

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>	<p>As there is no active employer the Administering Authority becomes responsible for the decision. It would be decided on a case-by-case basis but unlikely to permit.</p> <p>Flexible retirement only applies to Active members for specific employers.</p>
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
3 (13) LGPS (Transitional Provisions and Savings) Regs 2014 70(1) and (71(4)(c)) LGPS (Administration) Regulations 2008 109 and 110 (4)(b) LGPS Regs 1997	Decide policy on abatement of pre 1 April 2014 element of pensions in payment following re-employment	Decision taken to abolish Abatement taken by Committee and implemented with effect from 1/4/2021 and new 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	As there is no active employer the Administering Authority becomes responsible for the decision. It would be

	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 but unlikely to permit.
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	As there is no active employer the Administering Authority becomes responsible for the decision. Would allow deferred members to retire on an actuarially reduced basis.
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	As there is no active employer the Administering Authority becomes responsible for the decision. It would be decided on a case-by-case basis but unlikely to permit.
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	Process in place – 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 admitted body	Under delegation of powers with Administering Authorities S151 Officer
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 be backdated to 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	A person who spends at least 75% of their time working on the services covered by the Admission Agreement
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 • Failure by that body to pay over sums due to the Fund within a reasonable period of being requested to do so 	Covered in Funding Strategy Statement (FSS)

16(1) LGPS Regs 2013	Whether to turn down a request by a member to pay an Additional Pension Contribution or Shared Cost Additional Pension Contribution 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)	Need to split into 2 types: (a) Shared cost APC (e.g. 3 months maternity conversion) is within the employer's discretionary policy. (b) APC process is considered on a case-by-case basis by Head of Administration
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	Death Payment Policy contains decision making methodology. The AVC provider has advised that in the event of the death the proceeds from both the AVC policy and life assurance policy will be passed to the Administering Authority and therefore the beneficiaries will be those determined for the main scheme benefits.
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	Decide to whom a death should be paid	Death Payment Policy covers decision making process

<p>38(1) & 155(4) LGPS Regulations 1997</p> <p>E8 LGPS Regulations 1995</p>		
<p>32(7) LGPS Regs 2013</p>	<p>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</p>	<p>The Administering Authority process is the member can take benefits in accordance with overriding statutory legislation. Flexible retirement is included in each employers' discretionary policy.</p>
<p>34(1) LGPS Regs 2013</p> <p>39 LGPS (Benefits, Membership and Contributions) Regs 2007</p> <p>49 and 156 LGPS Regs 1997</p>	<p>Decide whether to commute small pension</p>	<p>The Administering Authority process is to offer triviality options (maximum £30k value including other schemes) as standard on retirement and death small pensions.</p>
<p>36(3) LGPS Regulations 2013</p> <p>56(2) LGPS (Administration) Regs 2008</p> <p>97(10) LGPS Regs 1997</p>	<p>Approve medical advisors used by employers (for ill health benefits)</p>	<p>Independent Registered Medical Professional (IRMP) Policy published on Fund website</p>
<p>38(3) LGPS Regs 2013</p> <p>31(4) LGPS (Benefit, Membership and Contributions) Regs 2007</p>	<p>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.</p>	<p>East Sussex CC IRMP would be used with the Administering Authority arranging the appointment. Covered in ill health policy.</p>

<p>38(5) LGPS Regs 2013</p> <p>31(7) LGPS (Benefit, Membership and Contributions) Regs 2007</p>	<p>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 (in the event that the member's former employer is no longer a scheme employer).</p>	<p>East Sussex CC IRMP would be used as appropriate with the Administering Authority arranging the appointment</p>
<p>49(1)(c) LGPS Regs 2013</p> <p>42(1)(c) LGPS (Benefits, Membership and Contributions) Regs 2007</p>	<p>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. This is to prevent a double entitlement.</p>	<p>No policy – decided on case by case basis</p>
<p>54(1) LGPS Regs 2013</p>	<p>Whether to set up a separate admission agreement fund</p>	<p>No policy – Admission bodies are set up in line with the Funds published outsourcing guide and included in the main fund.</p>
<p>59(1) and (2) LGPS Regs 2013</p>	<p>Whether to have a Pension Administration Strategy and, if so, the matters it should include.</p>	<p>Pension Administration Strategy (PAS) is published of Fund website</p>
<p>22(3)(c) LGPS Regs 2013</p>	<p>Member pension accounts may be kept in such form as is considered appropriate.</p>	<p>Pension accounts will be kept in most appropriate form</p>
<p>64 (2A) LGPS Regs 2013</p>	<p>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</p>	<p>Contained in cessation policy</p>
<p>64(4) LGPS Regs 2013</p>	<p>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</p>	<p>Contained in FSS</p>

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

<p>79(2) LGPS Regs 2013</p> <p>63(2) LGPS (Administration) Regs 2008</p> <p>105(1) LGPS Regs 1997</p>	<p>Whether Admin Authority should appeal against employer decision (or lack of decision)</p>	<p>The Administering Authority process is to challenge the employer where it is determined an inappropriate decision or indecision has been made. This will be on a case-by-case basis.</p>
<p>80 (1)(b) LGPS Regs 2013</p> <p>22(1) LGPS (Transitional Provisions, Savings and Amendments) Regulations 2014</p> <p>64(1)(b) LGPS (Administration) Regs 2008</p>	<p>Specify information to be supplied by employers to enable admin authority to discharge its functions</p>	<p>Combined with PAS</p>
<p>31(2) LGPS Regs 2013</p>	<p>Determine whether to pay annual compensation on behalf of an employer and recharge the payment to an employment</p>	<p>The employer's discretionary policies allows it to pay compensation up to an annual maximum (£6,500 revalued). If the employer elects to implement the Admin Authority administrators will implement the enhanced benefits. The following month the employer will be invoiced for the additional cost.</p>
<p>91(6) LGPS Regs 2013</p>	<p>Timing of pension increase payments by employers to the administering authority (A former employing authority can have pensions increase liabilities that have not been provided for by employer contributions. When this is certified by the administering authority's actuary, further cash payments may be made, at intervals determined by the administering authority)</p>	<p>No policy – considered on a case by case basis</p>

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	Exit Credit policy is published on the Fund website. A decision to extend the period would be determined by the Pension Committee on a 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	The Administering Authority process is to allow the use of Power of Attorney
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 – will be considered on a case by case basis in liaison with the Fund actuary and new scheme; it is anticipated in most cases a transfer payment will be made to the new scheme
99 (1) & (2) LGPS Regs 2013	Determine the amount of, and adjustments to, bulk transfer process	Decided on case by case basis in liaison with the Fund actuary and in line with the FSS
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 in liaison with the Fund actuary and in line with the FSS

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)	The Administering Authority process is to allow if both the employer and Fund S151 Officer approve.
100(7) LGPS Regs 2013	Allow transfer of non-club pension rights into Fund	The Administering Authority will allow transfer of non-club pension rights
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	The Administering Authority process is: (a) To always allow for tapered members. (b) As part of the historical review to allow all cases. (c) Going forwards cases under the £2k limit – requests would be considered on a case-by-case basis.
Schedule 1 LGPS Regs 2013 17(9) LGPS (Transitional Provisions, Savings and Amendments) Regulations 2014	Decide to treat a child as being in continuous education or vocational training despite a break	Death Payment Policy covers decision making process and allows Senior Officers to apply such discretion on a case-by-case basis.

<p>Schedule 1 LGPS Regs 2013</p> <p>17(9)(b) LGPS (Transitional Provisions, Savings and Amendments) Regulations 2014</p> <p>25 LGPS (Benefits, Membership and Contributions) Regs 2007</p>	<p>Decide evidence required to determine financial dependence of cohabiting partner on scheme member or financial interdependence of cohabiting partner and scheme member</p>	<p>Death Payment Policy covers decision making process and allows Senior Officers to apply such discretion on a case-by-case basis.</p>
<p>3(1) and Sch.2 LGPS (Transitional Provisions, Savings and Amendments) Regulations 2014</p>	<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>	<p>As there is no active employer the Administering Authority becomes responsible for the decision. It would be decided on a case-by-case basis but unlikely to permit.</p>
<p>Sch.2 Para 2(3) LGPS (Transitional Provisions, Savings and Amendments) Regulations 2014</p>	<p>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.</p>	<p>The employer's discretionary policies allows it to switch on the extended 85 year rule (for age 55 to 60 Active members). If employer elects to use the discretion then the Fund will pay the enhanced member benefits and the employer will be invoiced for the additional cost the following month.</p>
<p>3(6), 4(6)(c), 8(4), 10(2)(a), 17(2)(b) LGPS (Transitional Provisions, Savings and Amendments) Regulations 2014</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</p>	<p>The final pay calculations can go back three or ten years or longer if there is a certificate of protection. In theory the member is supposed to make an</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>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>	<p>election. The reality is this is an employer responsibility to determine the correct pay. The Administering Authority process is to accept the salaries provided unless they look obviously incorrect.</p>
<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>	<p>The Administering Authority process where there are two (or more) concurrent records and one leaves, we would automatically combine and inform the member. The member would be given an immediate option to undo the task.</p>
<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>	<p>The Administering Authority process for pre 13/11/2001 joiners who retire from Active can use their AVC fund to buy service in the main scheme. The member must elect before the retire. If they fail to pre-elect a late application would be considered on a case-by-case basis.</p>
<p>15(1)(c) LGPS (Transitional Provisions, Savings and Amendments) Regulations 2014</p> <p>Sch. 1 LGPS (Transitional Provisions) Regs 2008</p> <p>83(5) LGPS Regs 1997</p>	<p>Extend time for capitalisation of added years contract</p>	<p>The Administering Authority process would be to consider on a case-by-case basis. Note – no requests in 14 years+</p>

<p>15(1)(d) LGPS (Transitional Provisions, Savings and Amendments) Regulations 2014</p> <p>28(2) LGPS (Administration) Regs 2008</p>	<p>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)</p>	<p>The Administering Authority process is not to charge for such estimates</p>
<p>27(5) LGPS (Benefits, Membership and Contributions) Regs 2007</p> <p>47 LGPS Regs 1997</p> <p>G11(2) LGPS Regs 1995</p>	<p>Payment of a child's pension to another person</p>	<p>Death Payment Policy covers decision making process and allows Senior Officers to apply such discretion on a case-by-case basis.</p> <p>The Administering Authority process is to automatically pay child pensions for minors (under age 18) in their name to a parents or guardians bank account. If at age 18 the child elects to remain in full-time education or vocational training then the pension will continue but the child will be given to option to have paid to their own bank account.</p>
<p>45(3) LGPS (Administration) Regs 2008</p> <p>89(3) LGPS Regs 1997</p>	<p>Outstanding employee contributions can be recovered as a simple debt or deduction from benefits</p>	<p>The employer's is responsible for the collection (deduction from salary) of employee contributions. How they recover an underpayment as a debt is a matter for them.</p> <p>If an employer requests such a shortfall be deducted from a Fund benefit in payment, it would be considered on a case-by-case basis.</p> <p>Note – never been requested.</p>
<p>106A(5) LGPS Regs 2013</p>	<p>Date to which benefits shown on an annual deferred benefit statement are calculated.</p>	<p>Benefit calculations based on 31 March data</p>

<p>47(1) LGPS Regs 1997</p> <p>G11(1) LGPS Regs 1995</p>	<p>Apportionment of children's pensions where more than 1 child is eligible</p>	<p>No policy – dealt with on case by case basis</p> <p>Note: The Administering Authority process for a disabled child who reaches adulthood is to convert it to an adult dependent's pension.</p> <p>Child pensions are review at age 18 and annually thereafter. They will cease on no longer being in education or age 23 whichever is the sooner.</p>
<p>50 and 157 LGPS Regs 1997</p>	<p>Commute benefits due to exceptional ill health</p>	<p>The Administering Authority process if left before 98 on serious incapacity (<12 months to live) then the member benefit would fully commuted (5 x annual pension plus lump sum due). This would be subject to agreement from the Occupational Health Medical Practitioner.</p>
<p>118 LGPS Regs 1997</p>	<p>Retention of Contribution Equivalent Premium where member transfers out for pre 1 April 2008 leavers</p>	<p>HMRC will no longer accept CEP payments so not applicable.</p>
<p>147 LGPS Regs 1997</p>	<p>Discharge Pension Credit liability (in respect of Pension Sharing Orders for pre 1 April 2008 leavers)</p>	<p>The Administering Authority process is to allow the ex-Spouse to retain a pension credit record in the Fund under a new separate Altair record.</p>
<p>F7(1) LGPS Regs 1995</p>	<p>Suspension of spouses' pensions during remarriage or cohabitation</p>	<p>The Administering Authority process is not to either ask about a spouse's remarriage/cohabitation nor to suspend a benefit.</p>
<p>31(5) LGPS Regs 2013</p> <p>Sch 2, paragraph 2(1) LGPS (Transitional Provisions, Savings</p>	<p>Waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early</p>	<p>The employer's discretionary policies allow it to pay non actuarially reduced benefits. The Fund would invoice the</p>

and Amendments) Regulations 2014		employer for the additional cost the following month.
3(5A) LGPS (Transitional Provisions, Savings and Amendments) Regulations 2014	Grant application for early payment of deferred benefits on or after age 50 on compassionate grounds	If the Protected Pension Age rules apply to the case, then the employer's discretionary policies allow it to pay non actuarially reduced benefits.
4 The Local Government Pension Scheme (Transitional Provisions) Regulations 1997		The Fund would invoice the employer for the additional cost the following month.
106 The Local Government Pension Scheme Regulations 1997		