

## Administering Authority Discretions Policy

### Section 1 Discretionary policies applicable from 1 April 2014 in relation to post 31 March 2014 active members and post 31 March 2014 leavers being discretions under:

The Local Government Pension Scheme Regulations 2013 (S.I. 2013 No. 2356)<sup>1</sup> (prefix **LGPS13**)

The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 (SI 2014 No. 525)<sup>2</sup> (prefix **TP14**)

Local Government Pension Scheme (Administration) Regulations 2008 (SI 2008 No. 239)<sup>3</sup> (prefix **A08**)

Local Government Pension Scheme Regulations 1997 (SI 1997 No. 1612)<sup>4</sup> (prefix **LGPS97**)

Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (SI 2007 No. 1166)<sup>5</sup> (prefix **B07**)

Local Government Pension Scheme (Transitional Provisions) Regulations 2008 (SI 2008 No. 238)<sup>6</sup> (prefix **T08**)

No.	Regulation	Administering Authority Discretion	Administering Authority Decision
1	<b>LGPS13:</b> 3(1A), 3(5) & Sch. 2, Part 3, para. 1	Whether to agree to an admission agreement with a body applying to become an admission body other than where a body as defined in paragraph 1(d) must be admitted providing they undertake the requirements of the regulations.	Report to be submitted to the Pension Fund Committee for approval subject to an employer covenant review being undertaken.
2	<b>LGPS13:</b> 4(2)(b)	Whether to agree to an admission agreement with a Care Trust, NHS Scheme employing authority or Care Quality Commission	Report to be submitted to the Pension Fund Committee for approval subject to an employer covenant review being undertaken.
3	<b>LGPS13:</b> 16(1)	Whether the administering authority deems it inappropriate for a scheme member to pay Additional Pension Contributions (APCs)	Pension Fund Committee have set an agreed minimum level of contribution whereby the scheme member will be

<sup>1</sup> <http://www.legislation.gov.uk/uksi/2013/2356/contents/made>

<sup>2</sup> <http://www.legislation.gov.uk/uksi/2014/525/contents/made>

<sup>3</sup> <http://www.legislation.gov.uk/uksi/2008/239/contents/made>

<sup>4</sup> <http://www.legislation.gov.uk/uksi/1997/1612/contents/made>

<sup>5</sup> <http://www.legislation.gov.uk/uksi/2007/1166/contents/made>

<sup>6</sup> <http://www.legislation.gov.uk/uksi/2008/238/contents/made>

		over a period of time due to the contribution being very small.	required to pay APC as a lump sum - £100.
4	<b>LGPS13: 16(10)</b>	Whether to require a scheme member to have a medical (at their own expense) in order to satisfy the administering authority of their reasonably good health before agreeing to the scheme member's application to pay APCs/SCAPCs (Shared Cost Additional Pension Contributions).	Require a medical in circumstances where a scheme employer has already taken action to investigate the scheme member's possible ill health retirement.
5	<b>LGPS13: 17(12)</b>	Decide to whom any Additional Voluntary Contributions (AVCs) or Shared Cost Additional Voluntary Contributions (SCAVC) monies should be paid upon the scheme member's death.	To follow scheme member's expression of wish where appropriate. If non-contentious delegate to officers for a decision or report to the Pension Fund Committee where decision could be contentious.
6	<b>LGPS13: 22(3)(c)</b>	Pension accounts to be kept in a form as considered appropriate.	Pension accounts to be maintained in line with regulatory and pension software requirements.
7	<b>LGPS13: 30(8)</b>	Whether to waive, in whole or in part, actuarial reduction on benefits paid on flexible retirement.	<i>NOTE: Administering authority decision required where Scheme Employer is defunct)</i> Apply former employer's discretionary statement of policy where possible and where not possible adopt RBWM's discretionary statement of policy.
8	<b>LGPS13: 30(8)</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 grounds of flexible retirement (where the member only has post 31 March 2014 membership).	<i>NOTE: Administering authority decision required where Scheme Employer is defunct)</i> Apply former employer's discretionary statement of policy where possible and where not possible adopt RBWM's discretionary statement of policy.
9	<b>LGPS13: 32(7)</b>	Whether to extend beyond three months the time limits within which a scheme	To restrict the time limit to three months as set out in regulation.

		member must give notice of the wish to draw benefits before normal pension age or upon flexible retirement.	
10	<b>LGPS13:</b> 34(1)(a)	Whether to commute the payment of a small pension into a trivial commutation lump sum within the meaning of section 166 of the Finance Act 2004.	To commute upon request from the scheme member in line with the rules and limits imposed by HMRC.
11	<b>LGPS13:</b> 34(1)(b)	Whether to trivially commute a lump sum death benefit under section 168 of the Finance Act 2004.	To commute upon request from the scheme member in line with the rules and limits imposed by HMRC.
12	<b>LGPS13:</b> 34(1)(c)	Whether to pay a commutation payment under regulations 6, 11 or 12 of the Registered Pension Schemes (Authorised Payments) Regulations 2009.	To commute upon request from the scheme member in line with the rules and limits imposed by HMRC.
13	<b>LGPS13:</b> 36(3)	Whether to approve or not a scheme employer's choice of Independent Registered Medical Practitioner (IRMP).	Approval delegated to officers.
14	<b>LGPS13:</b> 38(3)	Whether a deferred member of a former employer that no longer exists meets the criteria for release of deferred benefits due to permanent ill health and the likelihood of not obtaining gainful employment before normal pension age or within three years, whichever is sooner.	<i>NOTE: Administering authority decision required where Scheme Employer is defunct)</i>  Potentially contentious cases to be reported to Pension Fund Committee for a decision otherwise delegated to officers.
15	<b>LGPS13:</b> 38(6)	Whether a suspended tier-3 ill health pension should be reinstated upon request from a deferred pensioner member of a former employer that no longer exists where that member is unlikely to be capable of undertaking gainful employment before normal pension age.	<i>NOTE: Administering authority decision required where Scheme Employer is defunct)</i>  Potentially contentious cases to be reported to Pension Fund Committee for a decision otherwise delegated to officers.
16	<b>LGPS13:</b> 40(2), 43(2), 46(2) & <b>TP14:</b> 17(5) to (8)	To whom a death grant should be paid following the death of a scheme member.	To follow scheme member's expression of wish where appropriate. If non-

			contentious delegate to officers for a decision or report to the Pension Fund Committee where decision could be contentious.
17	<b>LGPS13: 49(1)(c)</b>	To determine the benefit payable to a scheme member, in the absence of an election from the scheme member, where the scheme member is entitled to a benefit under 2 or more of the regulations in respect of the same period of membership.	Delegated to officers who will pay the benefit most beneficial to the scheme member.
18	<b>LGPS13: 54(1)</b>	Whether to establish an “admission agreement fund” in addition to the “main fund”.	Not to establish a separate fund.
19	<b>LGPS13: 55</b>	<p>Governance Compliance Statement must state whether the administering 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 administering 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, 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 Secretary of State guidance and, to the</li> </ul>	Separate Governance Compliance Statement prepared, published, and reviewed by Pension Fund Committee and available from the Pension Fund’s website <sup>7</sup>

<sup>7</sup> <https://www.berkshirepensions.org.uk/bpf/publications/pension-fund-policies>

		extent that it does not comply, state the reason for not complying, and the terms, structure and operational procedures pertaining to the local Pension Board.	
20	<b>LGPS13: 58</b>	Decide on Funding Strategy for inclusion in the Funding Strategy Statement.	Funding Strategy Statement prepared, published, and reviewed by Pension Fund Committee and available from the Pension Fund's website <sup>8</sup>
21	<b>LGPS13: 59(1) &amp; (2)</b>	Whether to produce and publish a written pension administration strategy and the matters to be included.	To produce and publish a Pension Administration Strategy. Available from the Pension Fund website <sup>9</sup>
22	<b>LGPS13: 61</b>	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.	Communication Strategy Statement prepared, published and reviewed by Pension Fund Committee and available from the Pension Fund's website <sup>10</sup>
23	<b>LGPS13: 64(2A);</b>	Whether to issue a written suspension notice to an exiting employer to suspend that employer's liability to pay an exit payment for up to 3 years where the administering authority considers it reasonable that the exiting employer will appoint one or more active members during the period specified in the suspension notice.	Delegated to officers to identify exiting scheme employers and to issue a suspension notice and report to the Pension Fund Committee, and Pension Board, on the action taken.

<sup>8</sup> <https://www.berkshirepensions.org.uk/bpf/publications/pension-fund-policies>

<sup>9</sup> <https://www.berkshirepensions.org.uk/bpf/publications/pension-fund-policies>

<sup>10</sup> <https://www.berkshirepensions.org.uk/bpf/publications/pension-fund-policies>

24	<b>LGPS13: 64(2ZA)</b>	Whether to extend the period beyond 3 months from the date a Scheme Employer ceases to be a Scheme Employer, by which to pay an exit credit.	Delegated to officers to identify exiting scheme employers and to agree extension of exit credit payment and report to the Pension Fund Committee, and Pension Board, on the action taken.
25	<b>LGPS13: 64(4)</b>	Whether to obtain a revised rates and adjustment certificate from the pension fund Actuary where it is considered that a scheme employer will become an exiting employer.	Delegated to officers to identify those scheme employers with a poor covenant and report to the Pension Fund Committee, and Pension Board, on action taken.
26	<b>LGPS13 64(7A)</b>	Administering authority to enter into a deferred debt agreement with an exiting employer.	Delegated to officers to identify those scheme employers and report to the Pension Fund Committee, and Pension Board, on actions taken.
27	<b>LGPS13 64(7B)</b>	Administering authority to enter into a debt spreading arrangement with an exiting employer	Delegated to officers to identify those scheme employers and report to the Pension Fund Committee, and Pension Board, on actions taken.
28	<b>LGPS13: 68(2)</b>	To require a scheme employer to make a strain (capital) cost payment to the Pension Fund in all cases where a scheme employer's decision results in the immediate release of a scheme member's benefits because of flexible retirement, redundancy or retirement due to business efficiency.	In all cases the scheme employer will be required to make payment of a strain (capital) cost in full and within 21 days of receipt of an invoice from the scheme manager.
29	<b>LGPS13: 69(1)</b>	To consider the frequency that payments of contributions should be made to the Pension Fund by scheme employers and whether scheme employers should make a contribution towards to the cost of administration.	Payments required by the 19 <sup>th</sup> day of the month following deduction in accordance with statutory regulations. Currently no administration charges are made.
30	<b>LGPS13: 69(4)</b>	To consider the form and frequency of information	Delegated to officers. Failures by scheme

		required from a scheme employer to support the payment of contributions.	employers to meet requirements to be reported to the Pension Board.
31	<b>LGPS13: 70 &amp; TP14: 22(2)</b>	Whether to recover sums from a scheme employer where additional costs have been incurred because of the scheme employer's unsatisfactory level of performance (for example frequent late payments).	Pension administration strategy provides details of when notices of unsatisfactory performances will be issued to scheme employers and reported to the Pension Fund Committee and Pension Board.
32	<b>LGPS13: 71(1)</b>	Whether to charge interest on payments received from a scheme employer later than prescribed in the pension administration service level agreement or the pension administration strategy.	Instances to be reported to the Pension Fund Committee and Pension Board as part of an administration report for decision and where considered material, invoice to be raised, sent to scheme employer and reported to the Pensions Regulator.
33	<b>LGPS13: 76(4) &amp; TP14: 23</b>	To determine the procedure to be followed at stage 2 of the Internal Dispute Resolution Procedure (IDRP) and the manner in which the exercise of those procedures should be undertaken.	The appointed adjudicator at stage 2 of the IDRP is the Head of Pension Fund for the administering authority who will seek advice and guidance from relevant officers and the Pension Board before making a determination.
34	<b>LGPS13: 79(2) &amp; TP14: 23</b>	Whether to appeal to the Secretary of State against a scheme employer's decision, or lack of decision, on a question arising under regulation 72 of LGPS13 (first instance decisions).	Cases to be reported to the Pension Fund Committee and Pension Board as part of an administration report but decision delegate to officers.
35	<b>LGPS13: 80(1)(b) &amp; TP14: 22(1) &amp; 23</b>	To specify the format in which information supplied by a scheme employer is provided to the administering authority.	Delegated to officers who provide all standard forms, spreadsheets, templates and guidance to scheme employers to assist them in providing all information required to enable the administering authority to discharge its scheme functions.
36	<b>LGPS13: 82(2)</b>	Whether to pay out in full or part a death grant due from the Pension Fund without	Delegated to officers for a decision where non-contentious but referred to

		having to obtain grant of probate or letters of administration where the value does not exceed that specified in section 6 of the Administration of Estates (Small Payments) Act 1965.	the Pension Fund Committee where decision could be contentious.
37	<b>LGPS13: 83</b>	Whether, where a person appears to be incapable of managing their affairs by reason of mental disorder or otherwise, to make payment of benefits to another person.	Delegated to officers for a decision where non-contentious but referred to the Pension Fund Committee where decision could be contentious.
38	<b>LGPS13: 98(1)(b)</b>	Whether to agree to bulk transfer payments where two or more scheme members' membership ends on their joining a different registered pension scheme.	Delegated to officers who will in all instances seek the advice and guidance of the Pension Fund Actuary.
39	<b>LGPS13: 100(6)</b>	Whether to extend the normal time limit for acceptance of a transfer value beyond 12 months from date scheme member joined the LGPS.	Delegated to officers as Scheme employers are required to include a statement in their discretions policy and where it is agreed to extend beyond the 12 month period the administering authority will endorse the scheme employer's decision unless it is clearly identified that such a decision would be detrimental for the Pension Fund.
40	<b>LGPS13: 100(7)</b>	Whether to allow the transfer of relevant pension rights into the Pension Fund.	To permit the transfer of relevant pension rights for credit to the member's pension account.
41	<b>LGPS13: 105(2)</b>	Decide whether to delegate any administering authority functions under the Regulations	Decision taken not to delegate any administering authority functions.
42	<b>LGPS13: 106(3)</b>	Decide whether to establish a joint local pension board (if approval has been granted by the Secretary of State)	Decision taken not to establish a joint local pension board.
43	<b>LGPS13: 106(6)</b>	To determine the procedures applicable to a local Pension Board.	Terms of reference set out in the Council's Constitution.



44	<b>LGPS13:</b> 107(1)	To determine the membership of the local Pension Board and the manner in which members may be appointed and removed.	Approved by Pension Fund Committee.
45	<b>LGPS13:</b> 108(1)	To determine the method by which to confirm that a member of the Pension Board does not have a conflict of interest.	Set out in Council's code of conduct policy.
46	<b>LGPS13:</b> Sch. 1 & <b>TP14:</b> 17(9)(a)	In accordance with definition of eligible child determine whether to treat a child as being in continuous education or vocational training despite a break.	Pensions payable to eligible children will continue to be paid during breaks in education or training of up to one year.
47	<b>LGPS13:</b> Sch.1 & <b>TP14:</b> 17(9)(b)	In accordance with definition of cohabiting partner determine the evidence required to confirm financial dependence of a cohabiting partner on a scheme member or financial interdependence of cohabiting partner and scheme member.	Delegate to officers for a decision where non-contentious or to the Pension Fund Committee where decision could be contentious.  Pension Fund Committee to consider an Affidavit to be signed by cohabiting member.
48	<b>LGPS13:</b> Sch. 2, Part 3, para. 9(d)	To determine the right to terminate an admission agreement under circumstances listed in regulation.	Report to be submitted to the Pension Fund Committee.
49	<b>LGPS13:</b> Sch. 2, Part 3, para 12(a)	To consider definition of the term "employed in connection with the provision of the service or assets".	Must be continuously employed for a minimum of 50% of the time in connection with the provision of the service or assets as referred to in the admission agreement.
50	<b>LGPS13:</b> Sch. 2, 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.	Admission agreement not to take effect prior to date on which is executed.
51	<b>TP14:</b> 3(6), 4(6)(c), 8(4),	In respect of a scheme member who retains a right to have the use of the average of	Delegated to officers to calculate and apply the best (most financially beneficial)

	10(2)(a), 17(2)(b) & <b>B07</b> : 11(2)	3 years pay for final pay purposes, to determine, should the member die before making an election, whether to make that election on behalf of the deceased scheme member.	option for the scheme member's dependants.
52	<b>TP14</b> : 3(6), 4(6)(c), 8(4), 10(2)(a), 17(2)(b) & <b>T08</b> : Sch. 1 & <b>LGPS97</b> : 23(9)	In respect of a scheme member who retains a certificate of protection of pension benefits under former regulations to determine should the member die before making an election as to the use of that certificate, whether to make an election on behalf of the deceased scheme member.	Delegated to officers to calculate and apply the best (most financially beneficial) option for the scheme member's dependants.
53	<b>TP14</b> : 10(9)	In the absence of an election from a scheme member within 12 months of ceasing a concurrent employment, to determine, where the scheme member has more than one on-going employment, to which pension account the ceasing employment benefits should be aggregated.	Delegated to officers to calculate and apply the best (most financially beneficial) option for the member.
54	<b>TP14</b> : 12(6)	Whether to use a certificate produced by an Independent Registered Medical Practitioner (IRMP) under the LGPS2008 for the purposes of making an ill health determination under the LGPS2013.	<i>NOTE: Administering authority decision required where Scheme Employer is defunct</i>  Delegated to officers to make the necessary determination on a case-by-case basis.
55	<b>TP14</b> : 15(1)(c) & <b>T08</b> : Sch. 1 & <b>LGPS97</b> : 83(5)	Whether to extend the time period for capitalisation of ongoing added years contracts still in force under previous regulations.	Delegated to officers to make the necessary determination on a case-by-case basis.
56	<b>TP14</b> : 15(1)(d) & <b>A08</b> : 28(2)	Whether to charge a scheme member for the provision of an estimate of additional pension that would be provided for by the scheme in return for the transfer of in house AVC funds (where the arrangement was	No charge to be applied.

		entered into before 1 April 2014).	
57	<b>TP14:</b> Sch. 2, para. 2(3)	Whether to require a strain (capital) cost to be paid “up front” by a scheme employer following their decision to waiver any actuarial reduction to benefits under the 85-year rule.	A scheme employer must make payment of a strain (capital) cost to the pension fund in full and “up front” on every occasion that such a cost arises.
58	<b>TP14:</b> Sch2, para 1(2) & 1(1)(c)	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)	<i>NOTE: Administering authority decision required where Scheme Employer is defunct)</i> Apply former employer’s discretionary statement of policy where possible and where not possible adopt RBWM’s discretionary statement of policy.
59	<b>TP14:</b> 3(1), Sch2, para 2(1) and <b>B07:</b> 30(5) & 30A(5)	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 member has both pre-1 April 2014 and post 31 March 2014 membership) on compassionate grounds.	<i>NOTE: Administering authority decision required where Scheme Employer is defunct)</i> Apply former employer’s discretionary statement of policy where possible and where not possible adopt RBWM’s discretionary statement of policy.
60	<b>A08:</b> 70(1) & 71(4)(c); <b>TP14:</b> 3(13)	To formulate a policy concerning abatement of pensions upon re-employment of retired scheme member.	Separate policy prepared, published and reviewed by Pension Fund Committee. Available from Pension Fund website <sup>11</sup>

**Section 2 Discretionary policies in relation to scheme members who ceased active membership on or after 1 April 2008 and before 1 April 2014 being discretions under:**

The Local Government Pension Scheme Regulations 2013 (S.I. 2013 No. 2356)<sup>12</sup> (prefix **LGPS13**)

The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 (SI 2014 No. 525)<sup>13</sup> (prefix **TP14**)

<sup>11</sup> <https://www.berkshirerpensions.org.uk/bpf/publications/pension-fund-policies>

<sup>12</sup> <http://www.legislation.gov.uk/uksi/2013/2356/contents/made>

<sup>13</sup> <http://www.legislation.gov.uk/uksi/2014/525/contents/made>

Local Government Pension Scheme (Administration) Regulations 2008 (SI 2008 No. 239)<sup>14</sup> (prefix **A08**)

Local Government Pension Scheme Regulations 1997 (SI 1997 No. 1612)<sup>15</sup> (prefix **LGPS97**)

Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (SI 2007 No. 1166)<sup>16</sup> (prefix **B07**)

Local Government Pension Scheme (Transitional Provisions) Regulations 2008 (SI 2008 No. 238)<sup>17</sup> (prefix **T08**)

No.	Regulation	Administering Authority Discretion	Administering Authority Decision
1	<b>TP14:</b> 15(1)(c) & <b>T08:</b> Sch 1 & <b>LGPS97:</b> 83(5)	Extend time period for capitalisation of added years contract where the member leaves employment by reason of redundancy.	Delegated to officers to make the necessary determination on a case-by-case basis.
2	<b>A08:</b> 45(3)	Outstanding employee contributions can be recovered as a simple debt or by deduction from benefits.	Delegated to officers to make the necessary determination on a case-by-case basis.
3	<b>A08:</b> 52(2)	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: <ul style="list-style-type: none"> <li>• Personal representatives, or</li> <li>• 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.</li> </ul>	Delegated to officers to make the necessary determination on a case-by-case basis.
4	<b>A08:</b> 56(2)	Approve medical advisors used by employers (for early payment, on grounds of ill health, of a deferred benefit or	Any medical advisor used by an employer must be able to evidence that they are registered with the General Medical Council and hold a

<sup>14</sup> <http://www.legislation.gov.uk/uksi/2008/239/contents/made>

<sup>15</sup> <http://www.legislation.gov.uk/uksi/1997/1612/contents/made>

<sup>16</sup> <http://www.legislation.gov.uk/uksi/2007/1166/contents/made>

<sup>17</sup> <http://www.legislation.gov.uk/uksi/2008/238/contents/made>

		a suspended Tier 3 ill health pension).	relevant qualification in occupational medicine as set out in in the definition of IRMP in Schedule 1 of <b>LGPS13</b> .
5	<b>TP14:</b> 23 & <b>LGPS13:</b> 76(4)	Decide procedure to be followed by administering authority when exercising its stage two IDRPs and decide the manner in which those functions are to be exercised.	The appointed adjudicator at stage 2 of the IDRPs is the Head of Pension Fund for the administering authority who will seek advice and guidance from relevant officers and the Pension Board before making a determination.
6	<b>TP14:</b> 23 & <b>LGPS13:</b> 79(2)	Whether administering authority should appeal against employer decision (or lack of decision).	Cases to be reported to the Pension Fund Committee and Pension Board as part of an administration report but decision delegate to officers.
7	<b>TP14:</b> 23, & 22(1) & <b>LGPS13:</b> 80(1)(b)	Specify information to be supplied by employers to enable administering authority to discharge its functions.	Delegated to officers who provide all standard forms, spreadsheets, templates, and guidance to scheme employers to assist them in providing all information required to enable the administering authority to discharge its scheme functions.
8	<b>B07:</b> 10(2)	Where member to whom <b>B07:</b> 10 applies dies before making an election, whether to make that election on behalf of the deceased member.	Delegated to officers to make the necessary determination on a case-by-case basis.
9	<b>B07:</b> 27(5)	Whether to pay the whole or part of a child's pension to another person for the benefit of the child.	Delegated to officers to make the necessary determination on a case-by-case basis.
10	<b>A08:</b> 52A	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.	Delegated to officers for a decision where non-contentious but referred to the Pension Fund Committee where decision could be contentious.
11	<b>TP14:</b> Sch 2, para 1(2) and 1(1)(c)	Whether to "switch on" the 85 year rule for a member voluntarily drawing benefit on	<i>NOTE: Administering authority decision required where Scheme Employer is defunct)</i>

		or after age 55 and before age 60.	Apply former employer's discretionary statement of policy where possible and where not possible adopt RBWM's discretionary statement of policy.
12	<b>B08:</b> 30(5), <b>TP14:</b> Sch 2, para 2(1)	Whether to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early under <b>B08</b> 30 (member).	<i>NOTE: Administering authority decision required where Scheme Employer is defunct)</i> Apply former employer's discretionary statement of policy where possible and where not possible adopt RBWM's discretionary statement of policy.
13	<b>TP14:</b> Sch 2, para 1(2) & 1(1)(c)	Whether to "switch on" the 85 year rule for a pensioner member with deferred benefits voluntary drawing benefits on or after age 55 and before age 60.	<i>NOTE: Administering authority decision required where Scheme Employer is defunct)</i> Apply former employer's discretionary statement of policy where possible and where not possible adopt RBWM's discretionary statement of policy.
14	<b>B07:</b> 30A(5) & <b>TP14:</b> Sch 2, para 2(1)	Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early under <b>B07:</b> 30A (pensioner member with deferred benefits).	<i>NOTE: Administering authority decision required where Scheme Employer is defunct)</i> Apply former employer's discretionary statement of policy where possible and where not possible adopt RBWM's discretionary statement of policy.
15	<b>TP14:</b> Sch 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 prior to age 60, or waives an actuarial reduction on compassionate grounds under <b>TP14:</b> Sch 2, para 2(1).	In all cases the scheme employer will be required to make payment of a strain (capital) cost in full and within 21 days of receipt of an invoice from the scheme manager.
16	<b>B07:</b> 31(4)	Decide whether deferred beneficiary meets permanent ill	<i>NOTE: Administering authority decision required</i>

		health and reduced likelihood of gainful employment criteria.	<i>where Scheme Employer is defunct</i> Decision to be taken once advice obtained from an IRMP appointed by RBWM as a scheme employer to the Fund.
17	<b>B07:</b> 31(7)	Decide whether a suspended ill health tier 3 member is permanently incapable of undertaking any gainful employment.	<i>NOTE: Administering authority decision required where Scheme Employer is defunct</i> Decision to be taken once advice obtained from an IRMP appointed by RBWM as a scheme employer to the Fund.
18	<b>B07:</b> 23(2), 32(2), 35(2) & <b>T08:</b> Sch 1 & <b>LGPS97:</b> 155(4)	Decide to whom death grant is paid	<i>NOTE: Administering authority decision required where Scheme Employer is defunct</i> Delegated to officers for a decision where non-contentious but referred to the Pension Fund Committee where decision could be contentious.
19	<b>LGPS13:</b> Sch 1 & <b>TP14:</b> 17(9)(b)	Decide evidence required to determine financial dependence of cohabiting partner on scheme member or financial interdependence of cohabiting partner and scheme member.	Delegate to officers for a decision where non-contentious or to the Pension Fund Committee where decision could be contentious.  Pension Fund Committee to consider an Affidavit to be signed by cohabiting member.
20	<b>LGPS13:</b> Sch 1 & <b>TP14:</b> 17(9)(a)	Decide to treat child (who has not reached the age of 23) as being in continuous education or vocational training despite a break.	Pensions payable to eligible children will continue to be paid during breaks in education or training of up to one year.
21	<b>B07:</b> 39(1)(a) & <b>T08:</b> 14(3)	Decide whether to trivially commute a member's pension under section 166 of the Finance Act 2004.	Delegated to officers to make the necessary determination on a case-by-case basis.
22	<b>LGPS13:</b> 39(1)(b)	Decide whether to trivially commute a lump sum death benefit under section 168 of the Finance Act 2004.	Delegated to officers to make the necessary determination on a case-by-case basis.

23	<b>LGPS13:</b> 39(1)(c)	Decide whether to pay a commutation payment under regulations 6, 11 or 12 of the Registered Pension Schemes (Authorised Payments) Regulations 2009 (excludes survivor pensions and pension credit members).	Delegated to officers to make the necessary determination on a case-by-case basis.
24	<b>B07:</b> 42(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.	Delegated to officers to calculate and apply the best option for the member.
25	<b>T08:</b> Sch 1 & <b>LGPS97:</b> 23(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 April 2008).	Delegated to officers to calculate and apply the best option for the member.

**Section 3 Discretionary policies in relation to scheme members who ceased active membership on or after 1 April 1998 and before 1 April 2008 being discretions under:**

The Local Government Pension Scheme Regulations 2013 (S.I. 2013 No. 2356)<sup>18</sup> (prefix **LGPS13**)

The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 (SI 2014 No. 525)<sup>19</sup> (prefix **TP14**)

Local Government Pension Scheme (Administration) Regulations 2008 (SI 2008 No. 239)<sup>20</sup> (prefix **A08**)

Local Government Pension Scheme Regulations 1997 (SI 1997 No. 1612)<sup>21</sup> (prefix **LGPS97**)

Local Government Pension Scheme (Transitional Provisions) Regulations 2008 (SI 2008 No. 238)<sup>22</sup> (prefix **T08**)

No.	Regulation	Administering Authority Discretion	Administering Authority Decision
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<sup>18</sup> <http://www.legislation.gov.uk/uksi/2013/2356/contents/made>

<sup>19</sup> <http://www.legislation.gov.uk/uksi/2014/525/contents/made>

<sup>20</sup> <http://www.legislation.gov.uk/uksi/2008/239/contents/made>

<sup>21</sup> <http://www.legislation.gov.uk/uksi/1997/1612/contents/made>

<sup>22</sup> <http://www.legislation.gov.uk/uksi/2008/238/contents/made>



1	<b>LGPS13:</b> 60 & <b>TP14:</b> Sch 2, para 1(2), 1(1)(f)	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.	<i>NOTE: Administering authority decision required where Scheme Employer is defunct)</i> Apply former employer’s discretionary statement of policy where possible and where not possible adopt RBWM’s discretionary statement of policy.
2	<b>LGPS97:</b> 31(5) & <b>TP14:</b> Sch 2, para 2(1)	Waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early.	<i>NOTE: Administering authority decision required where Scheme Employer is defunct)</i> Apply former employer’s discretionary statement of policy where possible and where not possible adopt RBWM’s discretionary statement of policy.
3	<b>LGPS97:</b> 38(1) & 155(4)	Decide to whom death grant is paid	Delegated to officers for a decision where non-contentious but referred to the Pension Fund Committee where decision could be contentious.
4	<b>TP14:</b> 17(9)(a) & <b>LGPS13:</b> Sch 1	Decide to treat child (who has not reached the age of 23) as being in continuous education or vocational training despite a break.	Pensions payable to eligible children will continue to be paid during breaks in education or training of up to one year.
5	<b>LGPS97:</b> 47(1)	Apportionment of children’s pension amongst eligible children	Children’s pensions to be divided equally amongst all eligible children whilst they remain to be eligible.
6	<b>LGPS97:</b> 47(2)	Pay child’s pension to another person for the benefit of the child.	Delegated to officers to make the necessary determination on a case-by-case basis.
7	<b>LGPS97:</b> 49(1) & <b>T08:</b> 14(3)	Decide whether to trivially commute a member’s pension under section 166 of the Finance Act 2004.	Delegated to officers to make the necessary determination on a case-by-case basis.
8	<b>LGPS97:</b> 49(1)	Decide whether to trivially commute a lump sum death grant under section 168 of the Finance Act 2004	Delegated to officers to make the necessary determination on a case-by-case basis.

9	<b>LGPS97: 50 &amp; 157</b>	Decide whether to commute benefits due to exceptional ill health.	Delegated to officers to make the necessary determination on a case-by-case basis.
10	<b>LGPS97: 80(5)</b>	Whether to require any strain on Fund costs to be paid “up front” by employing authority following early payment of deferred benefit on health grounds or from age 50 and prior to age 55 with employer consent.	In all cases the scheme employer will be required to make payment of a strain (capital) cost in full and within 21 days of receipt of an invoice from the scheme manager.
11	<b>TP14: Sch 2 para 2(3)</b>	Whether to require any strain on Fund costs to be paid “up front” by employing authority if it “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 <b>TP14: Sch 2 para 2(1)</b> .	In all cases the scheme employer will be required to make payment of a strain (capital) cost in full and within 21 days of receipt of an invoice from the scheme manager.
12	<b>LGPS97: 89(3)</b>	Outstanding employee contributions can be recovered as a simple debt or by deduction from benefits.	Delegated to officers to make the necessary determination on a case-by-case basis.
13	<b>LGPS97: 95</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: <ul style="list-style-type: none"> <li>• 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 the amount specified in s6 of the Administration of Estates (Small Payments) Act 1965.	Delegated to officers to make the necessary determination on a case-by-case basis.
14	<b>LGPS97: 97(10)</b>	Approve medical advisors used by employers.	Any medical advisor used by an employer must be able to evidence that they are registered with the General Medical Council and hold a relevant qualification in

			occupational medicine as set out in in the definition of IRMP in Schedule 1 of <b>LGPS13</b> .
15	<b>TP14:</b> 23 & <b>LGPS13:</b> 76(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 appointed adjudicator at stage 2 of the IDRPs is the Head of Pension Fund for the administering authority who will seek advice and guidance from relevant officers and the Pension Board before making a determination.
16	<b>TP14:</b> 23 & <b>LGPS13:</b> 79(2)	Whether administering authority should appeal against employer decision (or lack of decision).	Cases to be reported to the Pension Fund Committee and Pension Board as part of an administration report but decision delegate to officers.
17	<b>TP14:</b> 22 (1), 23 & <b>LGPS13:</b> 80(1)(b)	Specify information to be supplied by employers to enable administering authority to discharge its functions.	Delegated to officers who provide all standard forms, spreadsheets, templates and guidance to scheme employers to assist them in providing all information required to enable the administering authority to discharge its scheme functions.
18	<b>LGPS97:</b> 106A(5)	Date to which benefits shown on annual deferred benefit statement are calculated.	31 <sup>st</sup> March prior to the date of issue.
19	<b>LGPS97:</b> 118	Retention of CEP where member transfers out.	CEP to be used in preserving the contracted-out rights of the member.
20	<b>LGPS97:</b> 147	Discharge Pension Credit liability	Administering authority will discharge its liability by conferring pension credit rights on the person entitled to the pension credit in accordance with LGPS97 147(2).

**Section 4 Discretionary policies in relation to scheme members who ceased active membership before 1 April 1998 being discretions under:**

The Local Government Pension Scheme Regulations 1995 (S.I. 1995/1019)<sup>23</sup> (prefix **LGPS95**)

<sup>23</sup> <https://www.legislation.gov.uk/uksi/1995/1019/contents/made>

The Local Government Pension Scheme (Transitional Provisions) Regulations 1997 (S.I. 1997/1613)<sup>24</sup> (prefix **TP97**)

The Local Government Pension Scheme Regulations 2013 (S.I. 2013 No. 2356)<sup>25</sup> (prefix **LGPS13**)

The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 (SI 2014 No. 525)<sup>26</sup> (prefix **TP14**)

Local Government Pension Scheme (Administration) Regulations 2008 (SI 2008 No. 239)<sup>27</sup> (prefix **A08**)

Local Government Pension Scheme Regulations 1997 (SI 1997 No. 1612)<sup>28</sup> (prefix **LGPS97**)

No.	Regulation	Administering Authority Discretion	Administering Authority Decision
1	<b>LGPS95: E8</b>	Decide to whom death grant is paid.	Delegated to officers for a decision where non-contentious but referred to the Pension Fund Committee where decision could be contentious.
2	<b>LGPS95: F7</b>	Whether to pay spouse's pension for life (rather than ceasing during any period of remarriage or co-habitation).	Pension to be paid for life.
3	<b>TP14: 17(9)(a) &amp; LGPS13: Sch 1</b>	Decide to treat child (who has not yet reached the age of 23) as being in continuous education or vocational training despite a break.	Pensions payable to eligible children will continue to be paid during breaks in education or training of up to one year.
4	<b>LGPS95: G11(1)</b>	Apportionment of children's pension amongst eligible children.	Children's pensions to be divided equally amongst all eligible children whilst they remain to be eligible.
5	<b>LGPS95: G11(2)</b>	Pay child's pension to another person for the benefit of the child.	Delegated to officers to make the necessary determination on a case-by-case basis.
6	<b>TP14: 23 &amp; LGPS13: 76(4)</b>	Decide procedure to be followed by administering authority when exercising its stage two IDRPs and decide the manner in which	The appointed adjudicator at stage 2 of the IDRPs is the Head of Pension Fund for the administering authority who will seek advice and guidance from relevant officers and the

<sup>24</sup> <https://www.legislation.gov.uk/ukSI/1997/1613/contents/made>

<sup>25</sup> <http://www.legislation.gov.uk/ukSI/2013/2356/contents/made>

<sup>26</sup> <http://www.legislation.gov.uk/ukSI/2014/525/contents/made>

<sup>27</sup> <http://www.legislation.gov.uk/ukSI/2008/239/contents/made>

<sup>28</sup> <http://www.legislation.gov.uk/ukSI/1997/1612/contents/made>

		those functions are to be exercised.	Pension Board before making a determination.
7	<b>TP14:</b> 23 & <b>LGPS13:</b> 79(2)	Whether administering authority should appeal against an employer decision (or lack of decision).	Cases to be reported to the Pension Fund Committee and Pension Board as part of an administration report but decision delegate to officers.
8	<b>TP14:</b> 22(1), 23 & <b>LGPS13:</b> 80(1)(b)	Specify information to be supplied by employers to enable administering authority to discharge its functions.	Delegated to officers who provide all standard forms, spreadsheets, templates and guidance to scheme employers to assist them in providing all information required to enable the administering authority to discharge its scheme functions.

**Section 5 The Registered Pension Schemes (Modification of Scheme Rules) Regulations 2011 (S.I. 2011/1791)<sup>29</sup> (prefix MSR)**

No.	Regulation	Administering Authority Discretion	Administering Authority Decision
1	<b>MSR:</b> 2	To decide whether it is legally able to offer voluntary scheme pays and if so, to decide the circumstances (if any) upon which it would do so.	To take each case on its merits having due consideration to the Annual Allowance guidance published on the LGPS Regulations website <sup>30</sup>

<sup>29</sup> <https://www.legislation.gov.uk/ukSI/2011/1791/contents/made>

<sup>30</sup> <https://www.lgpsregs.org/resources/guidesetc.php>