

Three Counties Academy Trust



Local Government Pension Scheme

Statement of Policy

#HR38

Last amended 10th July 2026 (v1.0)

Statement of Policy lifespan: 1 year. Next full review 9th July 2027.

Version history

Date	Version	Details	Actioned by	PDF to Websites	Word to Governor Hub
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Policy Abbreviations and Acronyms

APC	Additional Pension Contribution
AVC	Additional Voluntary Contribution
CEO	Chief Executive Officer
LGPS	Local Government Pension Scheme
TCAT	Three Counties Academy Trust
VER	Voluntary Early Retirement

NB. Where the term “parent” or “parents” is used this includes those who act as carers or have parental responsibility.

Statement of intent

Three Counties Academy Trust (TCAT) utilises the following provisions in respect of Local Government Pension Scheme (LGPS) discretions, formulated through Worcestershire County Council who are our LGPS providers.

Member, Trustee, Local Governor and Staff Summary

Purpose of the Statement

- The statement sets out how TCAT applies Local Government Pension Scheme discretions
- The policy explains circumstances where discretion may or may not be exercised
- The statement supports consistency transparency and financial stewardship

Decision Making Principles

- TCAT considers requests on their individual merits
- Relevant circumstances costs and available evidence are taken into account
- Employees must submit requests in writing with supporting information

Retirement Related Discretions

- The majority of retirement related discretions will not usually be exercised
- Flexible retirement requests may be considered in accordance with scheme rules
- Applications involving compassionate grounds may be considered where supporting evidence is provided

Compassionate Circumstances

- TCAT may consider requests where an employee is a permanent carer for a dependant with significant care needs
- Supporting evidence may be requested before a decision is reached

Financial Management

- TCAT considers the financial impact of pension discretions before decisions are made
- Discretions creating significant pension strain costs will normally not be exercised
- TCAT reserves the right to consider exceptional circumstances

Additional Pension and Contributions

- TCAT will not usually contribute towards additional pension purchases
- Requests relating to additional pension contributions are considered within scheme regulations

Transfers of Previous Pensions

- Members may normally transfer previous pension rights within the first 12 months of joining
- Late requests may be considered individually taking account of the reasons for delay and associated costs

Dispute Resolution

- Employees dissatisfied with a decision may use the Worcestershire Pension Fund Internal Disputes Resolution Procedure
- The LGPS Appeal Procedure is available where appropriate

Key Assurance

- The policy provides a clear framework for the exercise of pension discretions
- Decisions are intended to be fair reasonable consistent and financially responsible
- Most discretionary powers will not usually be exercised except where clear justification exists

1. Introduction

This document outlines Three Counties Academy Trust (TCAT's) policy on the application of all mandatory and some non-mandatory discretions which we have the power to exercise in relation to members of the Local Government Pension Scheme (LGPS).

Worcestershire County Council is the administering authority on behalf of Three Counties Academy Trust and all of our schools.

The pension's team can be contacted as follows:

www.worcestershirepensionfund.org.uk

Phone: 01905 766551

Email: pensions@worcestershire.gov.uk

Write: Pensions Section, Directorate of Financial Services, County Hall, Spetchley Road, Worcester, WR5 2NP

Further information about the scheme is available from the LGPS website.

2. What are discretions?

Discretions are powers that enable employers to choose how to apply the Scheme rules in respect of certain provisions.

Discretions fall into two categories:

- Mandatory discretions must be formulated and published
- Non-mandatory discretions do not have to be formulated and published

A summary of the mandatory discretions applied by Three Counties Academy Trust are outlined later in this statement.

3. Responsibilities

Employers who participate in the LGPS are required to draw up and publish a Discretions Statement and Policy and to keep the policy under review (e.g. in relation to any legal or policy developments).

In applying this policy, Three Counties Academy Trust will ensure that it applies the discretions reasonably, after taking account of all relevant factors, for example the cost to Three Counties Academy Trust and the Statement of policy on LGPS discretions 2025.

All requests by employees for the exercise of a discretion should be made in writing to the Chief Executive Officer (CEO) who will consider the approval. The request should contain all of the supporting information that the member considers relevant. Each case will be considered and its specific merits and circumstances.

If an employee is not happy with the decision made in respect of this policy, they should refer to Worcestershire Pension Fund's Internal Disputes Resolution Procedure, also known as the LGPS Appeal Procedure.

Some discretions may be exercised on 'compassionate grounds', which are described in discretion 3 below. Where a member believes that compassionate grounds exist, these should be detailed in their written request. Three Counties Academy Trust reserves the right to seek additional information or evidence (including medical evidence) should it feel necessary.

Decisions on all flexible retirements which may incur a pension strain cost will be approved by the Chief Executive Officer.

If an employee wishes to retire before they reach the normal retirement age, they may request Voluntary Early Retirement (VER). This in effect is a resignation. Pension benefits would be reduced by taking VER because the benefits will be paid for longer. If the reduction would take the member's pension below the 'guaranteed minimum pension' they will not be able to take VER at that time.

4. Application of mandatory discretions

The policy in respect of each employer discretion is set out below. However, Three Counties Academy Trust may give further consideration where there are exceptional circumstances and clear merit, or where the cost is not considered to be significant or material.

The following discretions apply to members who were actively paying into the scheme as at 1 April 2014 onwards:

1.	
Discretion	Discretion of employing authority to decide to pay towards the cost of Additional Pension Contributions (APCs) Where an active scheme member has decided to make Additional Pension Contributions (APCs) to purchase extra pension benefits (up to £6,500 per annum), the employer can resolve to voluntarily contribute towards the cost of this. Note: This does not include instances where the employee is paying for lost pension via an APC where the election was made in the first 30 days – here the employer must pay two-thirds of the cost of such purchase
Regulation	REGULATION 16(2)(e) and 16(4)(d)
Policy	<i>This discretion will not usually be exercised</i>
2.	
Discretion	Flexible Retirement Employers may allow a member from age 55 onwards to draw all or part of the pension benefits they have already built up whilst still continuing in employment. This is provided the employer agrees to the member either reducing their hours or moving to a position on a lower grade. In such cases, pension benefits will be reduced in accordance with actuarial tables unless the employer waives the reduction either fully or in part or a member has protected rights.
Regulation	REGULATION 30(6)
Policy	<i>This discretion will not usually be exercised</i>
3.	

Discretion	<i>Waiving of Actuarial Reduction on Compassionate Grounds</i> Employers have the discretion under a number of retirement scenarios to waive the actuarial reductions on compassionate grounds. In particular, Three Counties Academy Trust has the discretion to waive the reduction on compassionate grounds
Regulation	REGULATION 30(5)
Policy	<i>This is where an active member or deferred beneficiary is no longer able to work because they fulfil the role of a permanent carer for a close relative, spouse, partner or other dependent who, through chronic illness, requires full time or substantial care which is anticipated to be in excess of 12 months from the date of the medical evidence. Members will be expected to confirm they are a registered carer.</i>
4.	
Discretion	Power of employer to waive actuarial reductions Employers can agree to waive any actuarial reductions due in the case of employees retiring any time after age 55. This does not have to be due to 'compassionate' reasons. If this discretion is used, the employer will pick up the cost of waiving reductions as an immediate strain cost payment.
Regulation	REGULATION 30(8)
Policy	<i>This discretion will not usually be exercised</i>
5.	

Discretion	Power of employing authority to grant additional pension of up to £6,500 annual pension An employer may resolve to grant extra pension of up to £6,500 (figure at 1 April 2014) 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.
Regulation	REGULATION 31
Policy	<i>This discretion will not usually be exercised</i>

6.	
Discretion	Power of the employer to ‘switch’ back on the 85-year rule for employees retiring between ages 55 and 60. Employees are able to voluntarily retire between ages 55 and 60, post-31 March 2014 and onwards. Formerly this was only with employer permission and if granted, the employer would have paid any strain cost due if the employee met the 85-year rule. The 85-year rule does not automatically apply to members retiring between 55 and 60 as the facility to retire voluntarily between 55 and 60 is a new facility. The employer has the discretion to ‘switch’ back on the 85-year rule for employees leaving between 55 and 60, thus allowing employees not to have reductions (or have lesser reductions). In these cases, the employer would have associated strain costs that would have to be paid by the organisation instead.

Regulation	REGULATION 1 (1)(c) Schedule 2 Transitional Regulations
Policy	<i>This discretion will not usually be exercised</i>
Discretions applying to members who left the scheme after 31 March 2008 and before 1 April 2014	
7.	
Discretion	Power of the employer to ‘switch’ back on the 85-year rule for a member with deferred benefits voluntarily drawing on or after age 55 and before 60 or upon the voluntary early payment of a suspended tier 3 ill health pension
	A member with a deferred benefit who left the scheme voluntarily between 1 April 2008 – 31 March 2014 and who has subsequently become a deferred pensioner may now claim their benefits from age 55 without their employer’s consent. However, these benefits will be reduced for early payment. Where a member has reached the 85-year rule at the point of retirement, an employer can consent to switching on the 85-year rule. Any ‘strain’ to the Fund will be payable by the Scheme employer.
Regulation	Paragraph 1(1)(c) & 1(2) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014
Policy	<i>This discretion will not usually be exercised</i>

8.

Discretion	Whether to waive reductions which may occur on deferred benefits claimed between ages 55-60 or suspended tier 3 ill health for leavers between 1 April 2008 and 31 March 2014. A member with a deferred benefit who left the scheme voluntarily between 1 April 2008 – 31 March 2014 or was awarded a Tier 3 ill health pension under the 2007 regulations and who has subsequently become a deferred pensioner may now claim their benefits from age 55 without their employer's consent. However, these benefits will be reduced for early payment. An employer can consent to waiving any reductions, on compassionate grounds, which may be applied to deferred benefits or suspended tier 3 ill health pension paid early.
Regulation	REGULATION 30(5)
Policy	<i>This discretion will not usually be exercised</i>

5. Application of non-mandatory discretions

9.	
Discretion	Whether, how much, and in what circumstances to contribute to shared cost AVC arrangements
Regulation	17 of the LGPS Regulations 2013 and 15(2A) of the LGPS Transitional Provisions, Savings and Amendment Regulations 2014
Policy	<i>This discretion will not usually be exercised</i>
10.	

Discretion	Whether to extend the time limit for a member to elect to purchase additional pension by way of Shared Cost Additional Pension Contribution upon return from a period of absence
Regulation	16(16) of the LGPS Regulation 2013
Policy	<i>This discretion will not usually be exercised, whole or in part</i>

11.	
Discretion	Discretions in relation to the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011 Injury Allowance payments
Regulation	(Regulations 3 to 7 of the Local Government (Discretionary Compensation) (Injury Allowances) Regulations 2011) <i>The regulations clarify that Injury Allowance Schemes can apply to any employer eligible to participate within the Local Government Pension Scheme (LGPS) and who is listed in the schedule contained within the LGPS (Administration) Regulations 2008. Any eligible employer is required to publish, and keep under review, a written policy statement detailing the provisions of any discretionary Injury Allowance Scheme in place.</i>
Policy	<i>This discretion will not usually be exercised</i>
12.	

Discretion	The Scheme rules allow an employer to recover financial loss from member's pension benefit when: • Employment has been terminated because of an offence involving fraud or grave misconduct; and • The former employer has suffered direct financial loss as a consequence.
Regulation	74 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007
Policy	<i>Three Counties Academy Trust will exercise this discretion and will seek maximum financial recompense</i>

6. Late transfer of pensions

Members of the LGPS have the option to transfer previous pension rights in the first 12 months of joining. To extend this is a discretion of the employer.

If an employee makes a request to transfer previous pensions outside of the 12 months window, each request will be considered on a case-by-case basis, taking into account the reasons for the delay and the cost of such.

To make a request to transfer your previous pensions, please contact Worcestershire Pension Fund who will send the request to Three Counties Academy Trust on your behalf.

7. Internal disputes resolution procedure

Any complaints made in relation to a decision made by Three Counties Academy Trust in respect of this policy, should refer to Worcestershire Pension Fund's Internal Disputes Resolution Procedure, also known as the LGPS Appeal Procedure.

Declaration

It is understood that the above discretions are applicable to all eligible members of the LGPS. Any changes exercised under the LGPS regulations can take immediate effect from the date Three Counties Academy Trust agrees any change.

Monitoring and review

At any point this statement of policy is updated or fully reviewed, it will be updated on the main TCAT website and will automatically update on all TCAT school websites simultaneously.

Where an annual check or other check results in minor changes, the Version History will be reviewed and updated with a change in the number following the decimal point, for example, v1.1 ⇒ v1.2. Where the statement of policy is reviewed in full, then the number before the decimal point will change and reset, for example v1.4 ⇒ v2.0.

Any changes made by the CEO in collaboration with the Board Appointed Trustee will be passed to the Trust Board for ratification and subsequently be notified to Clerks to Local Governing Bodies, Executive Headteachers, Headteachers and Heads of School.

The next scheduled full review date for this statement of policy is 9th July 2027.

Date approved by the Board Appointed Trustee: 10th July 2026.

To be ratified and recorded in the minutes at the first Trust Board Meeting after 10th July 2026.

Trust Glossary

AA	Admissions Authority	H&S	Health and Safety
AAI	Adrenaline Auto-Injector (Epi Pen)	HoS	Head of School
ACM	Asbestos Containing Materials	HSE	Health and Safety Executive
AHT	Assistant Headteacher	ICO	Information Commissioners Office
AIR	Attendance Intervention Reviews	IDSR	Inspection Data Summary Report
APDR	Assess Plan Do Review Cycle	IHP	Individual Healthcare Plan
APIs	Application Programming Interfaces	IRMS	Information and Records Management Society
ASC	Autistic Spectrum Condition	IWF	Internet Watch Foundation
ASP	Analyse School Performance	KCSIE	Keeping Children Safe in Education
ATH	Academy Trust Handbook	KS1/2/3/4	Key Stage 1/2/3/4
BAME	Black, Asian and Minority Ethnic Backgrounds	LAC	Looked After Child
BAT	Board Appointed Trustee	LADO	Local Authority Designated Officer
BCP	Business Continuity Plan	LGB	Local Governing Body
BFR	Budget Forecast Return	LLC	Low-Level Concerns
CEO	Chief Executive Officer	LSA	Learning Support Assistants
CFO	Chief Financial Officer	MASH	Multi-Agency Safeguarding Hub
CIF	Condition Improvement Fund	MAT	Multi-Academy Trust

CIN	Child in Need	MFA	Multi-Factor Authentication
CLA	Children Looked After	MFL	Modern Foreign Language
CMIE	Child Missing in Education	NCSC	National Cyber Security Centre
COO	Chief Operating Officer	NoV	Note of Visit
COSHH	Control of Substances Hazardous to Health	NPQ	National Professional Qualifications
CP	Child Protection	PA	Persistent Absence
CPD	Continuing Professional Development	PAN	Published Admission Number
CPOMS	Child Protection Online Management System	PECR	Privacy and Electronic Communications Regulations
CSCS	Children's Social Care Services	PEP	Personal Education Plan
CSE	Child Sexual Exploitation	PEEP	Personal Emergency Evacuation Plan
CTIRU	Counter-Terrorism Internet Referral Unit	PEx	Permanent Exclusion
CWD	Children with Disabilities	PP	Pupil Premium
CYPMHS	Children and Young People's Mental Health Services	PPG	Pupil Premium Grant
DBS	Disclosure and Barring Service	PSHE	Personal, Social and Health Education
DDSL	Deputy Designated Safeguarding Lead	PSED	Public Sector Equality Duty
DfE	Department for Education	PTFA	Parent, Teacher and Friends Association
DHT	Deputy Headteacher	QA	Quality Assurance

DSE	Display Screen Equipment	RIDDOR	Reporting of Injuries, Diseases and Dangerous Occurrences Regulations
DSL	Designated Safeguarding Lead	RHE	Relationships and Health Education
DPO	Data Protection Officer	RPA	Risk Protection Arrangement
EAL	English as an Additional Language	RSHE	Relationships, Sex and Health Education
ECT	Early Career Teacher	SA	Severely Absent
EDIB	Equality, Diversity, Inclusion and Belonging	SALT	Speech and Language Therapist
EHA	Early Help Assessment	SARC	Sexual Assault Referral Centre
EHENA	Education, Health and Care Needs Assessment	SBM	School Business Manager
EHCP	Education, Health and Care Plan	SCC	Standard Contractual Clause
EHE	Elective Home Education	SCITT	School-Centred Initial Teacher Training
ELSA	Emotional Literacy Support Assistant	SCR	Single Central Record
ESFA	Education and Skills Funding Agency	SDP	School Development Plan
EVC	Educational Visit Coordinator	SDQ	Strengths and Difficulties Questionnaire
EWOSSE	Education Welfare and Safeguarding Support Officer	SEF	Self-Evaluation Form
EYFS	Early Years Foundation Stage	SEMH	Social, Emotional, and Mental Health
FBV	Fundamental British Values	SENCO	Special Educational Needs Coordinator
FFT	Fischer Family Trust	SEND	Special Educational Needs and Disabilities

FGM	Female Genital Mutilation	SIP	School Improvement Partner
FGMPO	FGM Protection Order	SLA	Service Level Agreement
FOI	Freedom of Information	SLCN	Speech, Language and Communication Needs
FSM	Free School Meals	SLT	Senior Leadership Team
FTS	Find a Tender Service	SPOC	Single Point of Contact
GAG	General Annual Grant	STEM	Science, Technology, Engineering and Maths
GDPR	General Data Protection Regulation	TA	Teaching Assistant
GIAS	Get Information about Schools	TAC	Team Around the Child
HASH	Herefordshire Association of Secondary Heads	TCAT	Three Counties Academy Trust
HBA	Honour Based Abuse	TUPE	Transfer of Undertakings (Protection of Employment)
HR	Human Resources	VSH	Virtual School Headteacher