

Bedfordshire Pension Fund - Administering Authority Statement of Policy on Discretions

Part 1

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)

These are discretions under the following regulations:

- LGPS Regulations 2013 [SI 2013/2356] [R]
- LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP]
- LGPS (Administration) Regulations 2008 [SI 2008/239] [A]
- LGPS (Benefits, Membership and Contributions) Regulations 2007 (as amended) [SI 2007/1166] [B]
- LGPS (Transitional Provisions) Regulations 2008 [SI 2008/238] [T]
- LGPS Regulations 1997 (as amended) [SI 1997/1612] [L]

Discretion	Regulation	Exercised by	Discretion policy
Whether to agree to an admission agreement with a Care Trust, NHS Scheme employing authority or Care Quality Commission.	R4(2)(b)	Admin. Authority	Subject to Admitted body policy
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	Admin. Authority	The administering authority will agree to an admission agreement with a Care Trust or NHS Scheme employing authority
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	Admin. Authority	Admission agreement effective from a date prior to the date on which it was executed

Discretion	Regulation	Exercised by	Discretion policy
<p>Whether to terminate an admission agreement in the event of:</p> <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. 	RSch 2, Part 3, para 9(d)	Admin. Authority	The decision will be resolved by the Pensions Committee
Define what is meant by “employed in connection with”.	RSch 2, Part 3, para 12(a)	Admin. Authority	The words “employed in connection with” shall mean that in any twelve month period the Eligible Employee spends no less than 50% of his working time with the Admission Body on matters directly relevant to the services
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)	Admin. Authority	The administering authority will consider each request on a case by case basis in consultation with the Employer
Whether to require a satisfactory medical before agreeing to an application to pay an APC / SCAPC.	R16(10)	Admin. Authority	Where the APC/SCAPC is to buy extra pension (and not ‘lost days’) then satisfactory medical clearance from registered medical practitioner is not required
Whether to turn down an application to pay an APC / SCAPC if not satisfied that the member is in reasonably good health.	R16(10)	Admin. Authority	The report of the registered medical practitioner will be upheld

Discretion	Regulation	Exercised by	Discretion policy
Decide to whom any AVC/SCAVC monies (including life assurance monies) are to be paid on death of the member.	R17(12)	Admin. Authority	The administering authority will replicate the decision made when deciding payment of the Death Grant – ie use absolute discretion, considering the Expression of Wish, Last Will and testament, any dependant relative or dependant and Grant of Probate
Pension account may be kept in such form as is considered appropriate.	R22(3)(c)	Admin. Authority	The administering authority will retain the pension account in line with best practice.
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)	Admin. Authority	The administering authority will consider each case, to ensure no detriment is suffered by the member
Mandatory written policy Whether to waive, in whole or in part, actuarial reduction on benefits paid on flexible retirement.	R30(8)	Employer (or Admin. Authority where Employer has become defunct)	The administering authority, on behalf of a defunct employer, will not adopt this policy in light of the requirement for the effective use of financial resources in the current financial climate. It does not intend to review this discretion until the financial situation has improved sufficiently in real terms
Mandatory written policy 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	R30(8)	Employer (or Admin. Authority where	The administering authority, on behalf of a defunct employer, will not adopt this policy in light of the requirement for the effective use of financial resources in the current financial

Discretion	Regulation	Exercised by	Discretion policy
grounds of flexible retirement (where the member only has post 31 March 2014 membership).		Employer has become defunct)	climate. It does not intend to review this discretion until the financial situation has improved sufficiently in real terms
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)	Admin. Authority	To be paid at the time of retirement as determined by the Funding Strategy Statement
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 (other than on the grounds of flexible retirement).	TPSch 2, para 1(2) & 1(1)(c)	Employer (or Admin. Authority where Employer has become defunct)	The administering authority, on behalf of a defunct employer, will not adopt this policy in light of the requirement for the effective use of financial resources in the current financial climate. It does not intend to review this discretion until the financial situation has improved sufficiently in real terms
Mandatory written policy 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	TP3(1), TPSch 2, para 2(1), B30(5) & B30A(5)	Employer (or Admin. Authority where Employer has	The administering authority does not wish to adopt this policy in light of the requirement for the effective use of financial resources in the current financial climate. It does not intend to review this discretion until the financial situation

Discretion	Regulation	Exercised by	Discretion policy
<p>2014 and post 31 March 2014 membership):</p> <ul style="list-style-type: none"> 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, 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, 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 60 by 31 March 2016, on compassionate grounds (pre 1 April 2020 membership) and / or, in whole or in part on 		become defunct)	has improved sufficiently in real terms

Discretion	Regulation	Exercised by	Discretion policy
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)	Admin. Authority	To be paid at the time of retirement as determined by the Funding Strategy Statement
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)	Admin. Authority	The administering authority does not require an extension of time limits
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)	Admin. Authority	Administering authority will allow members to trivially commute in line with guidance in force at the time

Discretion	Regulation	Exercised by	Discretion policy
Decide whether to trivially commute a lump sum death benefit under section 168 of the Finance Act 2004.	R34(1)(b)	Admin. Authority	Administering authority will allow members to trivially commute in line with guidance in force at the time
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)	Admin. Authority	Administering authority will allow members to trivially commute in line with guidance in force at the time
Approve medical advisers used by employers (for ill health benefits).	R36(3)	Admin. Authority	Approved list held by Pensions Administration Manager
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)	Employer (or Admin. Authority where Employer has become defunct)	The administering authority will ask the IRMP to complete the correct certificate

Discretion	Regulation	Exercised by	Discretion policy
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)	Employer (or Admin. Authority where Employer has become defunct)	The administering authority, on behalf of the defunct employer, will make a determination having regard to the independent medical advisor's recommendation
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)	Employer (or Admin. Authority where Employer has become defunct)	The administering authority, on behalf of the defunct employer, will make a determination having regard to the independent medical advisor's recommendation
Decide to whom death grant is paid.	TP17(5) to (8), R40(2), R43(2) & R46(2)	Admin. Authority	The administering authority will use absolute discretion, considering the Expression of Wish, Last Will and testament, any dependant relative or dependant and Grant of Probate.
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)	Admin. Authority	The administering authority will consider each case, to ensure no detriment is suffered by the member
Whether to set up a separate admission agreement fund.	R54(1)	Admin. Authority	The Administering Authority will not set up a separate fund

Discretion	Regulation	Exercised by	Discretion policy
<p>Mandatory written policy</p> <p>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.</p> <p>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.</p>	R55	Admin. Authority	Governance Policy published and reviewed annually
<p>Mandatory written policy</p> <p>Decide on Funding Strategy for inclusion in funding strategy statement.</p>	R58	Admin. Authority	Funding Strategy Statement published and reviewed at least every three years
Whether to have a written pensions administration strategy and, if so, the matters it should include.	R59(1) & (2)	Admin. Authority	Administration strategy now in place

Discretion	Regulation	Exercised by	Discretion policy
Mandatory written policy 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	Admin. Authority	Communication policy in place and reviewed every three years
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)	Admin. Authority (with agreement of Employer)	The administering authority will extend the period by which to pay an exit credit to three months from the date all relevant information is received from the employer
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)	Admin. Authority	The administering authority will suspend an employer's obligation for up to three years
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)	Admin. Authority	The Administering authority may review the contribution rate in the event an employer is likely to exit the fund
Decide frequency of payments to be made over to Fund by employers and whether to make an admin charge.	R69(1)	Admin. Authority	Administration strategy now in place
Decide form and frequency of information to accompany payments to the Fund.	R69(4)	Admin. Authority	Monthly supported by individual information

Discretion	Regulation	Exercised by	Discretion policy
Whether to issue employer with notice to recover additional costs incurred as a result of the employer's level of performance.	R70 & TP22(2)	Admin. Authority	Administration strategy now in place
Whether to charge interest on payments by employers which are overdue.	R71(1)	Admin. Authority	Administration strategy now in place
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)	Admin. Authority	Eversheds Sutherland appointed to review Stage Two IDRPs cases
Whether administering authority should appeal against employer decision (or lack of a decision).	R79(2)	Admin. Authority	The administering authority will appeal to Secretary of State
Specify information to be supplied by employers to enable administering authority to discharge its functions.	R80(1)(b) & TP22(1)	Admin. Authority	Standard forms issued for different admin authority processes, plus employer to provide discretions
<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"> the personal representatives, or anyone appearing to be beneficially entitled to the estate <p>without need for grant of probate / letters of administration where payment is less than amount</p>	R82(2)	Admin. Authority	The administering authority will use absolute discretion, considering the Expression of Wish, Last Will and testament, and any dependant relative or dependant

Discretion	Regulation	Exercised by	Discretion policy
specified in s6 of the Administration of Estates (Small Payments) Act 1965.			
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	Admin. Authority	The administering authority will pay to another person for that person for their benefit on receipt of Power of Attorney or relevant paperwork
Agree to bulk transfer payment.	R98(1)(b)	Employer / Admin. Authority / trustees of new scheme	In line with Actuary recommendation
Extend normal time limit for acceptance of a transfer value beyond 12 months from joining the LGPS.	R100(6)	Employer and Admin. Authority	Each Employer to have policy. Administering Authority will uphold Employer decision
Allow transfer of pension rights into the Fund.	R100(7)	Admin. authority	Subject to time limits and HMRC regulations
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)	Admin. Authority	The administering authority will consider each case, to ensure no detriment is suffered by the member

Discretion	Regulation	Exercised by	Discretion policy
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)	Admin. authority	The administering authority will consider each case, to ensure no detriment is suffered by the member
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)	Admin. Authority	The administering authority will treat as continuous education or training – no suspension
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)	Admin. Authority	The administering authority will consider each case, to ensure no detriment is suffered to the cohabiting partner
Mandatory written policy Decide policy on abatement of pre 1 April 2014 element of pensions in payment following re-employment.	TP3(13) & A70(1) & A71(4)(c)	Admin. Authority	The administering authority will not abate pensions
Extend time period for capitalisation of added years contract.	TP15(1)(c) & TSch1 & L83(5)	Admin. Authority	The administering authority will not extend the period for capitalisation of added years contract
Decide whether to delegate any administering authority functions under the Regulations.	R105(2)	Admin. Authority	Any delegated functions would be agreed by the Pension Fund Committee
Decide whether to establish a joint local pension board (if approval has been granted by the Secretary	R106(3)	Admin. Authority	Joint local pension board not required

Discretion	Regulation	Exercised by	Discretion policy
of State).			
Decide procedures applicable to the local pension board.	R106(6)	Admin. Authority	Detailed within Terms of Reference
Decide appointment procedures, terms of appointment and membership of local pension board.	R107(1)	Admin. Authority	Detailed within Terms of Reference

Part 2

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

These are discretions under the following regulations:

- LGPS (Administration) Regulations 2008 [SI 2008/239] [A]
- LGPS (Benefits, Membership and Contributions) Regulations 2007 (as amended) [SI 2007/1166] [B]
- LGPS (Transitional Provisions) Regulations 2008 [SI 2008/238] [T]
- LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP]
- LGPS Regulations 2013 [SI 2013/2356] [R]
- LGPS 1997 (as amended) [1997/1612] [L]

Discretion	Regulation	Exercised by	Discretion policy
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)	Admin. Authority	The administering authority will not extend the period for capitalisation of added years contract
Outstanding employee contributions can be recovered as a simple debt or by deduction from benefits.	A45(3)	Admin. Authority	The administering authority will not exercise this discretion
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 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.	A52(2)	Admin. Authority	The administering authority will use absolute discretion, considering the Expression of Wish, Last Will and testament, any dependant relative or dependant and Grant of Probate

Discretion	Regulation	Exercised by	Discretion policy
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)	Admin. Authority	Approved list held by Pensions Administration Manager
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)	Admin. Authority	Eversheds Sutherland appointed to review Stage Two IDRPs cases
Whether administering authority should appeal against employer decision (or lack of a decision).	TP23 & R79(2)	Admin. Authority	The administering authority will appeal to Secretary of State
Specify information to be supplied by employers to enable administering authority to discharge its functions.	TP23, TP22(1) & R80(1)(b)	Admin. Authority	Standard forms issued for different admin authority processes, plus employer to provide discretions
Mandatory written policy Decide policy on abatement of pensions following re-employment.	TP3(13), A70(1) & A71(4)(c)	Admin. Authority	The administering authority will not abate pensions
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)	Admin. Authority	The administering authority will consider each case, to ensure no detriment is suffered by the member

Discretion	Regulation	Exercised by	Discretion policy
Whether to pay the whole or part of a child's pension to another person for the benefit of that child.	B27(5)	Admin. Authority	The administering authority will pay to another person for that child for their benefit on receipt of Power of Attorney or relevant paperwork
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	Admin. Authority	The administering authority will pay to another person for that person for their benefit on receipt of Power of Attorney or relevant paperwork
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)	Employer (or Admin. Authority where Employer has become defunct)	The administering authority, on behalf of a defunct employer, will not adopt this policy in light of the requirement for the effective use of financial resources in the current financial climate. It does not intend to review this discretion until the financial situation has improved sufficiently in real terms
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)	Employer (or Admin. Authority where Employer has become defunct)	The administering authority, on behalf of a defunct employer, will not adopt this policy in light of the requirement for the effective use of financial resources in the current financial climate. It does not intend to review this discretion until the financial situation has improved sufficiently in real terms

Discretion	Regulation	Exercised by	Discretion policy
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)	Employer (or Admin. Authority where Employer has become defunct)	The administering authority, on behalf of a defunct employer, will not adopt this policy in light of the requirement for the effective use of financial resources in the current financial climate. It does not intend to review this discretion until the financial situation has improved sufficiently in real terms
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)	Employer (or Admin. Authority where Employer has become defunct)	The administering authority, on behalf of a defunct employer, will not adopt this policy in light of the requirement for the effective use of financial resources in the current financial climate. It does not intend to review this discretion until the financial situation has improved sufficiently in real terms
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)	Admin. Authority	To be paid at the time of retirement as determined by the Funding Strategy Statement

Discretion	Regulation	Exercised by	Discretion policy
Decide whether deferred beneficiary meets permanent ill health and reduced likelihood of gainful employment criteria.	B31(4)	Employer (or Admin. Authority where Employer has become defunct)	The administering authority, on behalf of the defunct employer, will make a determination having regard to the independent medical advisor's recommendation
Decide whether a suspended ill health tier 3 member is permanently incapable of undertaking any gainful employment.	B31(7)	Employer (or Admin. Authority where Employer has become defunct)	The administering authority, on behalf of the defunct employer, will make a determination having regard to the independent medical advisor's recommendation
Decide to whom death grant is paid.	B23(2), B32(2), B35(2), TSch1 & L155(4)	Admin. Authority	The administering authority will use absolute discretion, considering the Expression of Wish, Last Will and testament, any dependant relative or dependant and Grant of Probate
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)	Admin. Authority	The administering authority will consider each case, to ensure no detriment is suffered to the cohabiting partner
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)	Admin. Authority	The administering authority will treat as continuous education or training – no suspension

Discretion	Regulation	Exercised by	Discretion policy
Decide whether to trivially commute a member's pension under section 166 of the Finance Act 2004.	B39(1)(a) & T14(3)	Admin. Authority	Administering authority will allow members to trivially commute in line with guidance in force at the time
Decide whether to trivially commute a lump sum death benefit under section 168 of the Finance Act 2004.	R39(1)(b)	Admin. Authority	Administering authority will allow members to trivially commute in line with guidance in force at the time
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)	Admin. Authority	Administering authority will allow members to trivially commute in line with guidance in force at the time
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)	Admin. Authority	The administering authority will consider each case, to ensure no detriment is suffered by the member
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)	Admin. authority	The administering authority will consider each case, to ensure no detriment is suffered by the member

Part 3

Discretionary policies in relation to councillor members who ceased active membership on or after 1 April 1998, and any other scheme members who ceased active membership on or after 1 April 1998 and before 1 April 2008

These are discretions under the following regulations:

- LGPS Regulations 1997 [SI 1997/1612]
- The Local Government Pension Scheme (Transitional Provisions) Regulations 2008 [SI 2008/238] [prefix T]
- The Local Government Pension Scheme (Administration) Regulations 2008 [SI 2008/239] [prefix A]
- LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP]
- The Local Government Pension Scheme Regulations 2013 [SI 2013/2356] [prefix R]

Discretion	Regulation	Exercised by	Discretion policy
Frequency of payment of councillors' contributions.	12(5)	Admin. Authority	Councillors no longer eligible to contribute to the scheme
Extend normal 12 month period following end of relevant reserve forces leave for a "Cancelling notice" to be submitted by a councillor member requesting that the service should not be treated as relevant reserve forces service.	17(4),(7),(8) 89(4) & Sch 1	Admin. Authority	Councillors no longer eligible to contribute to the scheme
Mandatory written policy 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.	TPSch 2, para 1(2) & 1(1)(f) & R60	Employer (or Admin. Authority where	The administering authority, on behalf of a defunct employer, will not adopt this policy in light of the requirement for the effective use of financial resources in the current financial

Discretion	Regulation	Exercised by	Discretion policy
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.		Employer has become defunct)	climate. It does not intend to review this discretion until the financial situation has improved sufficiently in real terms
Mandatory written policy Waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early.	31(5) & TPSch 2, para 2(1)	Employer (or Admin. Authority where Employer has become defunct)	The administering authority, on behalf of a defunct employer, will not adopt this policy in light of the requirement for the effective use of financial resources in the current financial climate. It does not intend to review this discretion until the financial situation has improved sufficiently in real terms
Decide to whom death grant is paid.	38(1) & 155(4)	Admin. Authority	The administering authority will use absolute discretion, considering the Expression of Wish, Last Will and testament, any dependant relative or dependant and Grant of Probate
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	Admin. Authority	The administering authority will treat as continuous education or training – no suspension
Apportionment of children's pension amongst eligible children.	47(1)	Admin. Authority	Equally divided between eligible children

Discretionary policies in relation to councillor members who ceased active membership on or after 1 April 1998, and any other scheme members who ceased active membership on or after 1 April 1998 and before 1 April 2008

Discretion	Regulation	Exercised by	Discretion policy
Pay child's pension to another person for the benefit of the child.	47(2)	Admin. Authority	The administering authority will pay to another person for that child for their benefit on receipt of Power of Attorney or relevant paperwork
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)	Admin. Authority	Administering authority will allow members to trivially commute in line with guidance in force at the time
Decide whether to trivially commute a lump sum death benefit under section 168 of the Finance Act 2004.	49(1)	Admin. Authority	Administering authority will allow members to trivially commute in line with guidance in force at the time
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	Admin. Authority	Administering authority will allow members to trivially commute in line with guidance in force at the time

Discretion	Regulation	Exercised by	Discretion policy
Whether acceptance of AVC election is subject to a minimum payment (councillors only).	60(5)	Admin. Authority	Councillors no longer eligible to contribute to the scheme
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)	Admin. Authority	To be paid at the time of retirement as determined by the Funding Strategy Statement
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)	Admin. Authority	To be paid at the time of retirement as determined by the Funding Strategy Statement
Frequency of employer's payments to the fund (in respect of councillor members).	81(1)	Admin. Authority	Councillors no longer eligible to contribute to the scheme
Form and frequency of information to accompany payments to the Fund (in respect of councillor members).	81(5)	Admin. Authority	Councillors no longer eligible to contribute to the scheme

Discretion	Regulation	Exercised by	Discretion policy
Whether to charge interest on payments by employers overdue by more than 1 month (in respect of councillor members).	82(1)	Admin. Authority	Councillors no longer eligible to contribute to the scheme
Outstanding employee contributions can be recovered as a simple debt or by deduction from benefits.	89(3)	Admin. Authority	The administering authority will not exercise this discretion
Timing of pension increase payments by employers to fund.	91(6)	Admin. Authority	Payments will be monthly
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 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	95	Admin. Authority	The administering authority will use absolute discretion, considering the Expression of Wish, Last Will and testament, any dependant relative or dependant and Grant of Probate
Approve medical advisors used by employers.	97(10)	Admin. Authority	Approved list held by Pensions Administration Manager

Discretion	Regulation	Exercised by	Discretion policy
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	TP23 & R76(4)	Admin. Authority	Eversheds Sutherland appointed to review Stage Two IDRPs cases
Whether administering authority should appeal against employer decision (or lack of a decision)	TP23 & R79(2)	Admin. Authority	The administering authority will appeal to Secretary of State
Specify information to be supplied by employers to enable administering authority to discharge its functions.	TP23 & TP22(1) & R80(1)(b)	Admin. Authority	Standard forms issued for different admin authority processes, plus employer to provide discretions
Date to which benefits shown on annual deferred benefit statement are calculated.	106A(5)	Admin. Authority	Date Pensions Increase is effective from
Mandatory written policy Abatement of pensions following re- employment.	TP3(13), A70(1) & A71(4)(c)	Admin. Authority	The administering authority will not abate pensions
Retention of Contributions Equivalent Premium (CEP) where member transfers out.	118	Admin. Authority	The administering authority will not retain the CEP when the members transfers out
Discharge Pension Credit liability.	147	Admin. Authority	Default position for Pension credit member to be retained within the scheme

Part 4

Discretionary policies in relation to scheme members who ceased active membership before 1 April 1998

These are discretions under the following regulations:

- LGPS Regulation 1995 [SI 1995/1019]
- The Local Government Pension Scheme (Transitional Provisions) Regulations 1997 [SI 1997/1613] [prefix TL]
- The Local Government Pension Scheme Regulations 1997 [SI 1997/1612] (as amended) [prefix L]
- The Local Government Pension Scheme (Administration) Regulations 2008 [SI 2008/239] [prefix A]
- LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP]
- The Local Government Pension Scheme Regulations 2013 [SI 2013/2356] [prefix R]

Discretion	Regulation	Exercised by	Discretion policy
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)	Employer (or Admin. Authority where Employer has become defunct)	The administering authority, on behalf of a defunct employer, will not adopt this policy in light of the requirement for the effective use of financial resources in the current financial climate. It does not intend to review this discretion until the financial situation has improved sufficiently in real terms
Decide to whom death grant is paid.	E8	Admin. Authority	The administering authority will use absolute discretion, considering the Expression of Wish, Last Will and testament, any dependant relative or dependant and Grant of Probate

Discretion	Regulation	Exercised by	Discretion policy
Whether to pay spouse's pensions for life (rather than ceasing during any period of remarriage or co-habitation).	F7	Admin. Authority	A spouse's pension will not cease during any period of remarriage or co-habitation
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	Admin. Authority	The administering authority will treat as continuous education or training – no suspension
Apportionment of children's pension amongst eligible children.	G11(1)	Admin. Authority	Equally divided between eligible children
Pay child's pension to another person for the benefit of the child.	G11(2)	Admin. Authority	The administering authority will pay to another person for that child for their benefit on receipt of Power of Attorney or relevant paperwork
Mandatory written policy Abatement of pensions following re-employment.	TP3(13), A70(1) & A71(4)(c)	Admin. Authority	The administering authority will not abate pensions
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)	Admin. Authority	Eversheds Sutherland appointed to review Stage Two IDRP cases
Whether administering authority should appeal against employer decision (or lack of a decision)	TP23 & R79(2)	Admin. Authority	The administering authority will appeal to Secretary of State
Specify information to be supplied by employers to enable administering authority to discharge its functions.	TP23, TP22(1) & R80(1)(b)	Admin. Authority	Standard forms issued for different admin authority processes, plus employer to provide discretions

Part 5

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).

These are discretions under the following regulations:

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

Discretion	Regulation	Exercised by	Discretion policy
Agree to pay annual compensation on behalf of employer and recharge payments to employer.	31(2)	Admin. Authority	Compensation recharged on a monthly basis

Part 6

Discretionary policy to be maintained by administering authority

These are discretions under the following regulations:

- The Registered Pension Schemes (Modification of Scheme Rules) Regulations 2011 [SI 2011/1791]

Discretion	Regulation	Exercised by	Discretion policy
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 www.lgpsregs.org); and, if so, to decide the circumstances (if any) upon which it would do so.	2	Administering authority	Decision to offer voluntary scheme pays for members with taper within Bedfordshire Pension Fund