

Employer	Tenax Schools Trust
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Date of Policy Statement	05.03.2020
Date Reviewed	05.03.2024

Discretions under the Local Government Pension Scheme 1995

Applicable to members who ceased active membership before 1 April 1995

These discretions are Employer discretions under The Local Government Pension Scheme 1995 on which Employers are **required** to formulate and publish a policy.

Regulation	Discretion	Employer's Policy on the exercise of this discretion
D11(2)(C)	Whether to grant applications for the early payment of deferred pension benefits on or after age 50 and before NRD on compassionate grounds ¹ .	The Trust will not have a general policy for exercising this discretion. Each case will be considered on its individual merits

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Discretions under the Local Government Pension Scheme 2008

Applicable to members who ceased active membership between 1 April 2008 and 31 March 2014

These discretions are Employer discretions under The Local Government Pension Scheme (Administration) Regulations 2008 (prefix **A**), LGPS (Benefits, Membership and Contributions) Regulations 2007 (prefix **B**), and The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment)

¹ It should be noted that benefits paid on or after age 50 and before age 55 will be subject to an unauthorised payments charge under the Finance Act 2004 and, where applicable, an unauthorised payments surcharge under that Act, but there would be no Scheme sanction charge.

Regulations 2014 (prefix **TP**) on which Employers are **required** to formulate and publish a policy.

Regulation	Discretion	Employer's Policy on the exercise of this discretion
TP1(1)(c) & TP1(2) of Schedule 2	Whether, as the 85 year rule does not automatically fully apply to members who would otherwise be subject to it and who choose to voluntarily draw their deferred benefits (on or after 14 May 2018) on or after age 55 and before age 60, to switch the 85 year rule back on in full for such members	The Trust will not have a general policy for exercising this discretion. Each case will be considered on its individual merits
B30(5) and TP2(1) of Schedule 2	Whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to deferred benefits which are paid before age 65.	The Trust will not have a general policy for exercising this discretion. Each case will be considered on its individual merits
B30A(5) & T2(1) of Schedule 2	Whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to any suspended tier 3 ill health pension benefits which are brought back into payment before age 65	The Trust will not have a general policy for exercising this discretion. Each case will be considered on its individual merits

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Discretions under the Local Government Pension Scheme
from 1st April 2014 as at 05 March 2024

These discretions are Employer discretions under The Local Government Pension Scheme Regulations 2013 (prefix **R**) and The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 (prefix **TP**) on which Employers are required to formulate and publish a policy on.

Regulation	Discretion	Employer's Policy decision on the exercise of this discretion
The Local Government Pension Scheme Regulations 2013		

R16(2)(e) and R16(4)(d)	Where an active member wishes to purchase extra annual pension of up to £6,822 (figure at 1 April 2018) by making additional pension contributions (APCs), to voluntarily contribute towards the cost of purchasing that extra pension via a shared cost additional pension contribution	The Trust will not contribute to a shared cost contribution scheme.
R30(6) & TP11(2)	Whether to permit flexible retirement for staff aged 55 or over who, with the agreement of the Scheme and, if so, as part of the agreement to permit flexible retirement:	A flexible retirement may be considered on: • Reduction of hours and/or grade, or • Reduction of hours and/or grade with the release of pension benefits, or • Appointment to new continuing employment within the Trust on reduced hours and/or grade. Flexible retirement will be subject to: • Reduction in salary similar to the level of pension to be received, and • A minimum period of employment of 12 months in the reduced grade and/or hours following Flexible Retirement, and • No return to the higher hours/grade Employees must therefore be made aware that where a Flexible Retirement request has been approved, any actuarial reduction will be borne by them. In some cases, employer “strain” cost may apply. These cases will be looked at on an individual basis.
R30(8)	Whether to waive in whole or in part any reduction in a member’s pension benefits as a result of a member who has not attained normal pension age but who has attained the age of 55 or over and has elected, under R30(5), to receive immediate payment of a retirement pension. Whether to waive in whole or in part any reduction in a member’s pension benefits where a member flexibly retires under R30(6).	This may be considered in exceptional circumstances where there are business benefits.

R31	Whether to award additional pension up to the maximum £6,822 (figure at 1 April 2018) to an active member or a member who was an active member who was dismissed by reason of redundancy, or business efficiency, or whose employment was terminated by mutual consent on grounds of business efficiency within 6 months of the date the member's employment ended.	This may be considered in exceptional circumstances where there are business benefits.
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The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014

TP Schedule 2, para 1(1)(c) and 1(3)	Whether to "switch on" the 85 Year Rule for a member voluntarily drawing benefits on or after age 55 and before age 60.	It is not the Trust's general policy to make use of the discretion to 'switch back on' the 85 year rule protections unless there are clear financial or operational advantages. This may be considered in exceptional circumstances where there are business benefits.
TP3(1), TP Schedule 2, para 2(1), R30(8).	Whether to waive upon the voluntary early payment of benefits, any actuarial reduction on compassionate grounds or, for periods of service to which the compassionate service discretion does not apply, to waive any actuarial reduction on any grounds.	This may be considered in exceptional circumstances where there are business benefits.

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Discretions under the Local Government Pension Scheme 1998

Applicable to members who ceased active membership between 1 April 1998 and 31 March 2008

These discretions are Employer discretions under The Local Government Pension Scheme 1997

Regulations (prefix **L**) and The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 (prefix **TP**) on which Employers are required to formulate and publish a policy.

Regulation	Discretion	Employer's Policy decision on the exercise of this discretion
TP1(1)(f) & TP1(2) of Schedule 2	Whether, as the 85 year rule does not automatically fully apply to members who would otherwise be subject to it and who choose to voluntarily draw their deferred benefits (on or after 14 May 2018) on or after age 55 and before age 60, to switch the 85 year rule back on in full for such members	The Trust will not have a general policy for exercising this discretion. Each case will be considered on its individual merits
L31(2)	Whether to grant applications for the early payment of pension benefits on or after age 50 and before age 55 ¹	The Trust will only exercise this discretion in exceptional circumstances where there are business benefits
L31(5) & TP 2(1) of Schedule 2	Whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to benefits which are paid before age 65	The Trust will only exercise this discretion in exceptional circumstances where there are business benefits

¹ It should be noted that benefits paid on or after age 50 and before age 55 will be subject to an unauthorised payments charge under the Finance Act 2004 and, where applicable, an unauthorised payments surcharge under that Act, and a Scheme sanction charge on any benefits built up after 5 April 2006.

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Non- mandatory Discretions under the Local Government Pension Scheme 2014

These discretions are Employer discretions under The Local Government Pension Scheme Regulations 2013 (prefix **R**) and The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 (prefix **TP**) on which Employers are recommended to formulate and publish a policy.

Regulation	Discretion	Employer's Policy on the exercise of this discretion
R17 & TP15(2A)	Whether, how much, and in what circumstances to contribute to a Shared Cost Additional Voluntary Contribution (SCAVC) arrangement	The Trust will not contribute to a shared cost contribution scheme.
R16(16)	Whether to extend the 30 day deadline for member to elect for a Shared Cost Additional Pension Contribution (SCAPC) upon return from a period of absence from work with permission with no pensionable pay (otherwise than because of illness or injury, relevant child-related leave or reserve forces service leave)	The Trust will not contribute to a shared cost contribution scheme.
R100(6)	Whether, with the agreement of the Pension Fund administering authority , to permit a member to elect to transfer pension rights from another registered pension scheme into the LGPS, if they had not made such an election to do so within 12 months of first joining the LGPS in that employment	The Trust will not exercise this discretion unless there are exceptional circumstances, and only with the agreement with the administering authority.
R22(7) and (8)	Whether to extend the 12 month time limit within which a member who has a deferred LGPS benefit in England or Wales following the cessation of employment (or cessation of a concurrent employment) after 31 March 2014 may elect not to have their deferred benefits aggregated with their	LGPS members who have previous LGPS pension benefits in England and Wales will automatically have these aggregated with their new LGPS employment unless they elect

	new LGPS employment (or ongoing concurrent LGPS employment) if the member has not made an election to retain separate benefits within 12 months of commencing membership of the LGPS in that new employment (or within 12 months of ceasing the concurrent membership)	within 12 months of commencing membership of the LGPS in the new employment to retain separate benefits. The Trust may exercise its discretion to extend this period beyond 12 months, with the agreement of the administering authority, and each case will be considered on its own merits.
TP10(6)	Whether to extend the 12 month time limit within which a member (who has not elected to be treated as a member who, in the same employment, was contributing to the Scheme on both 31 March 2014 and 1 April 2014) who has a deferred LGPS benefit in England or Wales following the cessation of employment before 1 April 2014, to elect to aggregate their deferred benefits with their new LGPS employment that commenced on or after 14 May 2018	The Trust will not exercise this discretion unless there are exceptional circumstances, and only with the agreement with the administering authority.
R9&R10	How the pension contribution band 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 the Scheme employer will, in addition to the review each April, review the pension contribution band to which an employee has been allocated following a material change which affects the member's pensionable pay in the course of a Scheme year (1 April to 31 March)	The Trust will apply the administering authority determined employee contribution rates and bands. These are subject to change and may be varied.

R21(4)(a)(iv), R21(4)(b)(iv) and R21(5)	Whether, when calculating assumed pensionable pay when a member is: ☐ on reduced contractual pay or no pay on due to sickness or injury, or ☐ absent during ordinary maternity, paternity or adoption leave, or paid shared parental leave, or during paid additional maternity or adoption leave, or ☐ absent on reserve forces service leave, or ☐ retires with a Tier 1 or Tier 2 ill health pension, or ☐ dies in service	This may be considered in exceptional circumstances where there are business benefits.
	to include in the calculation the amount of any 'regular lump sum payment' received by the member in the 12 months preceding the date the absence began or the ill health retirement or death occurred. A 'regular lump sum payment' is a payment for which the member's Scheme employer determines there is a reasonable expectation that such a payment would be paid on a regular basis	
R21(5A) and R21(5B)	When a member is: ☐ on reduced contractual pay or no pay due to sickness or injury, or ☐ absent during ordinary maternity, paternity or adoption leave, or paid shared parental leave, or during paid additional maternity or adoption leave, or ☐ absent on reserve forces service leave, or ☐ retires with a Tier 1 or Tier 2 ill health pension, or ☐ dies in service if, in the Scheme employer's opinion, the pensionable pay received in relation to an employment (adjusted to reflect any lump sum payments) in the 3 months (or 12 weeks if not paid monthly) preceding the commencement of Assumed Pensionable Pay (APP), is materially lower than the level of pensionable pay the member would have normally received, decide whether to substitute a higher level of pensionable pay when calculating APP, having had regard to the level of pensionable pay received by the member in the previous 12 months	This may be considered in exceptional circumstances where there are business benefits.

Changes to this notice

We may need to update this policy statement periodically. Any modification or amendment will be applied as of that revision date. This version was last updated 05 March 2024.