

Administering Authority Discretions

No.	Discretion	Current Policy
1	The Administering Authority may decide the intervals at which contributions to the Scheme are made (Regulation 3 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2008 {the BMC Regulations}).	Pension contributions for scheme members are to be deducted from pay whenever such payments are made by the Employer.
2	The Administering Authority shall exercise absolute discretion in determining the recipient(s) of any death grant payable from the Scheme (Regulations 23, 32 and 35 of the BMC Regulations).	As required, the Council shall exercise absolute discretion in determining the recipient(s) of any death grant payable from the Fund, though due regard shall be paid to any nomination made by the deceased.
3	The Administering Authority may, for the purpose of determining eligibility for a child's pension, treat education or training as continuous despite a break (Regulation 26 of the BMC Regulations).	Education or training shall be treated as continuous for the purpose of determining eligibility to receive a child's pension so long as there is a clear prior intention to return to education or training following the break.
4	The Administering Authority may commute a small pension into a single lump sum (Regulation 39 of the BMC Regulations).	Small pensions are not commuted. This is because HMRC rules require that commutation payments are made through the payroll, and the payroll system has not yet been configured to allow such payments.
5	The Administering Authority may make admission agreements with any admission body (Regulations 5 and 6 of the Local Government Pension Scheme (Administration) Regulations 2008 {the Administration Regulations}).	The Council will enter into an admission agreement with an admission body only where any requirements it has set down from time to time and which are issued in guidance to such prospective bodies are met.

No.	Discretion	Current Policy
6	The Administering Authority must determine whether any members wishing to take out a contract to purchase additional pension in the Scheme shall first undergo a medical at their own expense (Regulation 23 of the Administration Regulations).	Any member wishing to take out a contract to purchase additional pension shall first undergo a medical at their own expense.
7	The Administering Authority may deduct the cost of calculating the transfer credit arising from the conversion of an AVC fund into scheme service (Regulation 28 of the Administration Regulations).	No charge will be made for work associated with the calculation of the membership credit for an Additional Voluntary Contributions / Shared Cost Additional Voluntary Contributions transfer into the Fund if that work is performed in house. However, any external charges incurred by the Fund in performing those calculations will be passed on to the member.
8	The Administering Authority may establish a further pension fund (an “admission agreement fund” in addition to the main fund. (Regulation 32 of the Administration Regulations)	The Council has decided not to establish an “admission agreement” fund.
9	The Administering Authority must obtain a revision to the rates and adjustments certificate where it appears to them that the amount of the liabilities arising, or likely to arise, in respect of members with an Employer exceeds the amount specified in that rates and adjustments certificate (Regulation 38 of the Administration Regulations).	An adjustment to an employers contribution rate, requiring an increase in payment, shall be required where it appears to the Council to be justified, taking account of:- <ul style="list-style-type: none"> • actuarial advice • 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.

No.	Discretion	Current Policy
10	<p>The Administering Authority may obtain from the actuary a certificate specifying, in the case of an admission body, the percentage or amount by which the common rate contribution should be adjusted, or any individual adjustment should be increased or reduced, with a view to providing that the value of assets in respect of current and former employees is neither materially more not materially less than the anticipated liabilities at the date the admission agreement is due to end (Regulation 38 of the Administration Regulations).</p>	<p>A certificate specifying the percentage or amount by which the common rate contribution should be adjusted, or any individual adjustment should be increased or reduced, shall be obtained where it appears to the Council to be justified, taking account of:-</p> <ul style="list-style-type: none"> • actuarial advice • 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
11	<p>The Administration Authority may allow an employer who has by resolution either increased the membership of an active member or awarded additional pension, to pay for that award over a longer period than the standard period of one month from the date of the resolution or by payment of increased employer contributions (Regulation 40 of the Administration Regulations).</p>	<p>Where an employer has by resolution either increased the membership of an active member or awarded additional pension they must pay for that increase or award within the standard period of one month from the date of the resolution.</p>
12	<p>The Administering Authority may require an employer who allows a member to retire early through flexible retirement or due to redundancy or efficiency to pay the additional charge on the fund resulting from that decision. This requirement also applies where the employer also exercises their discretion to waive a reduction that would otherwise apply to the member's benefits. (Regulation 41 of the Administration Regulations)</p>	<p>Where an employer has allowed a member to retire early through flexible retirement or due to redundancy or efficiency, the employer must meet the additional charge on the fund resulting from that decision. 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. Payment is required within one month of the member's retirement.</p>

No.	Discretion	Current Policy
13	The Administering Authority shall determine the dates on which contributions are to be paid by the employer. The Administering Authority shall determine the form and intervals when the employer shall supply them with information concerning contributions payments (Regulation 42 of the Administration Regulations).	Employers are required to pay contributions to the Fund on or before the 14 th of the month following the month in which deduction of the contributions fell due. If the 14 th of a particular month is a non-banking day then payment should be made by the last banking day preceding the 14 th . Employers are required to supply a Monthly Remittance of Pensions Contributions Form (Pen 16) each month and a Contributions Posting Return at the end of each financial year.
14	The Administering Authority may, where it is of the opinion that it has incurred additional costs because of an employer's level of performance in carrying out its LGPS functions, recover those additional costs from that employer (Regulation 43 of the Administration Regulations).	Where additional costs have been incurred and where it appears to the Council to be justified, taking account of all the relevant circumstances relating to that Employer, the additional costs incurred shall be recovered.
15	The Administering Authority may levy interest on any overdue payments from an employer (Regulation 44 of the Administration Regulations).	Unless, in the Council's opinion, the circumstances of a particular overdue overpayment are such that it would not be appropriate to levy interest, interest will be levied in all cases where payment is made one month or more after the due date, or, in the case of contributions income, after the 14 th of the month following the month in which deduction of the contributions fell due. Interest will be calculated at one per cent above base rate on a day for day basis, from the date due to the date of payment and compounded with three-monthly rests.
16	The Administering Authority may recover any contributions or sum due from an employee as a simple contract debt in any court of competent jurisdiction or by way of deducting it from any payment by way of benefits to or in respect of the person. (Regulation 45 of the Administration Regulations).	Unless, in the Council's opinion, the circumstances of a particular case are such that it would not be appropriate to recover any contributions or sum due as a simple contract debt, recovery will be pursued as a simple contract debt in any court of competent jurisdiction.

No.	Discretion	Current Policy
17	The Administering Authority may pay the whole or part of the total amount due from the Pension Fund in respect of a deceased member to their personal representatives, to either their personal representatives or any person or persons appearing to the Administering Authority to be beneficially entitled to their estate, without the production of probate or letters of administration. (Regulation 52 of the Administration Regulations).	Where, in the Council's opinion, circumstances are such that the production of probate or letters of administration are not required, this discretion will be exercised.
18	The Administering Authority shall approve the choice of medical practitioner making a decision under Regulation 20 or Regulation 31 of the BMC Regulations regarding ill health (Regulation 56 of the Administration Regulations).	An appropriately qualified medical practitioner who confirms in writing that he is appropriately qualified and who has been approved for that purpose by the Employer to make any decision made regarding ill health will be approved.
19	The Administering Authority shall determine whether, and how, the re-employment of a scheme pensioner by a local government employer will affect the scheme pension in payment (Regulation 70 of the Administration Regulations).	In the event of a scheme pensioner obtaining further employment with a scheme employer the pension will not be abated.
20	The Administering Authority may keep an amount equivalent to a contributions equivalent premium in the Fund or may pay a premium in outwards transfer cases (Regulation 80 of the Administration Regulations).	In all outwards transfer cases, a contributions equivalent premium will be paid rather than be retained in the Fund.
21	The Administering Authority has discretion to accept transfer values into the Fund (Regulation 83 of the Administration Regulations).	Subject only to all legislative requirements being met and there being no actuarial advice cautioning against the acceptance, then transfer values in respect of a current member shall be accepted.

No.	Discretion	Current Policy
22	The Administering Authority may agree to pay annual compensation for and on behalf of the Employer (Regulation 31 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000).	Subject to an agreement between the Council and the Employer that the Council should carry out this function and to acceptable recharge arrangements, the Council will pay annual compensation for and on behalf of the Employer.
23	<p>New Discretion</p> <p>Where a member is entitled to a benefit under two or more regulations in respect of the same period of Scheme membership the member may elect which benefit shall apply. In the absence of an election by the member, the administering authority shall decide which benefit is to be paid (Regulation 42 of the BMC Regulations).</p>	<p>Suggested new policy</p> <p>The benefits entitlement that yields the highest overall level of benefits for the member will be selected.</p>
24	<p>New Discretion</p> <p>An administering authority may prepare and publish a Pensions Administration Strategy in relation to procedures for liaison and communication with employers, administrative procedures, the publication of the annual report, levels of performance in carrying out Scheme functions and penalties for failure to meet those levels of performance, and other matters (Regulation 65 of the Administration Regulations).</p>	<p>Suggested new policy</p> <p>The Council will keep under consideration whether publishing a Pensions Administration Strategy would improve existing arrangements with employers. The Council will consult upon and put in place a Pensions Administration Strategy if it would assist in the efficient and effective administrative administration of the Fund.</p>