

Warwickshire Pension Fund Discretions Policy Local Government
Pension Scheme Regulations 2013

Regulation	Administering Authority Discretion	Pension Fund Policy
16(1).	Whether to turn down a request to pay Additional Pension Contributions / Shared Cost Additional Pension Contributions (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).	<p>Policy:</p> <p>For payments of £50 or less the Pension Fund will require payment by way of a single payment.</p> <p>Flexibility will be considered where affordability may be an issue.</p>
16(10).	<p>A) Whether to require a satisfactory medical before agreeing to an application to pay an APC / SCAPC.</p> <p>B) Whether to turn down an application to pay an APC / SCAPC if not satisfied that the member is in reasonably good health.</p>	<p>Policy:</p> <p>A) The Pension Fund will not require a satisfactory medical where the APC / SCAPC is in respect of reinstating a period of unpaid leave.</p> <p>B) The Pension Fund will not require the completion of a medical questionnaire by the member's GP where the APC / SCAPC is in respect of purchasing additional pension.</p>
17(12).	Decide to whom any AVC / SCAVC monies (including life assurance monies) are to be paid on death of the member.	See Trans Regs 17(5) to (8) & Reg 40(2), Reg 43(2) & Reg 46(2) & Reg 17(12) above. Below.
Transitional Regs 10(9).	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>Policy:</p> <p>The Team Leader for Membership will determine which is the most beneficial for the member.</p>
30(8) *	Whether to waive, in whole or in	<p>Policy:</p> <p>Consideration by the Pension Fund</p>

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	part, actuarial reduction on benefits paid on flexible retirement. (Policy required by the Administering Authority where the employer has become defunct).	will be given to waive the actuarial reduction to the benefits where the member had to give up work to provide care for a chronically ill spouse or partner.
30(8) *	Whether to waive, in whole or in part, actuarial reduction on benefits which a member voluntarily draws before normal pension age. (Policy required by the Administering Authority where the employer has become defunct).	Policy: Consideration will be given to waive the actuarial reduction to the benefits where the member had to give up work to provide care for a chronically ill spouse or partner.
68(2)	Whether to require any strain on the Fund costs to be paid “up front” by employing authority following payment of benefits under Reg 30(6) (flexible retirement) Reg 30(7) (redundancy / business efficiency) or waiver (in whole or in part) under Reg 30(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.	Policy: In accordance with the Fund’s existing Funding Strategy Statement, with the agreement of the Administering Authority can be spread as follows: <ul style="list-style-type: none"> • Major employing bodies – up to 5 years. • Community Admission Bodies and Designating Employers – payable immediately. • Academies – payable immediately. • Transfer Admission Bodies – payable immediately.
Trans Regs Sch2 para 1(1)(c) *	Whether to ‘switch on’ the 85-year rule for members who choose to voluntarily draw their benefits on or after age 55 and before age 60 (pre-2014 benefits). Where the employer does not ‘switch on’ the 85 year rule, the member’s benefits are reduced in accordance with actuarial guidance issued by the Secretary of State. (Policy required by the Administering Authority where the employer has become defunct).	Policy: To “switch off” the 85-year rule on a case by case basis, to allow a member to retire early and suffer the actuarial reduction to their benefit entitlement.

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<p>Trans Regs Sch2 para2(1) *</p>	<p>Whether to waive on compassionate grounds, the actuarial reduction applied to benefits from pre 1 April 2014 membership for a member voluntarily drawing benefits on or after age 55 and before age 60.</p> <p>(Policy required by the Administering Authority where the employer has become defunct).</p>	<p>Policy: Consideration by the Pension Fund will be given to waive the actuarial reduction to the benefits where the member had to give up work to provide care for a chronically ill spouse or partner.</p>
<p>Trans Regs Sch2 para 2(3)</p>	<p>Whether to require any strain on Fund costs to be paid “up front” by employing authority following waiver of actuarial reduction under Trans Regs Sch 2 para 2(1)</p>	<p>Policy: The Pension Fund will not require payment up front where the waiver was made on compassionate grounds and is prepared for the cost to be subsumed as part of the subsequent triennial valuation.</p>
<p>34(1).</p>	<p>Whether to commute small pension.</p>	<p>Policy:</p> <p>To allow the commutation of small pensions provided the member satisfies HMRC requirements. To be commuted in all cases where the value of benefits is within HMRC limits.</p> <p>Consideration by the Pension fund will be given where a member makes a formal request not to receive a commuted pension. Each request will be assessed on its own merits.</p>
<p>Trans Regs 17(5) to (8) & Reg 40(2), Reg 43(2) & Reg 46(2) & Reg 17(12) above.</p>	<p>Decide to whom death grant is paid.</p>	<p>Policy:</p> <p>The Pension Fund makes payment to the nominee named on the expression of wish form completed by the deceased, unless it is apparent that the nomination may no longer be valid (i.e., that the nominee may have separated or divorced since the nomination was made or other exceptional circumstances). If no nomination has been made or</p>

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		<p>the nomination is no longer valid payment is made as follows, (in this order of priority):</p> <ul style="list-style-type: none"> • to the spouse or partner upon production of evidence of marriage or partnership or, • any person appearing to the authority to have been his (her) relative or dependant at any time or, • to their personal representatives or, • if there is no evidence of marriage or partnership or of any persons appearing to be a relative or a personal representative, payment will be made to the Estate. <p>If the nominee is a minor, payment is made to a bank account held in the name of the nominee.</p> <p>In the event of a potential dispute, the Administering Authority will gather relevant information to present to the Executive Director of Resources to make an informed decision regarding the distribution of the amount due.</p> <p>A notification must be sent to a person who has made an unsuccessful claim against a death grant. This will tell them of the decision not to award them a share of the payment. That notification must include the grounds for that decision. This is covered by regulation 73(2) of the LGPS Regulations 2013 and 68(2) of the LGPS (Scotland) Regulations 2018.</p>
<p>49(1)(c)</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</p>	<p>Policy:</p> <p>The Team Leader for the Benefits team will determine which is the most beneficial for the member.</p>

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	in respect of the same period of Scheme membership.	
65.	Decide whether to obtain a new rates certificate if the Secretary of State amends the regulations as part of the “cost sharing” under Reg 63.	Policy: The Pension Fund will discuss the implications of such an event with the Fund’s Actuary prior to making a decision.
69(1)	Decide frequency of payments to be made over to the Fund by employers and whether to make an admin charge.	Policy: The employing authority shall pay to the administering authority all (employee and employer) contributions due in respect of their employees (or former employees) by the 19th of the month following the end of the month in which the amount was deducted from pay.
71(1)	Whether to charge interest on payments by employers which are overdue	Policy: The Pension Fund reserves the right to charge employers interest on delayed payments under Reg 69(1).
82(2)	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 amount specified in S6 of the Administration of Estates (Small Payments) Act 1965	Policy: Where the death grant due is less than the amount specified in S6 of the Administration of Estates (Small Payments) Act 1965, payment will be made following completion of a Form of Indemnity. However, any apparent dispute as to who should receive payment and the Pension Fund will refer to the policy under the payment of death grants above.
83	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.	Policy: The Pension Fund will request Power of Attorney, Court of Protection or in the absence of this satisfactory evidence for the person managing the member’s affairs (e.g., to whom DWP payments are being made).

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		If the value of the pension means that it could be paid as a trivial commutation the fund's policy for payment of trivial commutation will be followed.
100(6-8)	Whether to extend the normal time limit for acceptance of a transfer value beyond twelve months from joining the LGPS.	<p>Policy:</p> <p>To allow in exceptional circumstances where it is clear there has been an administrative delay by the employer or the scheme administrator</p> <p>The Pension fund will also support an employer's decision to extend the time limit if the employer has documented the reasons for their decision, they are reasonable and they are fully aware of the increase in liabilities that will happen if the transfer takes place. This must also not contradict the employer's policy for this discretion.</p>
100(7)	Where a request for a transfer of pension rights is made by a member, the administering authority may accept the transfer and credit it to the Pension Fund and update the scheme member's account accordingly.	<p>Policy:</p> <p>Allow, unless the value of the transfer is not enough to meet the liability for the Guaranteed Minimum Pension amount</p>
Sch 1 & Trans Regs 17(9)	Decide to treat a child as being in continuous education or vocational training despite a break.	<p>Policy:</p> <p>That the Pension Fund allow a break of up to eighteen months to allow the child of a deceased member to take "a year out" between further and higher education and for payment to be suspended during this period.</p>
Sch 1 & Trans Regs 17(9)(b)	Decide evidence required to determine financial dependence of cohabiting partner on scheme member or financial interdependence of cohabiting partner and scheme member.	<p>Policy:</p> <p>It is no longer a requirement for a nomination form to be completed by the member, however, The Pension Fund will take reasonable steps to determine that if a nomination is held it is valid.</p>

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		<p>The beneficiary will be required to produce on request relevant and valid documents to determine interdependency.</p> <p>For example, proof of joint mortgage or lease for a period in excess of two years, joint bank accounts, Council tax statements.</p>
<p>Trans Regs 3(13) & Admin Reg 70(1) (2008 regs) & Admin Reg 71(4)(c)</p>	<p>Decide policy on abatement of pre-1 April 2014 element of pensions in payment following re-employment.</p>	<p>Policy:</p> <p>The County Council will no longer apply the abatement rule save in exceptional circumstances where it determines that not to abate the pension in payment could lead to a serious lack of confidence in the public service.</p>
<p>Trans Regs 15(1)(c) & Trans Regs Sch 1 & 83 (1997 regs)</p>	<p>Whether to extend the time period for capitalisation of added years contract.</p>	<p>Policy:</p> <p>The Pension Fund will consider each case on its own merits.</p>

***These are matters about which the regulations require there must be a written policy.**