

August 2023

# Discretions Policy Statement

## **South Yorkshire Pensions Authority**

### **Discretions Policy Statement as reviewed June 2023**

The document below contains the discretionary policies of South Yorkshire Pensions Authority, in respect of the Local Government Pension Scheme Regulations:

These discretions are specifically exercised under the legislation contained within the following legislation:

- 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]
- the Local Government Pension Scheme Regulations 1995 (as amended) [prefix S]
- the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 (as amended) [prefix C]

<b>Section 1</b> <ul style="list-style-type: none"> <li>• LGPS Regulations 2013 [SI 2013/2356] [R]</li> <li>• LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP]</li> <li>• LGPS (Administration) Regulations 2008 [SI 2008/239] [A]</li> <li>• LGPS (Benefits, Membership and Contributions) Regulations 2007 (as amended) [SI 2007/1166] [B]</li> <li>• LGPS (Transitional Provisions) Regulations 2008 [SI 2008/238] [T]</li> <li>• LGPS Regulations 1997 (as amended) [SI 1997/1612] [L]</li> </ul>			Discretionary policies from 1 April 2014 in relation to post 31 March 2014 active members (excluding councillor members) and post 31 March 2014 leavers (excluding councillor members)	
Discretion	Regulation	Statement	Discretion/Delegated Discretion (Named Officer)	How applied (e.g. Officer Decision)
Whether to agree to an admission agreement with a Care Trust, NHS Scheme employing authority or Care Quality Commission.	R4(2)(b)	An application for an admission agreement from a Care Trust will be accepted on the basis that a guarantee will exist	Assistant Director Pensions	Officer Decision
Whether to agree to an admission agreement with a body applying to be an admission body.	R3(1A), R3(5) & RSch 2, Part 3, para 1	Subject to compliance with the Scheme Regulations and acceptable risk assessment the Administering Authority is willing to enter into an admission agreement.	Assistant Director Pensions	Officer Decision
Whether to agree that an admission agreement may take effect on a date before the date on which it is executed.	RSch2, Part 3, para 14	The Administering Authority is willing to exercise this discretion, but all such requests will be considered on a case-by-case basis.	Service Manager S&E	Officer Decision

Discretion	Regulation	Statement	Discretion/Delegated Discretion (Named Officer)	How applied (e.g. Officer Decision)
Whether to terminate an admission agreement in the event of: - insolvency, winding up or liquidation of the body. - breach by that body of its obligations under the admission agreement. - failure by that body to pay over sums due to the Fund within a reasonable period of being requested to do so.	RSch 2, Part 3, para 9(d)	The Administering Authority will consider all such instances on a case-by-case basis in line with the Funding Strategy Statement.	Assistant Director Pensions	Officer Decision
Define what is meant by “employed in connection with”.	RSch 2, Part 3, para 12(a)	“employed in connection with” shall mean that an Eligible Employee is employed by the Admission Body on the basis that in any scheme year an Eligible Employee spends not less than seventy five per cent (75%) of their time whilst working on matters directly relevant to the Contract.	Assistant Director Pensions	Officer Decision
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).	R16(1)	The Administering Authority will consider all requests on a case-by-case basis. Preference of lump sum payment for amounts of lost pension under 10% of monthly pay.	Service Manager Benefits	Case by Case – UPM

Discretion	Regulation	Statement	Discretion/Delegated Discretion (Named Officer)	How applied (e.g. Officer Decision)
Whether to require a satisfactory medical before agreeing to an application to pay an APC / SCAPC.	R16(10)	Any member wishing to take out a contract to purchase additional pension by payment of regular contributions shall first undergo a medical at their own expense. No medical shall be required if the member is paying for the additional pension by means of a lump sum payment. If lost pension is above 10% of monthly pay a medical/accept employer statement will be required.	Service Manager Benefits	Case by Case - UPM
Whether to turn down an application to pay an APC / SCAPC if not satisfied that the member is in reasonably good health.	R16(10)	The Administering Authority will not refuse applications to pay an APC/SCAPC where payment is by means of a lump sum payment. All other applications will be assessed on a case-by-case basis.	Service Manager Benefits	Case by Case - UPM
Decide to whom any AVC/SCAVC monies (including life assurance monies) are to be paid on death of the member.		This should match and be included with current policy concerning discretion to pay death grants. However we only have absolute discretion over who to pay that sum to, provided the member left the LGPS on or after 1 April 2014 and drew their benefits on or after 14 May 2018. Otherwise, we must pay any AVC lump sum to the estate.	Service Manager Benefits	Case by Case - UPM
Pension account may be kept in such form as is considered appropriate.	R22(3)(c)	The Administering Authority will decide the form in which pension accounts are kept based upon any published advice or best practice and in the most efficient manner that can be devised.	Assistant Director Pensions	Procurement/Contract

Discretion	Regulation	Statement	Discretion/Delegated Discretion (Named Officer)	How applied (e.g. Officer Decision)
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.	TP10(9)	Where an active member with concurrent employments ceases an employment with entitlement to a deferred pension, the benefits in the deferred member's pension account must be aggregated with those in the ongoing active member's pension account and, if there is more than one such account, the one chosen by the member. If the member does not choose an account (where there is more than one active account) then the Fund will amalgamate with the active account yielding the highest benefit accrual at the relevant date.	Service Manager Benefits	Case by Case - UPM
<b>Mandatory written policy</b> Whether to waive, in whole or in part, actuarial reduction on benefits paid on flexible retirement.	R30(8)	<b>Exercised by Administering Authority where Employer has become defunct.</b>  The Authority will exercise discretion in line with the employer discretions policy .	Director	Officer Decision
<b>Mandatory written policy</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 March 2014 membership).	R30(8)	<b>Exercised by Administering Authority where Employer has become defunct.</b>  The Authority will exercise discretion in line with the employer discretions policy .	Director	Officer Decision

Discretion	Regulation	Statement	Discretion/Delegated Discretion (Named Officer)	How applied (e.g. Officer Decision)
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 to benefits drawn on flexible retirement.	R68(2)	All pension strain payments are required to be made by the employer as a single lump sum payment unless exceptional circumstances can be identified.	Assistant Director Pensions	Officer Decision
<b>Mandatory written policy</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).	TPSch 2, para 1(2) & 1(1)(c)	<b>Exercised by Administering Authority where Employer has become defunct.</b>  The Authority will exercise discretion in line with the employer discretions policy .	Director	Officer Decision

Discretion	Regulation	Statement	Discretion/Delegated Discretion (Named Officer)	How applied (e.g. Officer Decision)
<b>Mandatory written policy</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 1 April 2014 and post 31 March 2014 membership): a) on compassionate grounds (pre 1 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 1 October 2006, b) on compassionate grounds (pre 1 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 1 October 2006, will not be 60 by 31 March 2016 and will not attain 60 between 1 April 2016 and 31 March 2020 inclusive, c) on compassionate grounds (pre 1 April 2016 membership) and / or, in whole or in part on any grounds (post 31 March 2016 membership) if the member was in the Scheme before 1 October 2006 and will be	TP3(1), TPSch 2, para 2(1), B30(5) & B30A(5)	<b>Exercised by Administering Authority where Employer has become defunct.</b>  The Authority will exercise discretion in line with the employer discretions policy .	Director	Officer Decision



60 by 31 March 2016, d) on compassionate grounds (pre 1 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 1 October 2006, will not be 60 by 31 March 2016 and will attain 60 between 1 April 2016 and 31 March 2020 inclusive.				
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).	TPSch 2, para 2(3)	All pension strain payments are required to be made by the employer as a single lump sum payment unless exceptional circumstances can be identified.	Assistant Director Pensions	Officer Decision
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.	R32(7)	The Administering Authority will not ordinarily exercise this discretion, but may choose to do so in any case it considers appropriate. Any such case will be considered on its own individual merits.	Service Manager Benefits	Case by Case - UPM

Discretion	Regulation	Statement	Discretion/Delegated Discretion (Named Officer)	How applied (e.g. Officer Decision)
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).	R34(1)(a)	The Administering Authority will consider applications received for commutation.	Team Leader	Case by Case - UPM
Decide whether to trivially commute a lump sum death benefit under section 168 of the Finance Act 2004.	R34(1)(b)	The Administering Authority will consider applications received for commutation.	Team Leader	Case by Case - UPM

Discretion	Regulation	Statement	Discretion/Delegated Discretion (Named Officer)	How applied (e.g. Officer Decision)
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 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).	R34(1)(c)	The Administering Authority will consider applications received for commutation.	Team Leader	Case by Case - UPM
Approve medical advisors used by employers (for ill health benefits)	R36(3)	Unless exceptional circumstances are identified IRMP's will always be approved where the qualification criteria set out under the regulations is met.	Assistant Director Pensions	Officer Decision
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.	TP12(6)	<b>Exercised by Administering Authority where Employer has become defunct.</b>  The Authority will exercise discretion in line with the employer discretions policy .	Director	Officer Decision

Discretion	Regulation	Statement	Discretion/Delegated Discretion (Named Officer)	How applied (e.g. Officer Decision)
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.	R38(3)	<b>Exercised by Administering Authority where Employer has become defunct.</b>  The Authority will exercise discretion in line with the employer discretions policy .	Director	Officer Decision
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.	R38(6)	<b>Exercised by Administering Authority where Employer has become defunct.</b>  The Authority will exercise discretion in line with the employer discretions policy .	Director	Officer Decision
Decide to whom death grant is paid.	TP17(5) to (8), R40(2), R43(2) & R46(2)	The Administering Authority shall determine the recipient(s) of any death grant payable from the Scheme.	Service Manager Benefits	Case by Case - UPM
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.	R49(1)(c)	The benefits entitlement that yields the highest overall level of benefits for the member will be selected.	Service Manager Benefits	Case by Case - UPM
Whether to set up a separate admission agreement fund.	R54(1)	Consideration will be given after taking actuarial advice.	Director	Authority Approval

Discretion	Regulation	Statement	Discretion/Delegated Discretion (Named Officer)	How applied (e.g. Officer Decision)
<b>Mandatory written policy</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: - the frequency of any committee or sub-committee meetings, - the terms, structure and operational procedures appertaining to the delegation, and - whether representatives of employing authorities or members are included and, if so, whether they have voting rights. The policy must also state: - 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 - the terms, structure and operational procedures appertaining to the local Pensions Board.	R55	The governance policy will be prepared, maintained and published in accordance with the Regulations and having regard to appropriate advice.	Director	Authority Approval

Discretion	Regulation	Statement	Discretion/Delegated Discretion (Named Officer)	How applied (e.g. Officer Decision)
<b>Mandatory written policy</b> Decide on Funding Strategy for inclusion in funding strategy statement.	R58	The funding strategy statement will be prepared, maintained and published in accordance with the Regulations and having regard to advice received from the Fund's advisors.	Assistant Director Pensions	Authority Approval
Whether to have a written pensions administration strategy and, if so, the matters it should include.	R59(1) & (2)	The pensions administration strategy will be prepared, maintained and published in accordance with the Regulations and having regard to appropriate advice	Assistant Director Pensions	Authority Approval
<b>Mandatory written policy</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.	R61	The communication policy will be prepared, maintained and published in accordance with the Regulations and having regard to appropriate advice.	Director	Authority Approval
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.	R64(2ZA)	Exercised by Administering Authority with agreement of Employer.	Service Manager Support and Engagement	Officer Decision

Discretion	Regulation	Statement	Discretion/Delegated Discretion (Named Officer)	How applied (e.g. Officer Decision)
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.	R64(2A)	The Administering Authority will consider all such instances on a case by case basis	Assistant Director Pensions	Officer Decision
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.	R64(4)	<p>A certificate specifying the percentage or amount by which the employer's contribution rate should be adjusted, or any individual adjustment should be increased or reduced, shall be obtained where it appears to the Administering Authority to be justified, taking account of:-</p> <ul style="list-style-type: none"> <li>• actuarial advice</li> <li>• all the relevant circumstances relating to that Employer, and any conditions contained in the rates and adjustments certificate issued at the last valuation of the Fund.</li> </ul>	Assistant Director Pensions	Officer Decision

Discretion	Regulation	Statement	Discretion/Delegated Discretion (Named Officer)	How applied (e.g. Officer Decision)
Decide form and frequency of information to accompany payments to the Fund.	R69(4)	The associated information regarding pensionable pay and contributions deducted should be in the form of a monthly file uploaded through the Fund's Collection system. Employers should submit files by the individually agreed date. Contribution payments must be made by direct debit for the amount advised by SYPA.	Assistant Director Pensions	Forms part of Pensions Administration Statement
Whether to issue employer with notice to recover additional costs incurred as a result of the employer's level of performance.	R70 & TP22(2)	Where additional costs have been incurred and where it appears to the Administering Authority to be justified, taking account of all the relevant circumstances relating to that Employer, the additional costs incurred shall be recovered.	Assistant Director Pensions	Officer Decision
Whether to charge interest on payments by employers which are overdue.	R71(1)	The Fund may charge interest on a case-by-case basis as set out in the Pensions Administration Strategy Statement. Any interest payable would be charged at 1% above base rate.	Assistant Director Pensions	Officer Decision
Decide procedure to be followed by admin authority when exercising its stage two IDRPs functions and decide the manner in which those functions are to be exercised.	R76(4)	The Administering Authority has appointed an appropriately skilled person to assist with disputes referred to it under Stage Two of the Independent Disputes Resolution Procedure. The Administering Authority will ensure that suitable procedures are in place.	Director	Authority Approval



Discretion	Regulation	Statement	Discretion/Delegated Discretion (Named Officer)	How applied (e.g. Officer Decision)
Whether administering authority should appeal against employer decision (or lack of a decision).	R79(2)	The Administering Authority will consider all such instances on a case-by-case basis. A decision will be made by the Administering Authority having regard to the impact on the affected member(s) and any such other matters which the Administering Authority considers relevant.	Assistant Director Pensions	Officer Decision
Specify information to be supplied by employers to enable administering authority to discharge its functions.	R80(1)(b) & TP22(1)	The Administering Authority will specify the information that is to be supplied by employers, having regard to the regulatory requirements, best practice and administrative efficiency.	Assistant Director Pensions	Pensions Strategy
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:  the 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.	R82(2)	Where, in the Administering Authority's opinion, circumstances are such that the production of probate or letters of administration are not required, this discretion will be exercised.	Service Manager Benefits	Case by Case - UPM

Discretion	Regulation	Statement	Discretion/Delegated Discretion (Named Officer)	How applied (e.g. Officer Decision)
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.	R83	Where, in the Administering Authority's opinion, a member is unable to manage their own affairs then it will decide, based on the circumstances of the individual case, who should receive payment of the member's benefits, having full regard for the fact that they must be applied for the benefit of the member or their beneficiaries.	Service Manager Benefits	Case by Case - UPM
Agree to bulk transfer payment.	R98(1)(b)	The admin auth will take actuarial advice with regard to the value of payment that should be made/received.	Assistant Director Pensions	Officer Decision
Allow transfer of pension rights into the Fund.	R100(7)	Subject to due diligence the Fund will accept transfer values from other pension arrangements.	Team Leader Benefits	Case by Case - UPM
Where 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.	TP3(6), TP4(6)(c), TP8(4), TP10(2)(a), TP17(2)(b) & B10(2)	Where it appears to the Fund that if the member had made such an election it would have been beneficial in the calculation of death benefits then the Fund will make the election on behalf of the deceased member.	Team Leader Benefits	Case by Case - UPM

Discretion	Regulation	Statement	Discretion/Delegated Discretion (Named Officer)	How applied (e.g. Officer Decision)
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).	TP3(6), TP4(6)(c), TP8(4), TP10(2)(a), TP17(2)(b) & TSch 1 & L23(9)	Where it appears to the Fund that if the member had made such an election it would have been beneficial in the calculation of death benefits then the Fund will make the election on behalf of the deceased member.	Team Leader Benefits	Case by Case - UPM
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.	RSch 1 & TP17(9)(a)	Education or training shall be treated as continuous for the purpose of determining eligibility to receive a child's pension so long as we have been advised that there is prior intention to return to education or training following the break. In cases where there is uncertainty about whether or not the child intended to return to education or training following the break, each case shall be decided upon its merits.	Service Manager Benefits	Case by Case – UPM

Discretion	Regulation	Statement	Discretion/Delegated Discretion (Named Officer)	How applied (e.g. Officer Decision)
Decide evidence required to determine financial dependence of cohabiting partner on scheme member or financial interdependence of cohabiting partner and scheme member.	RSch 1 & TP17(9)(b)	<p>Evidence of financial interdependency or dependency will be required at the time of death and can include confirmation of shared household spending or extra living expenses for the partner on the member's death. This can be demonstrated in any of the following ways:</p> <ul style="list-style-type: none"> <li>• a joint mortgage or tenancy</li> <li>• a joint bank account</li> <li>• joint savings and investment accounts</li> <li>• a joint credit arrangement</li> <li>• being the beneficiary of a will</li> <li>• being the beneficiary of life assurance</li> <li>• household bills in joint names</li> </ul>	Team Leader Benefits	Case by Case - UPM
<b>Mandatory written policy</b> Decide policy on abatement of pre 1 April 2014 element of pensions in payment following re-employment.	TP3(13) & A70(1) & A71(4)(c)	Only members in receipt of compensatory added years will be subject to abatement where the aggregate of the pension in payment and the earnings in the new employment exceed the rate of pay on leaving the first employment.	Assistant Director Pension	Authority Approval

Discretion	Regulation	Statement	Discretion/Delegated Discretion (Named Officer)	How applied (e.g. Officer Decision)
Extend time period for capitalisation of added years contract.	TP15(1)(c) & TSch1 & L83(5)	An extension for an election to pay a lump sum to capitalise an added years contract will not be permitted beyond the time limit set by the regulations (not later than the expiry of the period of three months beginning on the day after the member leaves employment) unless it can be demonstrated to the satisfaction of the administering authority that the person's delay in giving notice is caused by an error or oversight on the part of the administering or employing authority.	Service Manager Benefits	Case by Case - UPM
Decide whether to delegate any administering authority functions under the Regulations.	R105(2)	Specific delegation on discretionary policy areas are, where appropriate, set out elsewhere in this document.	Director	Authority
Decide procedures applicable to the local pension board.	R106(6)	The Constitution of the South Yorkshire Pensions Board will be prepared, maintained and published in accordance with the Regulations and having regard to appropriate advice.	Monitoring Officer	Authority
Decide appointment procedures, terms of appointment and membership of local pension board.	R107(1)	The Constitution of the South Yorkshire Pensions Board will be prepared, maintained and published in accordance with the Regulations and having regard to appropriate advice.	Monitoring Officer	Authority

<b>Section 2</b> <ul style="list-style-type: none"> <li>• LGPS (Administration) Regulations 2008 [SI 2008/239] [A]</li> <li>• LGPS (Benefits, Membership and Contributions) Regulations 2007 (as amended) [SI 2007/1166] [B]</li> <li>• LGPS (Transitional Provisions) Regulations 2008 [SI 2008/238] [T]</li> <li>• LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP]</li> <li>• LGPS Regulations 2013 [SI 2013/2356] [R]</li> <li>• LGPS 1997 (as amended) [1997/1612] [L]</li> </ul>			Discretionary policies in relation to scheme members (excluding councillor members) who ceased active membership on or after 1 April 2008 and before 1 April 2014)	
Discretion	Regulation	Statement	Discretion/Delegated Discretion (Named Officer)	How applied (e.g. Officer Decision/Approval Form)
Extend time period for capitalisation of added years contract where the member leaves his employment by reason of redundancy.	TR15(1)(c) & TSch1 & L83(5)	An extension for an election to pay a lump sum to capitalise an added years contract will not be permitted beyond the time limit set by the regulations (not later than the expiry of the period of three months beginning on the day after the member leaves employment) unless it can be demonstrated to the satisfaction of the administering authority that the person's delay in giving notice is caused by an error or oversight on the part of the administering or employing authority.	Service Manager Benefits	Case by Case - UPM

Discretion	Regulation	Statement	Discretion/Delegated Discretion (Named Officer)	How applied (e.g. Officer Decision)
Outstanding employee contributions can be recovered as a simple debt or by deduction from benefits.	A45(3)	<p>Unless, in the opinion of the Administering Authority, the circumstances are such that it would not be appropriate to recover any contributions or sums due to the Fund by a member, recovery will be by way of deductions from benefits.</p> <p>Where deductions from benefits are not appropriate, in the opinion of the Administering Authority, the debt will be pursued as a simple contract debt in any court of competent jurisdiction.</p>	Service Manager Benefits	Case by Case - UPM
<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 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>	A52(2)	Where, in the Administering Authority's opinion, circumstances are such that the production of probate or letters of administration are not required, this discretion will be exercised.	Service Manager Benefits	Case by Case - UPM

Discretion	Regulation	Statement	Discretion/Delegated Discretion (Named Officer)	How applied (e.g. Officer Decision)
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).	A56(2)	Unless exceptional circumstances are identified IRMP's will always be approved where the qualification criteria set out under the regulations is met.	Assistant Director Pensions	Officer Decision
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.	TP23 & R76(4)	The Administering Authority has appointed an appropriately skilled person to assist with disputes referred to it under Stage Two of the Independent Disputes Resolution Procedure. The Administering Authority will ensure that suitable procedures are in place.	Director	Authority Approval
Whether administering authority should appeal against employer decision (or lack of a decision).	TP23 & R79(2)	The Administering Authority will consider all such instances on a case-by-case basis. A decision will be made by the Administering Authority having regard to the impact on the affected member(s) and any such other matters which the Administering Authority considers relevant.	Assistant Director Pensions	Officer Decision
Specify information to be supplied by employers to enable administering authority to discharge its functions.	TP23, TP22(1) & R80(1)(b)	The Administering Authority will specify the information that is to be supplied by employers, having regard to the regulatory requirements, best practice and administrative efficiency.	Assistant Director Pensions	Forms part of Pensions Administration Statement
<b>Mandatory written policy</b> Decide policy on abatement of pensions following re-employment.	TP3(13), A70(1) & A71(4)(c)	Only members in receipt of compensatory added years will be subject to abatement where the aggregate of the pension in payment and the earnings in the new employment exceed the rate of pay on leaving the first employment.	Assistant Director Pension	Authority Approval



Discretion	Regulation	Statement	Discretion/Delegated Discretion (Named Officer)	How applied (e.g. Officer Decision)
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 make that election on behalf of the deceased member.	B10(2)	The Administering Authority will assess all such instances on a case-by-case basis.	Team Leader Benefits	Case by Case - UPM
Whether to pay the whole or part of a child's pension to another person for the benefit of that child.	B27(5)	The Administering Authority may be willing to exercise this discretion, but shall take whatever steps it considers reasonable and appropriate to ensure the money is to be used for the child's benefit.	Service Manager Benefits	Case by Case - UPM
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.	A52A	Where, in the Administering Authority's opinion, a member is unable to manage their own affairs then it will decide, based on the circumstances of the individual case, who should receive payment of the member's benefits, having full regard for the fact that they must be applied for the benefit of the member or their beneficiaries.	Service Manager Benefits	Case by Case - UPM

Discretion	Regulation	Statement	Discretion/Delegated Discretion (Named Officer)	How applied (e.g. Officer Decision)
Mandatory written policy Whether to “switch on” the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60.	TPSch 2, para 1(2) & 1(1)(c)	<b>Exercised by Administering Authority where Employer has become defunct.</b>  The Authority will exercise discretion in line with the employer discretions policy .	Director	Officer Decision
Mandatory written policy Whether to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early under B30 (member).	B30(5), TPSch 2, para 2(1)	<b>Exercised by Administering Authority where Employer has become defunct.</b>  The Authority will exercise discretion in line with the employer discretions policy .	Director	Officer Decision
Mandatory written policy 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.	TPSch 2, para 1(2) & 1(1)(c)	<b>Exercised by Administering Authority where Employer has become defunct.</b>  The Authority will exercise discretion in line with the employer discretions policy .	Director	Officer Decision
Mandatory written policy Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early under B30A (pensioner member with deferred benefits).	B30A(5), TPSch 2, para 2(1)	<b>Exercised by Administering Authority where Employer has become defunct.</b>  The Authority will exercise discretion in line with the employer discretions policy .	Director	Officer Decision

Discretion	Regulation	Statement	Discretion/Delegated Discretion (Named Officer)	How applied (e.g. Officer Decision)
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).	TPSch 2, para 2(3)	Where an employer has exercised their discretion to waive a reduction that would otherwise apply to a member’s benefits, the employer must meet the additional charge on the Fund resulting from that decision in the form of a one-off payment.	Assistant Director Pensions	Funding Strategy Statement
Decide whether deferred beneficiary meets permanent ill health and reduced likelihood of gainful employment criteria.	B31(4)	<b>Exercised by Administering Authority where Employer has become defunct.</b>  The Authority will exercise discretion in line with the employer discretions policy .	Director	Officer Decision
Decide whether a suspended ill health tier 3 member is permanently incapable of undertaking any gainful employment.	B31(7)	<b>Exercised by Administering Authority where Employer has become defunct.</b>  The Authority will exercise discretion in line with the employer discretions policy .	Director	Officer Decision

Discretion	Regulation	Statement	Discretion/Delegated Discretion (Named Officer)	How applied (e.g. Officer Decision)
Decide to whom death grant is paid.	B23(2), B32(2), B35(2), TSch1 & L155(4)	The Administering Authority shall determine the recipient(s) of any death grant payable from the Scheme.	Service Manager Benefits	Case by Case - UPM
Decide evidence required to determine financial dependence of cohabiting partner on scheme member or financial interdependence of cohabiting partner and scheme member.	RSch1 & TP17(9)(b)	<p>Evidence of financial interdependency or dependency will be required at the time of death and can include confirmation of shared household spending or extra living expenses for the partner on the member's death. This can be demonstrated in any of the following ways:</p> <ul style="list-style-type: none"> <li>• a joint mortgage or tenancy</li> <li>• a joint bank account</li> <li>• joint savings and investment accounts</li> <li>• a joint credit arrangement</li> <li>• being the beneficiary of a will</li> <li>• being the beneficiary of life assurance</li> <li>• household bills in joint names</li> </ul>	Team Leader Benefits	Case by Case - UPM

Discretion	Regulation	Statement	Discretion/Delegated Discretion (Named Officer)	How applied (e.g. Officer Decision)
Decide to treat child (who has not reached the age of 23) as being in continuous education or vocational training despite a break.	RSch 1 & TP17(9)(a)	Education or training shall be treated as continuous for the purpose of determining eligibility to receive a child's pension so long as we have been advised that there is prior intention to return to education or training following the break. In cases where there is uncertainty about whether or not the child intended to return to education or training following the break, each case shall be decided upon its merits.	Service Manager Benefits	Case by Case – UPM
Decide whether to trivially commute a member's pension under section 166 of the Finance Act 2004.	B39(1)(a) & T14(3)	The Administering Authority will consider applications received for commutation.	Team Leader	Case by Case
Decide whether to trivially commute a lump sum death benefit under section 168 of the Finance Act 2004.	R39(1)(b)	The Administering Authority will consider applications received for commutation.	Team Leader	Case by Case

Discretion	Regulation	Statement	Discretion/Delegated Discretion (Named Officer)	How applied (e.g. Officer Decision)
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).	R39(1)(c)	The Administering Authority will consider applications received for commutation.	Team Leader	Case by Case
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.	B42(1)(c)	The benefits entitlement that yields the highest overall level of benefits for the member will be selected.	Team Leader	Case by Case – UPM
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).	TSch 1 & L23(9)	Where it appears to the Fund that if the member had made such an election it would have been beneficial in the calculation of death benefits then the Fund will make the election on behalf of the deceased member.	Team Leader Benefits	Case by Case - UPM

Section 3			Discretionary policies in relation to:	
<ul style="list-style-type: none"> <li>• LGPS Regulations 1997 [SI 1997/1612]</li> <li>• The Local Government Pension Scheme (Transitional Provisions) Regulations 2008 [SI 2008/238] [prefix T]</li> <li>• The Local Government Pension Scheme (Administration) Regulations 2008 [SI 2008/239] [prefix A]</li> <li>• LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP]</li> <li>• The Local Government Pension Scheme Regulations 2013 [SI 2013/2356] [prefix R]</li> </ul>			<ul style="list-style-type: none"> <li>• active welsh councillor members, and</li> <li>• councillor members who ceased active membership on or after 1 April 1998, and</li> <li>• any other scheme members who ceased active membership on or after 1 April 1998 and before 1 April 2008</li> </ul>	
Discretion	Regulation	Statement	Discretion/Delegated Discretion (Named Officer)	How applied (e.g. Officer Decision/Approval Form)
<p><b>Mandatory written policy</b> 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.</p> <p>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.</p>	TPSch 2, para 1(2) & 1(1)(f) & R60	<p><b>Exercised by Administering Authority where Employer has become defunct.</b></p> <p>The Authority will exercise discretion in line with the employer discretions policy .</p>	Director	Officer Decision

Discretion	Regulation	Statement	Discretion/Delegated Discretion (Named Officer)	How applied (e.g. Officer Decision)
<b>Mandatory written policy</b> Waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early.	31(5) & TPSch 2, para 2(1)	<b>Exercised by Administering Authority where Employer has become defunct.</b>  The Authority will exercise discretion in line with the employer discretions policy .	Director	Officer Decision
Decide to whom death grant is paid.	38(1) & 155(4)	The Administering Authority shall determine the recipient(s) of any death grant payable from the Scheme.	Service Manager Benefits	Case by Case - UPM
Decide to treat child (who has not reached the age of 23) as being in continuous education or vocational training despite a break.	TP17(9)(a) & RSch 1	Education or training shall be treated as continuous for the purpose of determining eligibility to receive a child's pension so long as we have been advised that there is prior intention to return to education or training following the break. In cases where there is uncertainty about whether or not the child intended to return to education or training following the break, each case shall be decided upon its merits.	Service Manager Benefits	Case by Case – UPM
Apportionment of children's pension amongst eligible children.	47(1)	The Administering Authority shall consider each case on its own individual merits and shall apportion a children's pension as the Administering Authority considers appropriate.	Service Manager Benefits via Assistant Director Pensions	Case by Case – UPM



Discretion	Regulation	Statement	Discretion/Delegated Discretion (Named Officer)	How applied (e.g. Officer Decision)
Pay child's pension to another person for the benefit of the child.	47(2)	The Administering Authority may be willing to exercise this discretion, but shall take whatever steps it considers reasonable and appropriate to ensure the money is to be used for the child's / children's benefit.	Service Manager Benefits via Assistant Director Pensions	Case by Case – UPM
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).	49(1) & T14(3)	The Administering Authority will consider applications received for commutation.	Team Leader	Case by Case - UPM
Decide whether to trivially commute a lump sum death benefit under section 168 of the Finance Act 2004.	49(1)	The Administering Authority will consider applications received for commutation.	Team Leader	Case by Case - UPM

Discretion	Regulation	Statement	Discretion/Delegated Discretion (Named Officer)	How applied (e.g. Officer Decision)
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).	50 and 157	The Administering Authority will consider applications received for commutation.	Team Leader	Case by Case - UPM
Whether to require any strain on Fund costs to be paid “up front” by employing authority following early voluntary retirement of a councillor, or early payment of a deferred benefit on health grounds or from age 50 and prior to age 55 with employer consent.	80(5)	All pension strain payments are required to be made by the employer as a single lump sum payment unless exceptional circumstances can be identified.	Assistant Director Pensions	Officer Decision
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).	TPSch 2, para 2(3)	All pension strain payments are required to be made by the employer as a single lump sum payment unless exceptional circumstances can be identified.	Assistant Director Pensions	Officer Decision

Discretion	Regulation	Statement	Discretion/Delegated Discretion (Named Officer)	How applied (e.g. Officer Decision)
Timing of pension increase payments by employers to fund.	91(6)	The Administering Authority will require payment by employers on a monthly basis.	Assistant Director Pensions	PAS
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>	95	Where, in the Administering Authority's opinion, circumstances are such that the production of probate or letters of administration are not required, this discretion will be exercised.	Service Manager Benefits	Case by Case - UPM
Approve medical advisors used by employers.	97(10)	Unless exceptional circumstances are identified IRMP's will always be approved where the qualification criteria set out under the regulations is met.	Assistant Director Pensions	Officer Decision
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	TP23 & R76(4)	The Administering Authority has appointed an appropriately skilled person to assist with disputes referred to it under Stage Two of the Independent Disputes Resolution Procedure. The Administering Authority will ensure that suitable procedures are in place.	Director	Authority Approval

Discretion	Regulation	Statement	Discretion/Delegated Discretion (Named Officer)	How applied (e.g. Officer Decision)
Whether administering authority should appeal against employer decision (or lack of a decision)	TP23 & R79(2)	The Administering Authority will consider all such instances on a case-by-case basis. A decision will be made by the Administering Authority having regard to the impact on the affected member(s) and any such other matters which the Administering Authority considers relevant.	Assistant Director Pensions	Officer Decision
Specify information to be supplied by employers to enable administering authority to discharge its functions.	TP23 & TP22(1) & R80(1)(b)	The Administering Authority will specify the information that is to be supplied by employers, having regard to the regulatory requirements, best practice and administrative efficiency.	Assistant Director Pensions	Forms part of Pensions Administration Statement
Discharge Pension Credit liability.	147	The Administering Authority will consider applications on a case by case basis.	Service Manager Benefits	Case by Case – UPM

<b>Section 4</b> <ul style="list-style-type: none"> <li>• LGPS Regulation 1995 [SI 1995/1019]</li> <li>• The Local Government Pension Scheme (Transitional Provisions) Regulations 1997 [SI 1997/1613] [prefix TL]</li> <li>• The Local Government Pension Scheme Regulations 1997 [SI 1997/1612] (as amended) [prefix L]</li> <li>• The Local Government Pension Scheme (Administration) Regulations 2008 [SI 2008/239] [prefix A]</li> <li>• LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP]</li> <li>• The Local Government Pension Scheme Regulations 2013 [SI 2013/2356] [prefix R]</li> </ul>			Discretionary policies in relation to scheme members who ceased active membership before 1 April 1998	
Discretion	Regulation	Statement	Discretion/Delegated Discretion (Named Officer)	How applied (e.g. Officer Decision/Approval Form)
Mandatory written policy 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.	TP3(5A)(vi), TL4, L106(1) & D11(2)(c)	<b>Exercised by Administering Authority where Employer has become defunct.</b>  The Authority will exercise discretion in line with the employer discretions policy .	Director	Officer Decision
Decide to whom death grant is paid.	E8	The Administering Authority shall determine the recipient(s) of any death grant payable from the Scheme.	Service Manager Benefits	Case by Case - UPM

Discretion	Regulation	Statement	Discretion/Delegated Discretion (Named Officer)	How applied (e.g. Officer Decision/Approval Form)
Whether to pay spouse's pensions for life (rather than ceasing during any period of remarriage or co-habitation).	F7	The Administering Authority will not suspend a spouse's pension for life following remarriage or a period of co-habitation.	Assistant Director Pensions	Authority
Decide to treat child (who has not yet reached the age of 23) as being in continuous education or vocational training despite a break.	TP17(9)(a) & RSch 1	Education or training shall be treated as continuous for the purpose of determining eligibility to receive a child's pension so long as we have been advised that there is prior intention to return to education or training following the break. In cases where there is uncertainty about whether or not the child intended to return to education or training following the break, each case shall be decided upon its merits.	Service Manager Benefits	Case by Case – UPM
Apportionment of children's pension amongst eligible children.	G11(1)	The Administering Authority shall consider each case on its own individual merits and shall apportion a children's pension as the Administering Authority considers appropriate.	Service Manager Benefits via Assistant Director Pensions	Case by Case – UPM
Pay child's pension to another person for the benefit of the child.	G11(2)	The Administering Authority may be willing to exercise this discretion, but shall take whatever steps it considers reasonable and appropriate to ensure the money is to be used for the child's / children's benefit.	Service Manager Benefits via Assistant Director Pensions	Case by Case – UPM

Discretion	Regulation	Statement	Discretion/Delegated Discretion (Named Officer)	How applied (e.g. Officer Decision/Approval Form)
<b>Mandatory written policy</b> Abatement of pensions following re-employment.	TP3(13), A70(1) & A71(4)(c)	Only members in receipt of compensatory added years will be subject to abatement where the aggregate of the pension in payment and the earnings in the new employment exceed the rate of pay on leaving the first employment.	Assistant Director Pension	Authority Approval
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	TP23 & R76(4)	The Administering Authority has appointed an appropriately skilled person to assist with disputes referred to it under Stage Two of the Independent Disputes Resolution Procedure. The Administering Authority will ensure that suitable procedures are in place.	Director	Authority Approval
Whether administering authority should appeal against employer decision (or lack of a decision)	TP23 & R79(2)	The Administering Authority will consider all such instances on a case-by-case basis. A decision will be made by the Administering Authority having regard to the impact on the affected member(s) and any such other matters which the Administering Authority considers relevant.	Assistant Director Pensions	Officer Decision
Specify information to be supplied by employers to enable administering authority to discharge its functions.	TP23, TP22(1) & R80(1)(b)	The Administering Authority will specify the information that is to be supplied by employers, having regard to the regulatory requirements, best practice and administrative efficiency.	Assistant Director Pensions	Forms part of Pensions Administration Statement

## Section 5

- The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 (as amended) [SI 2000/1410]

Discretionary policies in relation to former employees of an employing authority that is a body that is a scheduled body, a designate body, or a body that is deemed to be a scheduled body under the LGPS Regulations 2013 and equivalent predecessor regulations (excluding admitted bodies).

Discretion	Regulation	Statement	Discretion/Delegated Discretion (Named Officer)	How applied (e.g. Officer Decision/Approval Form)
Agree to pay annual compensation on behalf of employer and recharge payments to employer.	31(2)	The Administering Authority will consider such instances at employer level .	Assistant Director Pensions	Case by Case – EPIC



<b>Section 6</b> <b>• The Registered Pension Schemes (Modification of Scheme Rules) Regulations 2011 [SI 2011/1791]</b>			Discretionary policy to be maintained by administering authority	
Discretion	Regulation	Statement	Discretion/Delegated Discretion (Named Officer)	How applied (e.g. Officer Decision/Approval Form)
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.	2	The Administering Authority will automatically offer this facility to scheme members.	Service Manager Benefits	Case by Case – UPM/EPIC