benefits receivable including state benefits and crisis loans.
 - Details of savings accounts or savings-type insurance policies.
 - Copies of bank statements.
 - Detailed list of expenditure.
6. Where the employee wishes caring responsibilities to be considered:
 - Medical reports, if appropriate, to support a case of retirement to look after an elderly or infirm spouse, civil partner, co-habiting partner, child, parent, sibling or other dependant.
 - Evidence that the member is the sole or main carer.

The Housing Executive may also request any such other information and evidence as may be relevant to the decision, where it is reasonable to request same from the member.