

## 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	Whether to agree that an admission agreement may take effect on a date before the date on which it is executed		The Administering Authority will consider each case on its own merits; however will generally exercise this discretion
RSch 2, Part 3, para 9(d)	Whether to terminate an admission agreement in the event of: <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.
TP10(9)	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.		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)	<b>Mandatory Policy:</b> <b>Whether to waive, in whole or in part, actuarial reduction on benefits paid on flexible retirement</b> <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)	<b>Mandatory Policy:</b> <b>Whether to waive, in whole or in part, actuarial reduction on benefits which a member voluntarily draws before normal pension age 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		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.

	voluntarily draws before normal pension age or to benefits drawn on flexible retirement		
TPSch 2, paras 1(2) and 1(1)(C)	<p><b>Mandatory policy:</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 (other than on the grounds of flexible retirement)</b>  Admin Authority discretion if employer has become defunct</p>		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
TP3(1), TPSch 2, paras 2(1) and B30(5) and B30A(5)	<p><b>Mandatory Policy:</b>  <b>Whether to waive any actuarial 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></p> <ul style="list-style-type: none"> <li>a) on compassionate grounds (pre 01 April 2014 membership) and / or 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,</li> <li>b) on compassionate grounds (pre 01 April 2014 membership) and / or 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,</li> <li>c) on compassionate grounds (pre 01 April 2016 membership) and / or in whole or in part on any grounds (post</li> </ul>		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><b>31 March 2016 membership) if the member was in the Scheme before 01 October 2006 and will be 60 by 31 March 2016,</b></p> <p><b>d) on compassionate grounds (pre 01 April 2020 membership) and / or in whole 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</b></p> <p><b>Admin Authority discretion if employer has become defunct</b></p>		
TPSch 2, para 2(3)	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 (other than flexible retirement) prior to age 60, or waives an actuarial reduction on compassionate grounds under TPSch 2, para 2(1)		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)	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		The Administering Authority resolves to exercise this discretion
R34(1)(a)	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		The Administering Authority resolves to exercise the discretion to commute all small pensions up to the maximum prescribed.

	post 31 March 2014 membership of the 2014 Scheme)		
R34(1)(b)	Decide whether to trivially commute a lump sum death benefit under Section 168 of the Finance Act 2004		The Administering Authority resolves to exercise the discretion to commute all small pensions up to the maximum prescribed.
R34(1)(C)	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 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)		The Administering Authority resolves to exercise the discretion to commute all small pensions up to the maximum prescribed.
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

TP17(5) to (8) & R40(2), R43(2) & R46(2)	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>
R49(1)(c)	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
R54(1)	Whether to set up a separate admission agreement fund		The Administering Authority resolves not to exercise this discretion.
R55	<p><b>Mandatory Policy:</b>  <b>Governance Compliance Statement 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</b>  - the frequency of any committee or sub-committee meetings  - the terms, structure and operational procedures appertaining to the delegation and</p>	YES	See Governance Compliance Statement

	<ul style="list-style-type: none"> <li>- whether representatives of employing authorities or members are included and, if so, whether they have voting rights</li> <li>The policy must also state</li> <li>- the extent to which a delegation, or the absence of a delegation, complies with Sec of State guidance and, to the extent it does not so comply, state the reasons for not complying, and</li> <li>- the terms, structure and operational procedures appertaining to the local Pensions Board</li> </ul>		
R58	<b>Mandatory Policy: Decide on Funding Strategy for inclusion in funding strategy statement</b>	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	<b>Mandatory Policy: 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</b>	YES	See Pension Fund Communication Strategy
R64(2ZA)	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		The Administering Authority will consider each case on its own merits; however will generally exercise this discretion

<b>R64(2A)</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		The Administering Authority will consider each case on its own merits; however will generally exercise this discretion
<b>R64(4)</b>	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
<b>R69(1)</b>	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).
<b>R69(4)</b>	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).
<b>R70 &amp; TP22(2)</b>	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
<b>R71(1)</b>	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
<b>R76(4)</b>	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 be carried out by the Monitoring Officer.
<b>R79(2)</b>	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 (including anything due to the deceased member at the date of death) to: <ul style="list-style-type: none"> <li>- the personal representatives, or</li> <li>- anyone appearing to be beneficially entitled to the estate</li> </ul> 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		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 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
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 (who has not reached the age of 23) as being in continuous full-time education or vocational training despite a break		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)	<b>Mandatory Policy: Decide policy on abatement of pre 1 April 2014 element of pensions in payment following re-employment</b>	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)	Decide whether to delegate any administering authority functions under the Regulations		The Administering Authority will consider each function on its own merit
R106(3)	Decide whether to establish a joint local pension board (if approval has been granted by the Secretary of State)		The Administering Authority has considered this and have opted to set-up a separate board
R106(6)	Decide procedures applicable to the local pension board		The Administering Authority has considered this and has published its own procedures, which are subject to review.
R107(1)	Decide appointment procedures, terms of appointment and membership of local pension board.		The Administering Authority has considered this and has published its own procedures which are subject to review

**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
TR15(1)( c) TSch1 & L83(5)	Extend time period for capitalisation of added years contract where the member leaves his employment by reason of redundancy		The Administering Authority has applied its discretion and agreed a capitalisation period of 3-years however, individual cases will be considered where extenuating circumstances apply.
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>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:</p> <ul style="list-style-type: none"> <li>• Personal representatives or</li> <li>• Anyone appearing to be beneficially entitled to the estate</li> </ul> <p>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</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)	<b>Mandatory Policy: Decide policy on abatement of pensions following re-employment</b>	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)		Administering Authority will exercise its discretion on behalf of the deceased member

	dies before making an election, whether to 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>Mandatory Written Policy:</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</b> <b>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>Mandatory Written Policy:</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>Mandatory Written Policy:</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</b> <b>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>	<b>Mandatory Written Policy:</b> <b>Whether to waive, on compassionate grounds, the actuarial reduction applied</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>to benefits paid early under B30A (pensioner member with deferred benefits) Admin Authority discretion if employer has become defunct</b>		
<b>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 prior to age 60, or waives an actuarial reduction on compassionate grounds under TPSch 2, para 2(1)		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
<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>	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.
<b>RSch 1 &amp; TP17(9)(a)</b>	Decide to treat child (who has not reached the age of 23) 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>	Decide whether to trivally commute a members pension under Section 166 of the Finance Act 2004		The Administering Authority resolves to exercise the discretion to commute all small pensions up to the maximum prescribed.
<b>R39(1)(b)</b>	Decide whether to trivally commute a lump sum death benefit under Section 168 of the Finance Act 2004		The Administering Authority resolves to exercise the discretion to commute all small pensions up to the maximum prescribed.
<b>R39(1)( c)</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)		The Administering Authority resolves to exercise the discretion to commute all small pensions up to the maximum prescribed.
<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 Welsh 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

- The Local Government Pension Scheme Regulations 1997 (as amended) [SI 1997/1612]
- The Local Government Pension Scheme (Transitional Provisions) Regulations 2008 [SI 2008/238] [prefix T]
- The Local Government Pension Scheme (Administration) Regulations 2008 [SI 2008/239] [prefix A]
- The Local Government Pension Scheme Regulations 2013 [SI 2013/2356] [prefix R]
- The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [prefix TP]

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.



<p><b>TPSch 2, para 1(2) &amp; 1(1)(f) &amp; R60</b></p>	<p><b>Mandatory written policy: Whether to “switch on” the 85 year rule for a member with deferred benefits voluntarily drawing benefits on or after age 55 and before age 60.</b>  <b>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></p>	<p>YES</p>	<p>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</p>
<p><b>31(5) &amp; TPSch 2, para 2(1)</b></p>	<p><b>Mandatory written policy: Waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early.</b></p>	<p>YES</p>	<p>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>
<p>38(1) &amp; 155(4)</p>	<p>Decide to whom death grant is paid in respect of councillor members and post 31.3.98. / pre 1.4.08. leavers</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>
<p>Reg 17(9)(a) &amp; RSch1 of the LGPS (Transitional Provisions)</p>	<p>Decide to treat child as being in continuous education or vocational training despite a break (children of councillor members and children of post 31.3.98. / pre 1.4.08. leavers)</p>		<p>The Administering Authority resolves exercise its discretion and will consider each case on its individual merits</p>

and Savings) Regs 2014 and definition in Sch 1 of the LGPS Regulations 2013			
47(1)	Apportionment of children's pension amongst eligible children (children of councillor members and children of post 31.3.98. / pre 1.4.08. leavers)		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 (children of councillor members and children of post 31.3.98. / pre 1.4.08. leavers)		The Administering Authority resolves to pay the surviving parent or legal guardian.
49(1) & T14(3)	Decide whether to trivially commute a member's pension under section 166 of the Finance Act 2004 (includes pre 1 April 2008 leavers or 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).		The Administering Authority resolves to exercise the discretion to commute all small pensions up to the maximum prescribed.

49(1)	Decide whether to trivially commute a lump sum death benefit under section 168 of the Finance Act 2004.		The Administering Authority resolves to exercise the discretion available under Regulation 49 to commute all small pensions up to the maximum prescribed.
50 and 157	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) (councillor members and pre 1.4.08. leavers and pre 1.4.08 Pension Credit members)		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 payment of a deferred benefit on health grounds or from age 50 with employer consent (pre 1.4.08. leavers) – (see Note below)		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.
<b>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		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

	actuarial reduction on compassionate grounds under <b>TPSch 2</b> , para 2(1).		
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)	Whether to charge 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	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: • personal representatives, or • 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 (death of councillor or pre 1.4.08. leaver)		<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		The Administering Authority has approved Independent Registered Medical Practitioners (IRMP) who are

	councillors and re pre 1.4.08. preserved benefits payable on health grounds)		qualified in occupational health medicine for each employer on the Fund.
TP23 & R76(4)	Decide procedure to be followed by admin authority when exercising its stage two IDRP functions and decide the manner in which those functions are to be exercised		The Administering Authority has resolved that Stage 2 IDRP 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
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
TP3(13) A70(1) & A71(4)(c)	<b>Mandatory written policy Abatement of pensions following re-employment (councillors and pre 1.4.08. leavers)</b>	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**

- The Local Government Pension Scheme Regulations 1995 (as amended) [SI 1995/1019]
- The Local Government Pension Scheme Regulations 1997 (as amended) [SI 1997/1612] [prefix L]
- The Local Government Pension Scheme (Transitional Provisions) Regulations [SI 1997/1613] [prefix TL]
- The Local Government Pension Scheme (Administration) Regulations 2008 [SI 2008/239] [prefix A]
- The Local Government Pension Scheme Regulations 2013 [SI 2013/2356] [prefix R]
- The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [prefix TP]

REGULATION	DISCRETION	WRITTEN POLICY REQUIRED	RECOMMENDATION
TP3(5A)(vi), TL4, L106(1) & D11(2)(c)	<p><b>Mandatory written policy</b>  <b>Grant application for early payment of deferred benefits on or after age 50 on compassionate grounds. Although the common provisions of the 1997 Transitional provisions regulations do not specify regulation D11(2)(c), there intention was that it should apply to this regulation. (Admin Authority discretion if employer has become defunct)</b></p>		The Administering Authority resolves to consider each case on its individual merits
E8	Decide to whom death grant is paid in respect of pre 1.4.98. retirees / pre 1.4.98. deferred		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.
F7	Whether to pay spouse's pensions for life for pre 1.4.98 retirees / pre 1.4.98 deferred 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
TP17(9)(a) & RSch 1	Decide to treat child (who has not yet reached the age of 23) 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. deferred)		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. deferred)		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>	<b>Mandatory written policy Abatement of pensions following re-employment.</b>	<b>YES for A70(1)</b>	The Administering Authority resolves to abate pensions following re-employment in accordance with the Regulations
<b>TP23 &amp; R76(4)</b>	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 be carried out by the Monitoring Officer
<b>TP23 &amp; R79(2)</b>	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

<b>TP23, TP22(1) &amp; R80(1)(b)</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.



**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:

REGULATIONS	DISCRETION	WRITTEN POLICY REQUIRED	RECOMMENDATION
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 2011 [SI 2011/1791]**

ADMIN AUTHORITY	REGULATIONS	DISCRETION	WRITTEN POLICY REQUIRED	RECOMMENDATION
<b>Relevant Authority</b>	2	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 'Guides and sample documents' 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.		The Administering Authority resolves to exercise its discretion in consultation with the Scheme member