Windsor Academy Trust

Local Government Pension Scheme Discretions Policy

Employer name: **Windsor Academy Trust** (employer pension numbers for academies as below)

West Midland Pension Scheme WMPF	**Staffordshire Pension Fund**
Windsor Academy Trust (413) Colley Lane Academy (1075) Goldsmith Primary Academy (575) Kingswinford Academy (456) Manor Way Academy (936) Tenterfields Primary Academy (1041) Rivers Primary Academy (754) Windsor High School and Sixth Form (413) Windsor Olympus Academy (1579)	Cheslyn Hay Academy (001SL) Clayton Hall Academy (001FL) Great Wyrley Academy (001SK) Greenways Primary Academy (001SJ) Milton Primary Academy (001SJ) Newcastle Academy (001FK) Sir Thomas Boughey Academy (001FM)

Date of Policy Statement – Approved by Finance Committee 16/09/2024. Policy effective from 16/09/2024

Date for Review – September 2027

Statement of Intent

Under the rules of the Local Government Pension Scheme ("LGPS") the employer has the right to authorise discretion on a number of matters regarding the administration of the pension scheme. For a number of discretions there is a mandatory requirement to publicise the approach the employer will take.

The approach to exercising discretion in this policy is to allow the employer to make a reasonable decision in individual cases but also to be clear as to the factors it will take into account in making that decision.

In formulating and reviewing our policy statements we are required to have regard to the extent to which the exercise of their discretionary powers, unless properly limited, could lead to a serious loss of confidence in the public service, and, be satisfied that the policy is workable, affordable and reasonable having regard to the foreseeable costs.

Any complaints relating to decisions in these matters would need initially to be raised under the pension scheme's Internal Disputes Resolution Procedure, details of which are available from the pension scheme administrator.

This policy confers no contractual rights and Windsor Academy Trust retains the right to change this policy at any time. This policy will be reviewed on a tri-annual basis and any amendments published accordingly.

The policy which is current at the time a relevant event occurs to the scheme member will be the basis on any decision made.

Any decision pertaining to this policy will be made by the WAT Finance Committee, who will receive recommendations from the Chief Executive Officer.

The Discretions covered in this policy derive from the following regulation documents.

- The Local Government Pension Scheme (Administration) Regulations 2008 (as amended) (prefix A below)
- The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended) (prefix B below)
- The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 (prefix C below
- The Local Government Pension Scheme Regulations 2013 (prefix D below)
- The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (as amended) (prefix E below)

It should be noted that the policy does not incorporate The Local Government Pension Scheme Regulations 1995 as the Trust did not exist as an employer within LGPS until 2011.

The following table applies to the discretions which may be exercised on and after 1 April 2014 in relation to active scheme members and members who cease active membership after 31 March 2014

Regulation	Discretion	Employer's Policy on the exercise of this discretion
D16(2)(e) and D16(4)(d) mandatory	This regulation allows Windsor Academy Trust to fund employees additional pension contributions up to a maximum of £8344 (as at 1 April 2024) either in whole or in part. UPDATED to 2024 rate	Additional pension contributions will not be funded in whole or in part by Windsor Academy Trust.
D30(6) mandatory	Qualifying scheme members who are over age 55 can, with the consent of Windsor Academy Trust, continue to work for the Windsor Academy Trust on different terms and conditions and request to draw all or some of their pension entitlements (flexible retirement).	Windsor Academy Trust does not have a general policy of exercising this discretion but may do so where a sound business case can be made or there are exceptional circumstances. In any event, Windsor Academy Trust will consider requests on a case by case basis and any decisions to exercise this discretion will be fair, equitable and justifiable A request for flexible retirement will not be agreed where the Trust would incur a capitalised cost from the pension scheme.
D30(8) mandatory	Flexible retirement benefits payable pursuant to D30(6) and D30(5) will be adjusted in accordance with guidance issues by the Government Actuary.	Windsor Academy Trust does not have a general policy of exercising this discretion but may do so where a sound business case can be made or there are exceptional circumstances. In any event, Windsor Academy Trust will consider requests on a case by case basis and any decisions to exercise this discretion will be fair, equitable and justifiable
C1(1) schedule 2 mandatory	Members can choose to voluntarily draw their benefits on or after age 55 and before age 60 where employment has ended. Benefits will be subject to a reduction in accordance with actuarial guidance issued by the Secretary of State. Employers can waive in whole or in part the actuarial reduction. Where the actuarial reduction is waived any cost to the pension scheme would have to be met by the Trust.	Windsor Academy Trust does not have a general policy of exercising this discretion but may do so where a sound business case can be made or there are exceptional circumstances. In any event, Windsor Academy Trust will consider requests on a case by case basis and any decisions to exercise this discretion will be fair, equitable and justifiable.
D31 mandatory	Whether to grant extra annual pension of up to £8344 (as at 1 April 2024 – this figure is inflation proofed annually) to an active scheme member or within 6 months of leaving to a member whose employment was terminated on the grounds of redundancy or business efficiency.	Windsor Academy Trust does not have a general policy of exercising this discretion but may do so where a sound business case can be made or there are exceptional circumstances. In any event, Windsor Academy Trust will consider requests on a case by case basis and any decisions to exercise this discretion will be fair, equitable and justifiable
D9 & 10	Active members are required to make contributions on the basis of pensionable pay bands. This policy is made to aid the administration of the scheme – in particular in setting the contribution rates to be applied to each individual. However, nothing in this policy can override the statutory provisions of the LGPS.	Reviewing of Banding will be completed each April and employees advised in writing of their contribution rate. Subsequent changes in bandings will be notified via the identification of the contribution rate on payslips. Windsor Academy Trust will complete a monthly banding assessment based on annualised cumulative pay.

D100 (6)	Whether, with the agreement of the Pension Fund administering authority, to permit a scheme member to elect to transfer other pension rights into the LGPS if he/she has not made such an election within 12 months of joining the LGPS.	Windsor Academy Trust will only extend the 12 month time limit in exceptional circumstances.
D17 & C15(1) (d) & A25(3) & B15(3)	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 2014 and whether, how much, and in what circumstances to continue to contribute to any shared cost Additional Voluntary Contribution (SCAVC) arrangement that the employer had entered into before 1 April 2014.	Windsor Academy Trust has not previously and will not contribute towards SCAVC unless exceptional circumstances can be demonstrated.
D22(7) & (8)	Whether to extend the 12 month time limit within which a scheme member who has a deferred LGPS benefit in England or Wales following the cessation of employment (or cessation of a concurrent employment) may elect not to have the deferred benefits aggregated with their 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 the new employment (or within 12 months of ceasing the concurrent membership).	Windsor Academy Trust will only extend the 12 month time limit in exceptional circumstances. Exceptional circumstances will not include cases where there is evidence that the member has failed to take necessary action following receipt of information supplied to them.
D21(4)(a)(iv), 21(4)(b)(iv) and 21(5)	Whether or not, 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 during paid additional maternity, paternity 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 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 employer determines there is a reasonable expectation that such a payment would be paid on a regular basis.	Windsor Academy Trust does not have a general policy of exercising this discretion but may do so where a sound business case can be made or there are exceptional circumstances. In any event, Windsor Academy Trust will consider requests on a case by case basis and any decisions to exercise this discretion will be fair, equitable and justifiable.

E 5 (1)	Power to increase statutory redundancy payments above statutory weekly pay limit	Windsor Academy Trust will not increase statutory redundancy payments above statutory weekly pay limit. Enhanced redundancy terms until TUPE may continue to apply. South Staffordshire (under TUPE) award up to a maximum of 70 weeks.
E 6	Decision to award up to 104 weeks compensation instead of compensatory added years	Windsor Academy Trust will not award up to 104 weeks compensation instead of compensatory added years.
End		

The following table applies to discretions which may be exercised on and after 1 April 2014 in relation to scheme members who left the scheme between 1 April 2008 and 31 March 2014

Regulation	Discretion	Employer's Policy on the exercise of this discretion
B12	Whether to augment (increase) membership of an active member (by up to 10 years)	Windsor Academy Trust does not have a general policy to augment membership of an active member by up to 10 years but may decide to do so where a sound business case can be made for exercising this discretion.
B13	Whether to grant additional pension to a member (by up to £5,000 p.a.)	Windsor Academy Trust does not have a general policy of exercising this discretion but may do so where a sound business case can be made or there are exceptional circumstances. In any event, Windsor Academy Trust will consider requests on a case by case basis and any decisions to exercise this discretion will be fair, equitable and justifiable.
B18(1)	Whether all or some benefits can be paid if an employee reduces their hours or grade after reaching age 55 (flexible retirement)	Windsor Academy Trust does not have a general policy of exercising this discretion but may do so where a sound business case can be made or there are exceptional circumstances. In any event, Windsor Academy Trust will consider requests on a case by case basis and any decisions to exercise this discretion will be fair, equitable and justifiable.
B18(3)	Whether to waive, in whole or in part, any actuarial reduction on benefits paid on flexible retirement.	Windsor Academy Trust does not have a general policy of exercising this discretion but may do so where a sound business case can be made or there are exceptional circumstances. In any event, Windsor Academy Trust will consider requests on a case by case basis and any decisions to exercise this discretion will be fair, equitable and justifiable.

B30(2)	Whether to grant application for early payment of benefits on or after age 50/55 and before age 60	Windsor Academy Trust does not have a general policy of exercising this discretion but may do so where a sound business case can be made or there are exceptional circumstances. In any event, Windsor Academy Trust will consider requests on a case by case basis and any decisions to exercise this discretion will be fair, equitable and justifiable
B30(5) mandatory	Whether to waive, on compassionate grounds, the actuarial reduction on benefits paid early.	Windsor Academy Trust will not waive the actuarial reduction applied to benefits paid early under regulation B30(2) above. Windsor Academy Trust may consider waiving the actuarial reduction where exercising that discretion can be justified in terms of the sound businesses case made for initially paying those benefits or where other exceptional circumstances arise that make payment of those benefits justifiable. Each case will be considered on its individual merits.
B30 A	Whether to grant early release of pension benefits for former employees who are deemed to be “pensioner members with deferred benefits” under ill health retirement provisions of the LGPS.	Windsor Academy Trust does not have a policy of granting such payments and any payments of this sort will be only granted on exceptional compassionate grounds or in situations where no costs will be charged to the Trust.
A22(2)	Whether to extend the period for a member to elect to pay contributions to cover unpaid leave of absence, maternity, paternity, or adoption leave beyond 30 days after returning to work or leaving.	Windsor Academy Trust will only allow the extension of the period in cases where the member was not notified of the right to pay contributions.
A83(8)	If a scheme member wishes to transfer pension rights into the LGPS he/she must opt to do so within 12 months of joining the LGPS “or such longer period as the employer may allow”.	Windsor Academy Trust will only extend the 12 month time limit in exceptional circumstances. Exceptional circumstances will not include cases where there is evidence that the member has failed to take necessary action following receipt of information supplied to them.
End		