

## CITY &amp; COUNTY OF SWANSEA PENSION FUND

## LGPS – ADMINISTERING AUTHORITY DISCRETIONS

## DISCRETIONS FROM 1.4.14. IN RELATION TO POST 31.3.14. ACTIVE MEMBERS (EXCLUDING COUNCILLOR MEMBERS) AND POST 31.3.14. LEAVERS (EXCLUDING COUNCILLOR MEMBERS), BEING DISCRETIONS UNDER:

- the Local Government Pension Scheme Regulations 2013 [prefix R]
- the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 [prefix TP]
- the Local Government Pension Scheme (Administration) Regulations 2008 [prefix A]
- the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended) [prefix B]
- the Local Government Pension Scheme (Transitional Provisions) Regulations 2008 [prefix T]
- the Local Government Pension Scheme Regulations 1997 (as amended) [prefix L]

REGULATION	DISCRETION	WRITTEN POLICY REQUIRED	RECOMMENDATION
R4(2)(b)	Whether to agree to an admission agreement with a Care Trust or NHS Scheme employing authority or care Quality Commission		Each application will be considered on its individual merits.
R3(1A), R3(5) & RSch 2, Part 3, para 1	Whether to agree to an admission agreement with a body applying to be an admission body		Each application will be considered on its individual merits.
RSc2, Part 3, para 14	<b>Whether to agree that an admission agreement may take effect on a date before the date on which it is executed</b>		Each application will be considered on its individual merits
RSch 2, Part 3, para 9(d)	<b>Whether to terminate an admission agreement in the event of:</b> <ul style="list-style-type: none"> <li>- insolvency, winding up or liquidation of the body,</li> <li>- breach by that body of its obligations under the admission agreement'</li> <li>- failure by that body to pay over sums due to the Fund within a reasonable period of being requested to do so</li> </ul>		The Administering Authority will exercise its discretion and terminate the admission agreement where such circumstances arise.

RSch 2, Part 3, para 12(a)	Define what is meant by “employed in connection with”		The definition will be included in an admission agreement.
R16(1)	Whether to turn down a request to pay an APC/SCAPC over a period of time where it would be impractical to allow such a request (e.g. where the sum being paid is very small and could be paid as a single payment)		The Administering Authority will consider each case on its own merits; however will generally exercise this discretion when the cost to administer such payments exceeds the overall sum to be paid.
R16(10)	Whether to require a satisfactory medical before agreeing to an application to pay an APC / SCAPC		The Administering Authority requires all scheme members, who enter into additional pension contracts to pay additional pension contributions over a period of time, to undergo a medical examination.
R16(10)	Whether to turn down an application to pay an APC / SCAPC if not satisfied that the member is in reasonably good health		The Administering Authority resolves to turn down an application to pay an APC/SCAPC if it is not satisfied that the member is in reasonably good health
R15(1) & A28(2)	Whether to charge member for provision of estimate of additional pension that would be provided by the Scheme in return for transfer of in house AVC/SCAVC funds (where AVC/SCAVC arrangement was entered into before 1/4/14)		The Administering Authority resolves to exercise the discretion to levy a charge against a member’s AVC Fund where a member has previously requested the calculation of a conversion from the AVC Fund and failed to proceed with the conversion within three months of being informed of the calculation. The Section 151 Officer to set the rate of the charge to be applied in these cases.
R17(12)	Decide to whom any AVC/SCAVC monies (including life assurance monies) are to be paid on death of the member		The Administering Authority resolves to pay the AVC monies under the instructions received via the ‘ <i>Death Grant – Expression of Wish form</i> ’. Where there is any doubt as to the validity of the deceased member’s wishes; where an expression of wish is challenged; or where the expression of wish is unreasonable, will consider each case on its merits. Payment will be made to any person appearing to the authority to have been a relative or dependent of the deceased at any time.

R22(3)(c)	Pension account may be kept in such form as is considered appropriate		The Administering Authority resolves to keep electronic pension accounts via the pension administration system
TP10(9)	<b>Where there are multiple ongoing employments, in the absence of an election from the member within 12 months of ceasing a concurrent employment, decide to which record the benefits from the ceased concurrent employment should be aggregated.</b>		The Administering Authority resolves that it will aggregate the ceased concurrent employment with the ongoing employment which will be in the best interests of the member
R30(8)	Whether to waive, in whole or in part, actuarial reduction on benefits paid on flexible retirement <b>Admin Authority discretion if employer has become defunct</b>	YES	The Administering Authority may use its discretion to determine not to apply all or part of this reduction.  However, this discretion will only be used where there is a robust business case justifying the cost.
R30(8)	Whether to waive, in whole or in part, actuarial reduction on benefits which a member voluntarily draws before normal pension age <b>other than on the grounds of flexible retirement (where the member only has post 31<sup>st</sup> March 2014 membership)</b> <b>Admin Authority discretion if employer has become defunct</b>	YES	The Administering Authority will consider the merits of the application submitted and may only agree where there is a robust business case justifying the cost
R68(2)	Whether to require any strain on Fund costs to be paid “up front” by employing authority following payment of benefits under R30(6) (flexible retirement), R30(7) (redundancy / business efficiency), or the waiver (in whole or in part) under R30(8) of any actuarial reduction that would otherwise have been applied to benefits which a member voluntarily draws before normal pension age or		The Administering Authority resolves that it will require employers to pay in full the cost of pension strain arising from early retirements, within a period not normally exceeding three years.

	to benefits drawn on flexible retirement		
<b>TPSch 2, paras 1(2) and 1(1)(C)</b>	Whether to “switch on” the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60 <b>(other than on the grounds of flexible retirement)</b> <b>Admin Authority discretion if employer has become defunct</b>		The Administering Authority will consider each case on its own merits and may only agree where there is a robust business case justifying the cost
<b>TP3(1), TPSch 2, paras 2(1) and B30(5) and B30A(5)</b>	Whether to waive any actuarial <b>reduction for a member voluntarily drawing benefits before normal pension age other than on the grounds of flexible retirement (where the member has both pre 01 April 2014 and post 31 March 2014 membership):</b> <b>a) on compassionate grounds (pre 01 April membership) and in whole or in part on any grounds (post 31 March 2014 membership) if the member was not in the Scheme before 01 October 2006,</b> <b>b) on compassionate grounds (pre 01 April 2014 membership) and in whole or in part on any grounds (post 31 March 2014 membership) if the member was in the Scheme before 01 October 2006, will not be 60 by 31 March 2016 and will not attain 60 between 01 April 2016 and 31 March 2020 inclusive,</b> <b>c) on compassionate grounds (pre 01 April 2016 membership) and in whole or in part on any grounds (post 31 March 2016 membership) if the member was in the Scheme before 01 October 2006 and will be 60 by 31 March 2016,</b> <b>d) on compassionate grounds (pre 01 April 2020 membership) and in whole</b>		The Administering Authority will consider the merits of the application submitted and may only agree where there is a robust business case justifying the cost

	<p>or in part on any grounds (post 31 March 2020 membership) if the member was in the Scheme before 01 October 2006, will not be 60 by 31 March 2016 and will attain 60 between 01 April 2016 and 31 March 2020 inclusive</p> <p>Admin Authority discretion if employer has become defunct</p>		
TPSch 2, para 2(3)	<p>Whether to require any strain on Fund costs to be paid “up front” by employing authority <b>if the employing authority “switches on” the 85 year rule for a member voluntarily retiring (other than flexible retirement) prior to age 60, or waives an actuarial reduction on compassionate grounds under TPSch 2, para 2(1)</b></p>		The Administering Authority resolves that it will require employers to pay in full the cost of pension strain arising from early retirements, within a period not normally exceeding three years.
R32(7)	<p>Whether to extend the time limits within which a member must give notice of the wish to draw benefits before normal pension age or upon flexible retirement</p>		The Administering Authority resolves to exercise this discretion
R34(1)(a)	<p><b>Decide whether to trivially commute a member’s pension under Section 166 of the Finance Act 2004 (includes pension credit members where the effective date of the Pension Sharing Order is after 31 March 2014 and the debited member had some post 31 March 2014 membership of the 2014 Scheme)</b></p>		The Administering Authority resolves to exercise the discretion to commute all small pensions up to the maximum prescribed.
R34(1)(b)	<p><b>Decide whether to trivially commute a lump sum death benefit under Section 168 of the Finance Act 2004</b></p>		The Administering Authority shall commute such sums
R34(1)(C)	<p><b>Decide whether to pay a commutation payment under Regulation 6 (payment after relevant accretion), 11 (de minimis rule for pension schemes) or 12 (payments by larger pension schemes) of the Registered Pension Schemes (Authorised</b></p>		To be determined on a case by case basis

	<b>Payments) Regulations 2009 (excludes survivor pensions and includes pension credit members where the effective date of the Pension Sharing Order is after 31 March 2014 and the debited member had some post 31 March 2014 membership of the 2014 Scheme)</b>		
R36(3)	Approve medical advisors used by employers (for ill health benefits)		The Administering Authority has approved Independent Registered Medical Practitioners (IRMP) who are qualified in occupational health medicine for each employer on the Fund.
TP12(6)	Whether to use a certificate produced by an IRMP under the 2008 Scheme for the purposes of making an ill health determination under the 2014 Scheme <b>Admin Authority discretion if employer has become defunct</b>		The Administering Authority will exercise this discretion
R38(3)	Decide whether deferred beneficiary meets criteria of being permanently incapable of former job because of ill health and is unlikely to be capable of undertaking gainful employment before normal pension age or for at least three years, whichever is the sooner <b>Admin Authority discretion if employer has become defunct</b>		The Administering Authority will determine eligibility in accordance with the LGPS regulations and medical advice
R38(6)	Decide whether a suspended ill health tier 3 member is unlikely to be capable of undertaking gainful employment before normal pension age because of ill health <b>Admin Authority discretion if employer has become defunct</b>		The Administering Authority will determine eligibility in accordance with the LGPS regulations and medical advice

<b>TP17(5) to (8) &amp; R40(2), R43(2) &amp; R46(2)</b>	Decide to whom death grant is paid		<p>The Administering Authority resolves to pay the death grant under the instructions received via the '<i>Death Grant – Expression of Wish form</i>'. Where there is any doubt as to the validity of the deceased member's wishes; where an expression of wish is challenged; or where the expression of wish is unreasonable, will consider each case on its merits.</p> <p>Payment will be made to any person appearing to the authority to have been a relative or dependent of the deceased at any time.</p>
<b>R49(1)(c)</b>	Decide, in the absence of an election from the member, which benefit is to be paid where the member would be entitled to a benefit under 2 or more regulations in respect of the same period of Scheme membership		The Administering Authority resolves that it shall pay the member or their beneficiaries the highest value of benefit
<b>R54(1)</b>	Whether to set up a separate admission agreement fund		The Administering Authority resolves not to exercise this discretion.
<b>R55</b>	<p>Governance policy must state whether the admin authority delegates their function or part of their function in relation to maintaining a pension fund to a committee, a sub-committee or an officer of the admin authority and, if they do so delegate, state</p> <ul style="list-style-type: none"> <li>- the frequency of any committee or sub-committee meetings</li> <li>- the terms, structure and operational procedures appertaining to the delegation and</li> <li>- whether representatives of employing authorities or members are included and, if so, whether they have voting rights</li> </ul> <p>The policy must also state</p> <ul style="list-style-type: none"> <li>- the extent to which a delegation, or the absence of a delegation, complies with Sec of</li> </ul>	YES	See Governance Compliance Statement

	State guidance and, to the extent it does not so comply, state the reasons for not complying, and - the terms, structure and operational procedures appertaining to the local Pensions Board		
R58	Decide on Funding Strategy for inclusion in funding strategy statement	YES	See Funding Strategy Statement
R59(1) & (2)	Whether to have a written pensions administration strategy and, if so, the matters it should include		See Pension Administration Strategy Statement
R61	Communication policy must set out the policy on provision of information and publicity to, and communicating with, members, representatives of members, prospective members and Scheme employers; the format, frequency and method of communications; and the promotion of the Scheme to prospective members and their employers	YES	See Pension Fund Communication Strategy
R64(2ZA)	<b>Whether to extend the period beyond 3 months from the date an Employer ceases to be a Scheme Employer, by which to pay an exit credit</b>		To be determined on a case by case basis



<b>R64(2A)</b>	<b>Whether to suspend (by way of issuing a suspension notice), for up to 3 years, an employer's obligation to pay an exit payment where the employer is again likely to have active members within the specified period of suspension</b>		
R64(4)	Whether to obtain revision of employer's contribution rate if there are circumstances which make it likely a Scheme employer will become an exiting employer		The Administering Authority resolves to exercise this discretion in all such cases
R69(1)	Decide frequency of payments to be made over to Fund by employers and whether to make an admin charge.		The Administering Authority resolves to exercise the discretion available under Regulation 69 (1 )& (5).
R69(4)	Decide form and frequency of information to accompany payments to the Fund		The Administering Authority resolves to exercise the discretion available under Regulation 69 (1) & (5).
R70 & TP22(2)	Whether to issue employer with notice to recover additional costs incurred as a result of the employer's level of performance		The Administering Authority resolves to consider each case on its merits, with any decision on costs being delegated to the Section 151 Officer
R71(1)	Whether to charge interest on payments by employers which are overdue		The Administering Authority resolves to charge interest at the rate of 1% above base, compounded quarterly, in respect of the late receipt of pension contributions and combined benefit payments
R76(4)	Decide procedure to be followed by admin authority when exercising its stage two IDRPs and decide the manner in which those functions are to be exercised		The Administering Authority has resolved that Stage 2 IDRPs functions be carried out by the Monitoring Officer.
R79(2)	Whether Administering Authority should appeal against employer decision (or lack of a decision)		The Administering Authority resolves to consider each case on its individual merits

R80(1)(b) & TP22(1)	Specify information to be supplied by employers to enable administering authority to discharge its functions		The Administering Authority resolves to exercise this discretion through negotiation and agreement with each individual employer
R82(2)	Whether to pay the whole or part of the amount that is due to the personal representatives <b>(including anything due to the deceased member at the date of death) to:</b> - <b>the personal representatives, or</b> - <b>anyone appearing to be beneficially entitled to the estate without need for grant of probate / letters of administration where payment is less than amount specified in S6 of the Administration of Estates (Small Payments) Act 1965</b>		The Administering Authority resolves to pay the death grant under the instructions received via the ' <i>Death Grant – Expression of Wish form</i> '. Where there is any doubt as to the validity of the deceased member's wishes; where an expression of wish is challenged; or where the expression of wish is unreasonable, will consider each case on its merits.  Payment will be made to any person appearing to the authority to have been a relative or dependent of the deceased at any time.
R83	Whether, where a person is <b>incapable of managing their affairs, to pay the whole or part of that person's pension benefits to another person for their benefit</b>		The Administering Authority resolves to consider each case on its individual merits
R89(5)	Date to which benefits shown on annual benefit statement are calculated		The Administering Authority resolves to use the 31 <sup>st</sup> March to illustrate the current value of benefits on Annual Benefit Statements
R98(1)(b)	Agree to bulk transfer payment <b>Decision can be made by either employer. Admin Authority or trustees of new scheme</b>		The Administering Authority resolves to exercise its discretion and will consider each case on its merits
R100(6)	Extend normal time limit for acceptance of a transfer value beyond 12 months from joining the LGPS <b>Joint decision with Admin Authority</b>		Extensions only to be allowed in exceptional circumstances and where the delay was outside of the member's control
R100(7)	Allow transfer of pension rights into the Fund		The Administering Authority resolves to consider each case on its individual merits

TP3(6), TP4(6)(c), TP8(4), TP10(2)(a), TP17(2)(b) & B10(2)	Where a member to whom B10 applies (use of average of 3 years pay for final pay purposes) dies before making an election, whether to make that election on behalf of the deceased member		Administering Authority will exercise its discretion on behalf of the deceased member
TP3(6), TP4(6)(c), TP8(4), TP10(2)(a), TP17(2)(b) & TSch 1 & L23(9)	Make election on behalf of deceased member with a certificate of protection of pension benefits i.e. determine best pay figure to use in the benefit calculations (pay cuts / restrictions occurring pre 1.4.08.)		Administering Authority will exercise its discretion on behalf of the deceased member
RSch 1 & TP17(9)(a)	Decide to treat child ( <b>who has not reached the age of 23) as being in continuous full-time education or vocational training despite a break</b>		The Administering Authority resolves to exercise its discretion and will consider each case on its merits.
RSch 1 & TP17(9)(b)	Decide evidence required to determine financial dependence of co-habiting partner on scheme member or financial interdependence of co-habiting partner and scheme member		The Administering Authority, upon the death of the member, will request evidence, as defined in the regulations
TP3(13) & A70(1) & A71(4)(c)	Decide policy on abatement of pre 1 April 2014 element of pensions in payment following re-employment	YES (for A70(1))	The Administering Authority resolves to abate the pre 1 April 2014 element of pensions in payment following re-employment in accordance with the regulations
TP15(1)(c) & TSch1 & L83(5)	Extend time period for capitalisation of added years contract		The Administering Authority resolves to exercise the discretion available under Regulation 83(5). Each case to be considered on its merits.
R105(2)	<b>Decide whether to delegate any administering authority functions under the Regulations</b>		The Administering Authority has determined not to delegate any functions under the Regulations but reserves the right to consider doing so on a case by case basis.
R106(3)	<b>Decide whether to establish a joint local pension board (if approval has been granted by the Secretary of State)</b>		The administering authority has decided not to establish a joint local pension board but reserves the right to consider at a later date in respect of WPP developments
R106(6)	<b>Decide procedures applicable to the local pension board</b>		The administering authority has adopted this discretion

R107(1)	<b>Decide appointment procedures, terms of appointment and membership of local pension board.</b>		The administering authority has adopted this discretion
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**DISCRETIONS IN RELATION TO SCHEME MEMBERS (EXCLUDING COUNCILLOR MEMBERS) WHO CEASED ACTIVE MEMBERSHIP ON OR AFTER 1.4.08. AND BEFORE 1.4.14., BEING DISCRETIONS UNDER:**

- the Local Government Pension Scheme (Administration) Regulations 2008 [prefix A]
- the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended) [prefix B]
- the Local Government Pension Scheme (Transitional Provisions) Regulations 2008 [prefix T]
- the Local Government Pension Scheme (Transitional Provisions and Savings) Regulations 2014 [prefix TP]
- the Local Government Pension Scheme Regulations 2013 [prefix R]
- the Local Government Pension Scheme Regulations 1997 (as amended) [prefix L]

REGULATION	DISCRETION	WRITTEN POLICY REQUIRED	RECOMMENDATION
<b>TR15(1)( c) TSch1 &amp; L83(5)</b>	<b>Extend time period for capitalisation of added years contract where the member leaves his employment</b>		To be determined on a case by case basis
A28(2)	Whether to charge member for provision of estimate of additional pension that would be provided by the Scheme in return for transfer of in house AVC/SCAVC funds		The Administering Authority resolves to exercise the discretion to levy a charge against a member's AVC Fund where a member has previously requested the calculation of a conversion from the AVC Fund and failed to proceed with the conversion within three months of being informed of the calculation. The Section 151 Officer to set the rate of the charge to be applied in these cases.
A45(3)	Outstanding employee contributions can be recovered as a simple debt or by deduction from benefits		The Administering Authority resolves to treat such amounts as simple debts recovered via Invoice for active members. However, for members entitled to the immediate payment of benefits, arrears will be recovered from benefits

A52(2)	<p><b>Whether to pay the whole or part of the amount that is due to the personnel representatives (including anything due to the deceased member at the date of death) to:</b></p> <ul style="list-style-type: none"> <li>• <b>Personal representatives or</b></li> <li>• <b>Anyone appearing to be beneficially entitled to the estate</b></li> </ul> <p><b>Without need for grate of probate / letters of administration where payment is less than amount specified in s6 of the Administration of Estates (Small Payments) Act 1965</b></p>		<p>The Administering Authority resolves to pay the death grant under the instructions received via the '<i>Death Grant – Expression of Wish form</i>'. Where there is any doubt as to the validity of the deceased member's wishes; where an expression of wish is challenged; or where the expression of wish is unreasonable, will consider each case on its merits.</p> <p>Payment will be made to any person appearing to the authority to have been a relative or dependent of the deceased at any time.</p>
A56(2)	Approve medical advisors used by employers (for early payment, on grounds of ill health, of a deferred benefit or a suspended Tier 3 ill health pension)		The Administering Authority has approved Independent Registered Medical Practitioners (IRMP) who are qualified in occupational health medicine for each employer on the Fund.
TP23 & R76(4)	Decide procedure to be followed by administering authority when exercising its stage two IDRPs functions and decide the manner in which those functions are to be exercised		The Administering Authority has resolved that Stage 2 IDRPs functions be carried out by the Monitoring Officer.
TP23 & R79(2)	Whether administering authority should appeal against employer decision (or lack of a decision)		The Administering Authority resolves to consider each case on its individual merits.
TP23 TP22(1) & R80(1)(b)	Specify information to be supplied by employers to enable administering authority to discharge its functions		The Administering Authority resolves to exercise this discretion through negotiation and agreement with each individual employer
TP3(13) & A70(1) & A71(4)(c)	Decide policy on abatement of pensions following re-employment	YES for A70(1)	The Administering Authority resolves to abate pensions following re-employment in accordance with the regulations
B10(2)	Where member to whom B10 applies (use of average of 3 years pay within the period of 13 years ending with the last day of active membership for final pay purposes) dies before making an election, whether to		Administering Authority will exercise its discretion on behalf of the deceased member

	make that election on behalf of the deceased member		
<b>B27(5)</b>	Whether to pay the whole or part of a child's pension to another person for the benefit of that child		The Administering Authority resolves to exercise its discretion and will consider each case on its merits
<b>A52A</b>	Whether, where a person (other than an eligible child) is incapable of managing their affairs, to pay the whole or part of that person's pension benefits to another person for their benefit.		The Administering Authority resolves to consider each case on its individual merits
<b>TPSch 2, para 1(2) &amp; 1(1)( c)</b>	<b>Whether to "switch on" the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60 Admin Authority discretion if employer has become defunct</b>	YES	The Administering Authority will consider each case on its own merits
<b>B30(5), TPsch 2, para 2(1)</b>	<b>Whether to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early under B30 (member) Admin Authority discretion if employer has become defunct</b>	YES	The Administering Authority will consider the merits of the application submitted and may only agree where there is a robust business case justifying the cost
<b>TPSch 2, para 1(2) &amp; 1(1)( c))</b>	<b>Whether to "switch on" the 85 year rule for a pensioner member with deferred benefits voluntarily drawing benefits on or after age 55 and before age 60 Admin Authority discretion if employer has become defunct</b>	YES	The Administering Authority will determine eligibility in accordance with the LGPS regulations and, if appropriate, medical advice
<b>B30A(5), TPsch 2, para 2 (1)</b>	Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early under <b>B30A (pensioner member with deferred benefits)</b> <b>Admin Authority discretion if employer has become defunct</b>	YES	The Administering Authority will consider the merits of the application submitted and may only agree where there is a robust business case justifying the cost
<b>TPSch 2, para 1(2)</b>	<b>Whether to require any strain on Fund costs to be paid "up front" by employing authority if the employing</b>		The Administering Authority will consider the merits of the application submitted and may only agree where there is a robust business case justifying the cost

	<b>authority “switches on” the 85 year rule for a member voluntarily retiring prior to age 60, or waives an actuarial reduction on compassionate grounds under TPSch 2, para 2(1)</b>		
<b>B31(4)</b>	Decide whether deferred beneficiary meets permanent ill health and reduced likelihood of gainful employment criteria <b>Admin Authority discretion if employer has become defunct</b>		The Administering Authority will determine eligibility in accordance with the LGPS regulations and medical advice
<b>B31(7)</b>	Decide whether a suspended ill health tier 3 member is permanently incapable of undertaking any gainful employment <b>Admin Authority discretion if employer has become defunct</b>		The Administering Authority will determine eligibility in accordance with the LGPS regulations and medical advice
<b>B23(2) &amp; B32(2) &amp; B35(2) &amp; TSch1 &amp; L155(4)</b>	Decide to whom death grant is paid		The Administering Authority resolves to pay the death grant under the instructions received via the ‘ <i>Death Grant – Expression of Wish form</i> ’. Where there is any doubt as to the validity of the deceased member’s wishes; where an expression of wish is challenged; or where the expression of wish is unreasonable, will consider each case on its merits.  Payment will be made to any person appearing to the authority to have been a relative or dependent of the deceased at any time.
<b>RSch1 &amp; TP17(9)(b)</b>	<b>Decide evidence required to determine financial dependence of co-habiting partner on scheme member or financial interdependence of co-habiting partner and scheme member</b>		The Administering Authority, upon the death of the member, will request evidence, as defined in the regulations.
<b>RSch 1 &amp; TP17(9)</b>	Decide to treat child as being in continuous education or vocational training despite a break		The Administering Authority resolves to exercise its discretion and will consider each case on its merits
<b>B39(1)(a) &amp; T14(3)</b>	<b>Decide whether to trivally commute a members small pension under Section 166 of the Finance Act 2004</b>		The Administering Authority resolves to exercise the discretion to commute all small pensions up to the maximum prescribed.

<b>R39(1)(b)</b>	<b>Decide whether to trivially commute a lump sum death benefit under Section 168 of the Finance Act 2004</b>		The Administering Authority resolves to exercise the discretion to trivially commute lump sum death benefits under S 168 of the Finance Act 2004
<b>R39(1)( c)</b>	<b>Decide whether to pay a commutation payment under Regulations 6 (payment after relevant accretion), 11 (de minimis rule for pension schemes) or 12 (payments by larger pension schemes) of the Registered Pension Schemes (Authorised Payments) Regulations 2009 (excludes survivor pensions and pension credit members)</b>		Each case shall be determined on its merits
<b>B42(1)(c)</b>	Decide, in the absence of an election from the member, which benefit is to be paid where the member would be entitled to a benefit under 2 or more regulations in respect of the same period of Scheme membership		The Administering Authority resolves that it shall pay the member or their beneficiaries the highest value of benefit
<b>TSch 1 &amp; L23(9)</b>	Make election on behalf of deceased member with a certificate of protection of pension benefits i.e. determine best pay figure to use in the benefit calculations (pay cuts / restrictions occurring pre 1.4.08.)		Administering Authority will exercise its discretion on behalf of the deceased member



**DISCRETIONS UNDER THE LOCAL GOVERNMENT PENSION SCHEME REGULATIONS 1997 (AS AMENDED) IN RELATION TO:**

- a) active councillor members, and
- b) councillor members who ceased active membership on or after 1.4.98., and
- c) any other scheme members who ceased active membership on or after 1.4.98. and before 1.4.08

REGULATION	DISCRETION	WRITTEN POLICY REQUIRED	RECOMMENDATION
12(5)	Frequency of payment of councillors' contributions		The Administering Authority will require that councillor members' pension contributions are deducted at the same intervals determined by the frequency of their pay.
17(4),(7),(8), & 89(4) & Sch 1	Extend normal 12 month period following end of relevant reserve forces leave for "Cancelling notice" to be submitted by a councillor member requesting that the service should not be treated as relevant reserve forces service		The Administering Authority will consider each case on its own merits.
23(9)	Make an election on behalf of deceased non- councillor member with a certificate of protection of pension benefits i.e. determine best pay figure to use in the benefit calculations (pay cuts / restrictions occurring pre 1.4.08)		Administering Authority will exercise its discretion

TPSch 2, para 1(2) & 1(1)(f) & R60	<b>Mandatory written policy Whether to “switch on” the 85 year rule for a member with a deferred benefits voluntarily drawing benefits on or after age 55 and before age 60. Note: TPSch 2, para 2(2) does not reference para 1(1)(f) so strictly speaking there is no requirement to publish a policy under this regulation or R60. However, we understand that this is simply a regulatory omission and the appropriate party should publish a policy accordingly</b>		The Administering Authority will consider the merits of the application submitted and may only agree where there is a robust business case justifying the cost
31(5) & TPSch 2, para 2(1)	<b>Mandatory written policy Waive on compassionate grounds the actuarial reduction applied to deferred benefits paid early</b>		The Administering Authority will consider the merits of the application submitted and may only agree where there is a robust business case justifying the cost
38(1) & 155(4)	Decide to whom death grant is paid		<p>The Administering Authority resolves to pay the death grant under the instructions received via the ‘<i>Death Grant – Expression of Wish form</i>’. Where there is any doubt as to the validity of the deceased member’s wishes; where an expression of wish is challenged; or where the expression of wish is unreasonable, will consider each case on its merits.</p> <p>Payment will be made to any person appearing to the authority to have been a relative or dependent of the deceased at any time.</p>
TP 17(9) (a) & RSch1	Decide to treat child <b>(who has not reached the age of 23) as being in continuous education or vocational training despite a break</b>		The Administering Authority resolves to exercise its discretion and will consider each case on its individual merits
47(1)	Apportionment of children’s pension amongst eligible children		The Administering Authority resolves to apportion pensions equally amongst eligible children.

47(2)	Pay child's pension to another person for the benefit of the child		The Administering Authority resolves to pay the surviving parent or legal guardian.
49(1) & T14(3)	<b>Decide whether to trivally commute a member's pension under Section 166 of the Finance Act 2004 (includes pre 01 April 2008 leavers or Pension Credit Members where the effective date of the Pension Sharing Order was pre 01 April 2014 or where the effective date of the Pension Sharing Order is after 31 March 2014 but the debited member had no post 31 March 2014 membership of the 2014 Scheme)</b>		The Administering Authority resolves to exercise the discretion available under Regulation 49 to commute all small pensions up to the maximum prescribed.
49(1)	<b>Decide whether to trivally commute a lump sum death benefit under Section 168 of the Finance Act 2004</b>		The Administering Authority resolves to exercise its rights to trivally commute a lump sum death benefit under S 168 of the Finance Act 2004
50 and 157	<b>Decide whether to commute benefits due to exceptional ill-health (including Pension Credit members where the effective date of the Pension Sharing Order was pre 1 April 2014 or where the effective date of the Pension Sharing Order is after 31 March 2014 but the debited member had no post 31 March 2014 membership of the 2014 Scheme)</b>		The Administering Authority resolves to use discretion where a medical adviser has certified that the member's life expectancy is less than 1 year.
60(5)	Whether acceptance of AVC election is subject to a minimum payment (councillors only)		The Administering Authority resolves not to exercise discretion (i.e. will accept any amount).
80(5)	Whether to require any strain on Fund costs to be paid "up front" by employing authority following early voluntary retirement of a councillor (i.e. after age 50/55 and before age 60), or early		The Administering Authority resolves that it will require employers to pay in full the cost of pension strain arising from early retirements, within a period not normally exceeding three years.

	payment of a deferred benefit on health grounds or from age 50 <b>and prior to age 55</b> with employer consent (pre 1.4.08. leavers) – (see Note below)		
TPSch 2, para 2(3)	<b>Whether to require any strain on Fund costs to be paid “up front” by employing authority if the employing authority “switches on” the 85 year rule for a member voluntarily retiring on or after age 55 and prior to age 60, or waives an actuarial reduction on compassionate grounds under TPSch 2, para 2(1)</b>		The Administering Authority will consider the merits of the application submitted and may only agree where there is a robust business case justifying the cost
81(1)	Frequency of employer’s payments to the fund (in respect of councillor members).		The Administering Authority resolves to exercise the discretion available under Regulation 81(1) & (5).
81(5)	Form and frequency of information to accompany payments to the Fund (in respect of councillor members)		The Administering Authority resolves to exercise the discretion available under Regulation 81(1) & (5).
82(1)	<b>Whether to charge</b> Interest on payments by employers overdue by more than 1 month (in respect of councillor members)		The Administering Authority resolves to charge interest at the rate of 1% above base, compounded quarterly, in respect of the late receipt of pension contributions and combined benefit payments.

89(3)	Outstanding employee contributions can be recovered as a simple debt or by deduction from benefits (councillors and pre 1.4.08. leavers)		The Administering Authority resolves to treat such amounts as simple debts recovered via Invoice for active members. However, for members entitled to the immediate payment of benefits, arrears will be recovered from benefits.
91(6)	Timing of pension increase payments by employers to fund (pre 1.4.08. leavers)		The Administering Authority will recover pension increases at intervals of no more than 12 months by mutual agreement with the bodies concerned.
95	<p><b>Whether to pay the whole or part of the amount that is due to the personal representatives (including anything due to the deceased member at the date of death) to:</b></p> <ul style="list-style-type: none"> <li>• <b>personal representatives, or</b></li> <li>• <b>anyone appearing to be beneficially entitled to the estate</b></li> </ul> <p>without need for grant of probate / letters of administration where payment is less than amount specified in s6 of the Administration of Estates (Small Payments) Act 1965 (death of councillor or pre 1.4.08. leaver)</p>		<p>The Administering Authority resolves to pay the death grant under the instructions received via the '<i>Death Grant – Expression of Wish form</i>'. Where there is any doubt as to the validity of the deceased member's wishes; where an expression of wish is challenged; or where the expression of wish is unreasonable, will consider each case on its merits.</p> <p>Payment will be made to any person appearing to the authority to have been a relative or dependent of the deceased at any time.</p>
97(10)	Approve medical advisors used by employers (re ill health benefits for councillors and re pre 1.4.08. preserved benefits payable on health grounds)		The Administering Authority has approved Independent Registered Medical Practitioners (IRMP) who are qualified in occupational health medicine for each employer on the Fund.
<b>TP23 &amp; R76(4)</b>	Decide procedure to be followed by admin authority when exercising its <b>Stage 2 IDR</b> functions and decide the manner in which those functions are to be exercised (councillors and pre 1.4.08. leavers)		The Administering Authority has resolved that Stage 2 IDR functions be carried out by the Monitoring Officer.
<b>TP23 &amp; R79(2)</b>	<b>Whether administering authority should</b> appeal against employer		The Administering Authority resolves to consider each case on its individual merits.

	decision, or lack of a decision (councillors and pre 1.4.08. leavers)		
<b>TP23 &amp; TP22(1) &amp; R80(1)(b)</b>	<b>Specify information to be supplied by employers to enable administering authority to discharge its functions</b>		The Administering Authority resolves to exercise this discretion though negotiation and agreement with each individual employer
106A(5)	Date to which benefits shown on annual deferred benefit statement are calculated		The Administering Authority will use the Pension Increase date for the appropriate year
<b>TP3(13), A70(1) &amp; A71(4)( c)</b>	Abatement of pensions following re-employment (councillors and pre 1.4.08. leavers)	Yes (for 109)	The Administering Authority resolves to abate pensions following re-employment in accordance with the regulations
118	Retention of CEP where member transfers out (councillors and pre 1.4.08. leavers)		The Administering Authority resolves not to exercise discretion.
147	Discharge Pension Credit liability (in respect of Pension Sharing Orders for councillors and pre 1.4.08. Pension Sharing Orders for non-councillor members)		The Administering Authority resolves to consider each case on its individual merits.

Note: benefits paid on or after age 50 and before age 55 are subject to an unauthorised payments charge and, where applicable, an unauthorised payments surcharge under the Finance Act 2006. Also, any part of the benefits which had accrued after 5 April 2006 would generate a scheme sanction charge.

**DISCRETIONS UNDER THE LOCAL GOVERNMENT PENSION SCHEME REGULATIONS 1995 (AS AMENDED) IN RELATION TO SCHEME MEMBERS WHO CEASED ACTIVE MEMBERSHIP BEFORE 1.4.98**

REGULATION	DISCRETION	WRITTEN POLICY REQUIRED	RECOMMENDATION
E8	Decide to whom death grant is paid in respect of pre 1.4.98. retirees / pre 1.4.98. deferreds		<p>The Administering Authority resolves to pay the death grant under the instructions received via the '<i>Death Grant – Expression of Wish form</i>'. Where there is any doubt as to the validity of the deceased member's wishes; where an expression of wish is challenged; or where the expression of wish is unreasonable, will consider each case on its merits.</p> <p>Payment will be made to any person appearing to the authority to have been a relative or dependent of the deceased at any time.</p>
F7	Whether to pay spouse's pensions for life for pre 1.4.98 retirees / pre 1.4.98 deferreds who die on or after 1.4.98. (rather than ceasing during any period of remarriage or co-habitation)		The Administering Authority to exercise its discretion to allow payment of appropriate spouse's pensions for life
<b>TP17(9)(a) &amp; RSch 1</b>	Decide to treat child <b>(who has not yet reached the age of 23)</b> as being in continuous education or vocational training despite a break (children of pre 1.4.98. retirees / pre 1.4.98. deferred)		The Administering Authority resolves to exercise its discretion and will consider each case on its merits.

G11(1)	Apportionment of children's pension amongst eligible children (children of pre 1.4.98. retirees / pre 1.4.98. deferreds)		The Administering Authority resolves to apportion the pension equally amongst eligible children.
G11(2)	Pay child's pension to another person for the benefit of the child (children of pre 1.4.98. retirees / pre 1.4.98. deferreds)		The Administering Authority resolves to pay the child's pension to the surviving parent or guardian.
<b>TP3(13), A70(1) &amp; A71(4)(c)</b>	Abatement of pensions following re-employment	Yes (for 109)	The Administering Authority resolves to abate pensions following re-employment in accordance with the regulations
<b>TP23 &amp; R76(4)</b>	<b>Decide procedure to be followed by administering authority when exercising its stage two IDRPs functions and decide the manner in which those functions are to be exercised</b>		The Administering Authority has resolved that Stage 2 IDRPs functions be carried out by the Monitoring Officer
<b>TP23 &amp; R79(2)</b>	<b>Whether administering authority should appeal against employer decision (or lack of a decision)</b>		The Administering Authority resolves to consider each case on its individual merits.
<b>TP23 &amp; TP22(1) &amp; R80(1)(b)</b>	<b>Specify information to be supplied by employers to enable administering authority to discharge its functions</b>		The Administering Authority resolves to exercise this discretion through negotiation and agreement with each individual employer



**DISCRETIONS UNDER THE LOCAL GOVERNMENT (EARLY TERMINATION OF EMPLOYMENT) (DISCRETIONARY COMPENSATION)  
(ENGLAND AND WALES) REGULATIONS 2000 (AS AMENDED)**

Under Regulation 26 of the Discretionary Compensation Regulations, each authority (other than an Admitted Body) is required to formulate and keep under review a policy which applies in respect of exercising their discretion in relation to:

<b>REGULATIONS</b>	<b>DISCRETION</b>	<b>WRITTEN POLICY REQUIRED</b>	<b>RECOMMENDATION</b>
31(2)	Agree to pay annual compensation on behalf of employer and recharge payments to employer		The Administering Authority resolves to exercise its discretion and pay as described.

**DISCRETIONS UNDER THE LOCAL AUTHORITIES (ALLOWANCES FOR MEMBERS) (WALES) REGULATIONS 2007 [SI 2007/1086]**

<b>ADMIN AUTHORITY</b>	<b>REGULATIONS</b>	<b>DISCRETION</b>	<b>WRITTEN POLICY REQUIRED</b>	<b>RECOMMENDATION</b>
<b>Relevant Authority</b>	38	Scheme of allowances made by a county council or county borough council must specify which members will be eligible to join the LGPS and that the basic and special responsibility allowances will be pensionable		The Administering Authority resolves that all Councillor Members are eligible to join the LGPS.

**DISCRETIONS UNDER THE REGISTERED PENSION SCHEMES (MODIFICATION OF SCHEME RULES) REGULATIONS 20011 [SI 20011/1791]**

ADMIN AUTHORITY	REGULATIONS	DISCRETION	WRITTEN POLICY REQUIRED	RECOMMENDATION
Relevant Authority	2	<p>To decide whether it is legally able to offer voluntary scheme pays (to determine legality see paragraph 223 onwards of the Annual Allowance guide published under the <u>'Guides and sample documents'</u> page of <a href="http://www.lgpsregs.org">www.lgpsregs.org</a>); and if so to decide the circumstances (if any) upon which it would do so.</p>		<p>Each case to be determined on its own merits</p>