

Administering Authority Discretions Policy

Regulation	Description	Existing policy
30(8) LGPS Regulations 2013	<p>Whether to waive, in whole or in part, actuarial reduction on benefits accrued from 1 April 2014 only when a member voluntarily draws them before normal pension age in the event that the member's former employer is no longer a scheme employer.</p> <p>Whether to waive, in whole or in part, actuarial reduction on benefits which a member draws on flexible retirement</p>	Decided on a case by case basis by reference to employer policy (it is mandatory for the Employer to have a policy)
55 LGPS Regulations 2013	To publish Governance Compliance Statement	Governance and compliance statement published following June Pension Board/Committee meetings
58 LGPS Regulations 2013	Decide on funding strategy for inclusion in funding strategy statement	Published on Fund website
61 LGPS Regulations 2013	To publish a Communication Policy in accordance with this regulation	Published on Fund website
<p>3 (13) LGPS (Transitional Provisions and Savings) Regs 2014</p> <p>70(1) and (71(4)(c) LGPS (Administration) Regulations 2008</p> <p>109 and 110 (4)(b) LGPS Regs 1997</p>	Decide policy on abatement of pre 1 April 2014 element of pensions in payment following re-employment	Abatement policy published on Fund website

Sch 2 para 1 LGPS (Transitional Provisions and Savings) Regs 2014	Whether to “switch on” the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age of 60 where the employer no longer exists . This applies under the Local Government Pension Scheme Regulations 2013 only (i.e. currently does not apply to the early payment of deferred benefits payable under earlier regulations).	Decided on a case by case basis by reference to employer policy (it is mandatory for the Employer to have a policy)
30(2) and 30A(3) LGPS (Benefits, Membership and Contributions) Regs 2007	Consenting to the immediate payment of benefits for members aged between 55 and 60 where the member’s former employer is no longer a scheme employer	Decided on a case by case basis by reference to employer policy (it is mandatory for the Employer to have a policy)
30(5) and 30A(5) LGPS (Benefits, Membership and Contributions) Regs 2007	To waive actuarial reduction where former employer is no longer a scheme employer	Decided on a case by case basis by reference to employer policy (it is mandatory for the Employer to have a policy)
4(2)(b) LGPS Regs 2013	Whether to agree to an admission agreement with a Care Trust NHS Scheme employing authority or Care Quality Commission	No policy – Care Quality Commission already admitted
3(5) and Sch 2, Part 3, Para 1 LGPS Regs 2013	Whether to agree to an admission agreement with a body applying to be an admission body	Under delegation of powers with CFO
Sch 2, Part 3, Para 14 LGPS Regs 2013	Whether to agree that an admission agreement may take effect on a date before the date on which it is executed	Admission agreements will generally take effect from the time employees gain an entitlement to join the LGPS
Sch 2, Part 3, Para 12(a) LGPS Regs 2013	Define what is meant by employed in connection with the provision of service or assets	No policy
Sch 2, Part 3, Para 9(d) LGPS Regs 2013	Whether to terminate a transferee admission agreement in the event of: <ul style="list-style-type: none"> • Insolvency, winding up or liquidation of the body • Breach by that body of its obligations under the admission agreement 	Covered in Funding Strategy Statement (FSS)

	<ul style="list-style-type: none"> Failure by that body to pay over sums due to the Fund within a reasonable period of being requested to do so 	
16(1) LGPS Regs 2013	Whether to turn down a request by a member to pay and Additional Pension Contribution or Shared Cost Additional Pension Contribution over a period of time where it would be impractical to allow such a request (eg were the sum being paid is very small and could be paid as a single payment)	No policy
16(10) LGPS Regs 2013	Whether to require a satisfactory medical before agreeing to an application to pay an Additional Pension Contribution or Shared Cost Annual Pension Contribution and whether to turn down application if not in good health.	No policy
17(12) LGPS Regs 2013	Decide to whom any AVC/Shared Cost AVC monies (including life assurance policies) are to be paid on death of the member	No specific policy – Death Payment Policy contains decision making methodology
40(2), 43(2) and 46(2) LGPS Regs 2013 17(5) to (8) LGPS (Transitional Provisions, Savings and Amendments) Regulations 2014 23(2), 32(2), 35(2) LGPS (Benefits, Membership and Contributions) Regulations 2007 38(1) & 155(4) LGPS Regulations 1997 E8 LGPS Regulations 1995	Decide to whom a death should be paid	Death Payment Policy covers decision making process

32(7) LGPS Regs 2013	Whether to extend the time limits which a member must give notice of the wish to draw benefits before Normal Pension Age or upon flexible retirement	No policy
34(1) LGPS Regs 2013 39 LGPS (Benefits, Membership and Contributions) Regs 2007 49 and 156 LGPS Regs 1997	Decide whether to commute small pension	No policy
36(3) LGPS Regulations 2013 56(2) LGPS (Administration) Regs 2008 97(10) LGPS Regs 1997	Approve medical advisors used by employers (for ill health benefits)	Independent Registered Medical Professional (IRMP) Policy published on Fund website
38(3) LGPS Regs 2013 31(4) LGPS (Benefit, Membership and Contributions) Regs 2007	Decide whether a deferred beneficiary meets the criteria required to qualify for ill-health retirement in cases where the member's former employer is no longer a scheme employer.	East Sussex CC IRMP would be used with the Administering Authority arranging the appointment. Covered in ill health policy.
38(5) LGPS Regs 2013 31(7) LGPS (Benefit, Membership and Contributions) Regs 2007	Decide whether a suspended ill-health tier 3 member is unlikely to be capable on undertaking gainful employment before normal pension age because of ill health (where Employer has become defunct)	East Sussex CC IRMP would be used as appropriate with the Administering Authority arranging the appointment

49(1)(c) LGPS Regs 2013 42(1)(c) LGPS (Benefits, Membership and Contributions) Regs 2007	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	No policy
54(1) LGPS Regs 2013	Whether to set up a separate admission agreement fund	No policy
59(1) and (2) LGPS Regs 2013	Whether to have a Pension Administration Strategy and, if so, the matters it should include.	Pension Administration Strategy (PAS) is published of Fund website
22(3)(c) LGPS Regs 2013	Member pension accounts may be kept in such form as is considered appropriate.	Pension accounts will be kept in most appropriate form
64 (2A) LGPS Regs 2013	Whether to suspend, 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	Contained in cessation policy
64(4) LGPS Regs 2013	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	Contained in FSS
68(2) LGPS Regulations 2013 80(5) LGPS Regs 1997	Whether to require employers to pay for pension strain when benefits are drawn early or with a reduced deduction	Contained in FSS
69(1) LGPS Regs 2013	Decide frequency of payments to be made over to Fund by employers and whether to make an administration charge	Contained in PAS
69(4) LGPS Regs 2013	Decide form and frequency of information to accompany payments to the Fund	Determined by I-Connect process

70 LGPS Regs 2013 22(2) LGPS (Transitional Provisions, Savings and Amendments) Regulations 2014	Whether to issue employer with notice to recover additional costs incurred as a result of the employer's level of performance	Contained in PAS
71(1) LGPS Regs 2013	Whether to charge interest of payments by employers which are overdue	Contained in PAS
74(4) LGPS Regs 2013	Whether to increase the amount of time to make an application to the Internal Dispute Resolution Procedure (IDRP)	IDRP Published on Fund website
74(6) LGPS Regs 2013	Decide procedure to be followed by the Adjudicator when exercising Stage One functions and decide the manner in which those functions are to be exercised	IDRP Published on Fund website
76(4) LGPS Regs 2013 60(8) LGPS (Administration) Regs 2008 99 LGPS Regs 1997	Decide procedure to be followed by admin authority when exercising its stage 2 IDRP functions and decide the manner in which those functions are to be exercised	IDRP published on Fund website
79(2) LGPS Regs 2013 63(2) LGPS (Administration) Regs 2008 105(1) LGPS Regs 1997	Whether Admin Authority should appeal against employer decision (or lack of decision)	No policy

80 (1)(b) LGPS Regs 2013 22(1) LGPS (Transitional Provisions, Savings and Amendments) Regulations 2014 64(1)(b) LGPS (Administration) Regs 2008	Specify information to be supplied by employers to enable admin authority to discharge its functions	Combined with PAS
31(2) LGPS Regs 2013	Determine whether to pay annual compensation on behalf of an employer and recharge the payment to an employment	Would not normally agree
91(6) LGPS Regs 2013	Timing of pension increase payments by employers to the administering authority	No policy
64(2ZA) LGPS Regs 2013	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	To be determined on case by case basis
82(2) LGPS Regs 2013 52(2) LGPS (Administration) Regs 2008 95 LGPS Regs 1997	Whether to pay Death Grant due to personal representatives or anyone appearing to be beneficially entitled to the estate without need for grant of probate/letters of administration where payment is less than the amount specified in s6 Administration of Estates (Small Payments) Act 1965	General decision-making process defined in Death Payment Policy
83 LGPS Regs 2013 52A LGPS (Administration) Regs 2008	Whether, where a person (other than 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	No policy
98(1)(b) LGPS Regs 2013	Agree to bulk transfer payment	Included in FSS

98(4)(a) LGPS Regs 2013	Whether to agree to set aside bulk transfer assets	No policy
99 (1) & (2) LGPS Regs 2013	Determine the amount of, and adjustments to, bulk transfer process	Decided on case by case basis
99(5) LGPS Regs 2013	For bulk transfers, to determine who should bear the actuarial costs (where more than one employer is involved)	Decided on case by case basis
100(6) LGPS Regs 2013	Extend normal timeframe for acceptance of a transfer value beyond 12 months from joining the LGPS (in agreement with the employer)	No policy
100(7) LGPS Regs 2013	Allow transfer of non-club pension rights into Fund	Implied in FSS
105(2) LGPS Regs 2013	Decide whether to delegate any administering authority functions under the Regulations	Table 5, part 3 of ESCC Constitution
106(3) LGPS Regs 2013	Decide whether to establish a Joint Pension Board (where permission granted by the Secretary of State)	No ambition to create Joint Local Pension Board
106(6) LGPS Regs 2013	Establish procedures applicable to the Pension Board, including the establishment of sub-committees, formation of joint committees and payment of expenses	Terms of reference published on ESCC website
107(1) LGPS Regs 2013	Determine the membership of the Local Pension Board, appointment method and terms of membership	Terms of reference published on ESCC website
2 The Registered Pension Schemes (Modification of Scheme Rules) Regulations 2011	To decide whether to offer voluntary scheme pays facility to members who have an annual allowance tax charge; and, if so, decide the circumstances upon which it would do so	No formal policy – reviewed on case by case basis
Schedule 1 LGPS Regs 2013	Decide to treat a child as being in continuous education or vocational training despite a break	No policy

17(9) LGPS (Transitional Provisions, Savings and Amendments) Regulations 2014		
Schedule 1 LGPS Regs 2013 17(9)(b) LGPS (Transitional Provisions, Savings and Amendments) Regulations 2014 25 LGPS (Benefits, Membership and Contributions) Regs 2007	Decide evidence required to determine financial dependence of cohabiting partner on scheme member or financial interdependence of cohabiting partner and scheme member	No policy
3(1) and Sch.2 LGPS (Transitional Provisions, Savings and Amendments) Regulations 2014	<p>In the event that a deferred member is drawing benefits early and that member's former employer is no longer a scheme employer to determine whether:</p> <p>To waive any reductions that would apply to the member's service which is fully protected for the rule of 85 on compassionate grounds</p> <p>To waive any reductions that would apply to a member's service which is not fully protected for the rule of 85 on any grounds whatsoever</p>	Decided on a case by case basis by reference to employer policy (it is mandatory for the Employer to have a policy)
Sch.2 Para 2(3) LGPS (Transitional Provisions, Savings and Amendments) Regulations 2014	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 in flexible retirement) prior to age , or waives an actuarial reduction.	No policy

<p>3(6), 4(6)(c), 8(4), 10(2)(a), 17(2)(b) LGPS (Transitional Provisions, Savings and Amendments) Regulations 2014</p> <p>10 LGPS (Benefits, Membership and Contributions) Regs 2007</p> <p>Sch. 1 LGPS (Transitional Provisions) Regs 2008</p> <p>23(9) LGPS Regs 1997</p>	<p>Where a member to whom Reg 10 of the LGPS (Benefits, Membership and Contributions) Regs 2007 applies (use average of 3 years pay for final pay purposes) dies before making an election, whether to make that election on behalf of the dead member. Or, where a member has a certificate of protection in place in respect of a pay cut or restriction prior to April 2008 and dies before making an election, to make an election on behalf of the member</p>	No policy
<p>10(9) LGPS (Transitional Provisions, Savings and Amendments) Regulations 2014</p>	<p>Decide, in the absence of an election from the member within 12 months of ceasing a concurrent employment, which ongoing employment benefits from the concurrent employment which has ceased should be aggregated (where there is more than one ongoing employment).</p>	No policy
<p>15(1)(b) LGPS (Transitional Provisions, Savings and Amendments) Regulations 2014</p> <p>66(9)(b) LGPS Regs 1997</p>	<p>Allow late application to convert scheme AVCs into membership credit i.e. allow application more than 30 days after cessation of active membership (where arrangement was entered into before 13 November 2001)</p>	No policy
<p>15(1)(c) LGPS (Transitional Provisions, Savings and Amendments) Regulations 2014</p> <p>Sch. 1 LGPS (Transitional Provisions) Regs 2008</p>	<p>Extend time for capitalisation of added years contract</p>	No policy

83(5) LGPS Regs 1997		
15(1)(d) LGPS (Transitional Provisions, Savings and Amendments) Regulations 2014 28(2) LGPS (Administration) Regs 2008	Whether to charge member for provision of estimate of additional pension that would be provided by the Scheme in return for transfer of in-house AVC/SCAVC funds (where AVC/SCAVC arrangement was entered into before 1/4/14)	No policy
27(5) LGPS (Benefits, Membership and Contributions) Regs 2007 47 LGPS Regs 1997 G11(2) LGPS Regs 1995	Payment of a child's pension to another person	No policy
45(3) LGPS (Administration) Regs 2008 89(3) LGPS Regs 1997	Outstanding employee contributions can be recovered as a simple debt or deduction from benefits	No policy
106A(5) LGPS Regs 2013	Date to which benefits shown on an annual deferred benefit statement are calculated.	Benefit calculations based on 31 March data
47(1) LGPS Regs 1997 G11(1) LGPS Regs 1995	Apportionment of children's pensions	No policy
50 and 157 LGPS Regs 1997	Commute benefits due to exceptional ill health	No policy
118 LGPS Regs 1997	Retention of Contribution Equivalent Premium where member transfers out for pre 1 April 2008 leavers	No policy

147 LGPS Regs 1997	Discharge Pension Credit liability (in respect of Pension Sharing Orders for pre 1 April 2008 leavers)	No policy
F7(1) LGPS Regs 1995	Suspension of spouses' pensions during remarriage or cohabitation	No policy
31(5) LGPS Regs 2013 Sch 2, paragraph 2(1) LGPS (Transitional Provisions, Savings and Amendments) Regulations 2014	Waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early	Decided on a case by case basis by reference to employer policy (it is mandatory for the Employer to have a policy)
3(5A) LGPS (Transitional Provisions, Savings and Amendments) Regulations 2014 4 The Local Government Pension Scheme (Transitional Provisions) Regulations 1997 106 The Local Government Pension Scheme Regulations 1997	Grant application for early payment of deferred benefits on or after age 50 on compassionate grounds	Decided on a case by case basis by reference to employer policy (it is mandatory for the Employer to have a policy)