

LOCAL
GOVERNMENT
PENSION
SCHEME
REGULATIONS
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Employees Scheme Guide - 4

LEAVE OF
ABSENCE
AND THE LGPS



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Leave of Absence and the LGPS

In this leaflet you can find out about how your membership in the LGPS could be affected and your benefits reduced if you are off work for any reason.

Where pension terms are used, they appear in ***bold italic*** type. These terms are defined at the end of this leaflet.

There are many reasons for absence and each has a different effect on your LGPS membership.

What happens if I am on sick leave?

During a period of sick leave your LGPS benefits will continue to build up as if you were working normally and receiving full pay. You will continue to pay basic LGPS contributions on any ***pay*** you receive while you are off sick (before any reduction on account of Statutory Sick Pay or Incapacity Benefit). If you are on unpaid sick leave, you will not pay any contributions.

What happens if I am on maternity, adoption or paternity leave?

During any period of:

- paid maternity or paternity leave (including any period when only Statutory Maternity or Paternity Pay is paid)
- paid adoption leave (including any period when only Statutory Adoption Pay is paid), and
- any unpaid maternity or adoption leave during the 26 week Ordinary Maternity leave / Ordinary Adoption leave period

your LGPS benefits will continue to build up as if you were working normally on full pay. You must continue to pay pension contributions on the actual ***pay***, if any, you are receiving.

However, any period of unpaid maternity or adoption leave beyond the 26 week Ordinary Maternity leave / Ordinary Adoption leave period and any period of unpaid paternity leave will not count for pension purposes unless you have a right to return to work, in which case you can choose to pay back pension contributions for the unpaid period to make it count. The cost of paying back is based on the last rate of ***pay*** you received ignoring any increase in pay due to working a Keep in Touch day.

What happens if I am granted unpaid leave of absence?

If you are granted unpaid leave of absence or leave on reduced **pay** (including parental leave):

For the first 30 days

Full LGPS membership continues to build up during this period, but you must pay the pension contributions that would have been paid had you been at work.

After 30 days

This period will not count as membership unless you pay for it to do so. You can elect to pay contributions for the whole period of your absence, up to a maximum of 3 years, and maintain your full pension benefits.

For the period to count towards your membership, you must pay the contributions that you would have paid if you had been at work.

What happens if I am on jury service?

If you are called for jury service you will continue to have full LGPS membership during jury service, but you must pay pension contributions based upon your normal **pay**.

What happens if I am on strike?

Absence from work for one or more whole days because of strike does not count as membership in the LGPS. You can elect to buy back the membership lost at a rate of 16% of the **pay** you would have received if you had been at work.

What happens if I am on reserve forces leave?

Full membership of the LGPS continues to build up throughout reserve forces leave of absence and you will continue to pay pension contributions on your reserve forces pay if it equals or exceeds your normal **pay**.

If your reserve service pay is less than your normal **pay**, you will not have to make contributions and your benefits will not be affected.

How long have I got to decide to pay back contributions?

An election to pay back contributions after maternity, paternity or adoption leave, authorised leave of absence or strike absence must be made to your employer, in writing, within 30 days of your return to work, or within 30 days of leaving if you do not return or such longer period as your employer may allow. This is an employer **discretion**; you can ask your employer what their policy is on this matter.

What if I am paying extra?

If you have entered into a contract to buy extra pension (additional regular contributions), to count pre 6 April 1988 membership for a surviving **nominated co-habiting partner's** pension, or additional LGPS membership (added years) and you are absent from work due to:

- authorised leave of absence, jury service, strike action, maternity, paternity or adoption leave, you must continue to make the extra pension payments and/or payments to buy additional membership you had contracted to pay as if you were not on leave.
- reserve forces leave, you continue to build up extra pension / membership but you will only have to pay your extra contributions if your reserve forces pay is equal to or exceeds your normal **pay**.

If you are paying Additional Voluntary Contributions (AVCs) and are absent from work due to authorised leave of absence, jury service, strike action, maternity, paternity or adoption leave you can arrange to continue to make your AVC payments throughout your leave. If you are paying AVCs for extra life cover you should arrange to continue with these payments throughout your leave or cover may cease. If you are on Reserve forces leave, your AVC payments will continue unless you choose to discontinue them.

If you have entered into a contract to buy extra pension (additional regular contributions), to count pre 6 April 1988 membership for a surviving **nominated co-habiting partner's** pension, or additional LGPS membership (added years) and you are absent due to sickness you will continue to pay those extra contributions whilst you remain on full pay. You will not be required to pay those extra contributions during a period of sick leave on reduced or no pay. If you are paying Additional Voluntary Contributions (AVCs) you will continue to pay the AVCs on any **pay** received. If you are paying AVCs for life assurance cover you should arrange for these to continue during any period of unpaid sick leave otherwise the life assurance cover may cease.

More information

For more information or if you have a problem or question about your LGPS membership or benefits, please contact:

**The Pensions Section,
Gloucestershire County Council,
Shire Hall
Westgate Street,
Gloucester, GL1 2TG.**

Pension helpline phone number: 01452 426677
e-mail: pensions@gloucestershire.gov.uk
website: www.gloucestershire.gov.uk/pensions

The national web site for members of the LGPS can be found at www.lgps.org.uk

You can find out about what you can do if you are not happy about a decision made about your LGPS pension position from the leaflet **Help with Pension Problems**.

Disclaimer

The information in this leaflet applies to individuals who were contributing members of the Local Government Pension Scheme on 1 April 2008 or who have since joined. The leaflet is for employees in England and Wales and reflects the provisions of the LGPS and overriding legislation at the time of publication in October 2012. The Government may make changes to overriding legislation and, after consultation with interested parties, may make changes in the future to the LGPS. **Changes to the LGPS are planned for 2014**, for details see the national LGPS web site at www.lgps.org.uk

This leaflet is for general use and cannot cover every personal circumstance nor does it cover specific protected rights that apply to a very limited number of employees. In the event of any dispute over your pension benefits, the appropriate legislation will prevail as this leaflet does not confer any contractual or statutory rights and is provided for information purposes only.

Some terms we use:

Discretion

This is the power given by the LGPS to enable your employer or your administering authority to choose how they will apply the Scheme in respect of certain provisions. Under the LGPS your employer or your administering authority are obliged to consider how to exercise their discretion and, in respect of some (but not all) of these discretionary provisions, to have a written policy on how they will apply their discretion. They have a responsibility to act with 'prudence and propriety' in formulating their policies and must keep them under review. You may ask your employer or your administering authority what their policy is in relation to a discretion. Your administering authority is Gloucestershire County Council.

Nominated co-habiting partner

To be able to nominate a co-habiting partner, of either opposite or same sex, to receive a survivor's pension on your death, your relationship has to meet certain conditions laid down by the LGPS. Information on these conditions, and how to make a nomination, are set out in the leaflet on **Life Cover – Protection for Your Family**.

Pay

The pay on which you normally pay pension contributions (gross pay before deductions) is your normal salary or wages plus any shift allowance, bonuses, contractual overtime, Maternity Pay, Paternity Pay, Adoption Pay and any other taxable benefit specified in your contract as being pensionable.

You do not pay contributions on any non-contractual overtime, travelling or subsistence allowances, pay in lieu of notice, pay in lieu of loss of holidays, any payment as an inducement not to leave before the payment is made, any award of compensation (other than payment representing arrears of pay) made for the purpose of achieving equal pay nor (apart from some historical cases) the monetary value of a car or pay received in lieu of a car.