

Local Government Pension Scheme Discretions Policy

Approval Arrangements

All statutory policies in the Trust are ultimately the responsibility of the Trust Board. To enable it to discharge this responsibility appropriately and in collaboration with the constituent schools, the Trust Board will either

1. set a full Trust wide policy which applies in the same way to all schools
2. require individual schools to set a policy (in most cases with Trust-provided guidance) appropriate to the needs and circumstances of an individual school

This is a level 1 policy which was adopted by the Trust Board's Pay & HR Committee, for implementation in Tenax Schools Trust on the date below and supersedes any previous LGPS discretions policy.

Review Body:	Pay & HR Committee
Date Approved:	05.03.2024
Author:	HR Director
Next review:	Spring 2027
Review period:	3 years

Scope

This Policy sets out how The Tenax Schools Trust (the Trust”) will exercise its discretionary functions under the Local Government Pension Scheme (LGPS), which is administered currently by Kent and East Sussex.

This statement of policy applies to employees of the Trust who are members of the Local Government Pension Scheme ‘LGPS’ and should be read in accordance with the Local Government Pension Regulations relating to the pension fund for which the employee is eligible. The term ‘LGPS member’ will be used within this document to refer to all employees who are members of the LGPS (irrespective of local authority the scheme falls under).

In preparing, or reviewing and making revisions to this policy, the Trust will have regard to the extent to which the exercise of any of the functions, in accordance with this policy could lead to a serious loss of confidence in the public service and be satisfied that this policy is workable, affordable and reasonable having regard to foreseeable costs. The Trust will also take into account its obligations under the Equality Act 2010 in making any decisions regarding the exercise of its discretions under this policy.

This policy does not form part of any contract of employment and may be amended from time to time. Only the version of the policy which is current at the time when the relevant event occurs will be the version applied to that member for that event. Each case will be treated fairly based on its circumstances and merits. Where discretionary policies laid out in this document contradict statutory regulations, the statutory regulations will take priority.

Policy decisions

Policy decisions are stated in the supporting schedules (in Appendices).

Implementation

This Policy and supporting schedules will be published on the Trust’s website. The Trust will send a copy of its revised statement to each relevant administering authority.

Process

Existing employees of the Trust who are LGPS members and ex-employees with deferred LGPS benefits, may make an application under the discretions set out in this policy (where applicable) by putting the request in writing to:

HR Director, Tenax Schools Trust c/o Bennett Memorial Diocesan School, Culverden Down,
Tunbridge Wells, TN4 9SH or via email at hr@tenaxschoolstrust.co.uk

Decisions made under this Policy will be referred to Trust Board’s Pay & HR Committee. Decisions will be confirmed in writing (usually within 30 school days from receipt of the request), though timescales may vary, for example, where additional financial advice is required before a decision can be made. Applicants will be informed where there is likely to be a delay in timescales including reasons for delay and when a decision may be expected.

Any complaints regarding decisions made, should be referred and put in writing to the Trust's CEO by setting out the grounds for complaint in writing within 30 school days of receipt of the decision outcome.

CEO, Tenax Schools Trust c/o Bennett Memorial Diocesan School, Culverden Down, Tunbridge Wells, TN4 9SH or via email at enquiries@tenaxschoolstrust.co.uk

The Trust's CEO will arrange for an impartial person(s) such as the receiving authority (where appropriate) or external independent person(s) to review the initial decision. The decision from the review will be given within 1 month of the hearing. Applicants will be informed where there is likely to be a delay in timescales including reasons for delay and expected timescales.

If the applicant is still not satisfied, they can take their case to the Pension Fund to have it reconsidered.

The Pensions Ombudsman also deals with complaints about the administration or management of the pension scheme. The Pensions Ombudsman should be contacted within three years of the event being complained about.

Responsibilities

The HR Director of the Trust takes overall responsibility for the implementation of policies and procedures in relation to this policy including providing reports to Trustees as appropriate. The Trust Board's Pay & HR Committee is responsible for ruling on areas where discretion is permitted. The school's HR and Finance Team, in conjunction with the payroll provider, will manage the day to day administration of the pension scheme, make timely payments to the LGPS fund.

LGPS members are required to give timely notice of any intended changes to employment that may affect their pension, in order to enable all requirements of the LGPS authority to be fulfilled. The Trust's HR Director is responsible for providing advice under this policy and reviewing and updating the policy as required; ensuring continuing relevance and effectiveness in line with any developments in employment legislation, good employment practice and other Trust policies. The HR Director is responsible for collating data for regular HR reports to Trustees and where appropriate, providing confidential reports as required.