

The Local Government Pension Scheme

Discretionary Powers

STATEMENT OF POLICIES OF STAFFORDSHIRE COUNTY COUNCIL AS ADMINISTERING AUTHORITY 2014



RESOLUTION
PENSIONS COMMITTEE MEETING HELD ON 20 JUNE 2014

Resolved: That approval was given to the revised Statement of Policies for LGPS 2014.

REGULATIONS TO WHICH REFERENCE IS MADE IN POLICY STATEMENT

Regulations	As referred to in Policy Statement
The Local Government Pension Scheme Regulations 2013	“LGPS Regulations 2013”
The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014	“TP Regulations 2014”
The Local Government Pension Scheme (Administration) Regulations 2008	"Administration Regulations"
The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007	"Benefits Regulations"
The Local Government Pension Scheme (Transitional Provisions) Regulations 2008	"TP Regulations 2008"
The Local Government Pension Scheme (Amendment) Regulations 2006	"Amendment Regulations 2006"
The Local Government Pension Scheme Regulations 1997	"LGPS Regulations 1997"
The Local Government Pension Scheme (Transitional Provisions) Regulations 1997	"TP Regulations 1997"
The Local Government Pension Scheme Regulations 1995	"LGPS Regulations 1995"

PART ONE

**Discretions in relation to those who are or have been active
members of the Local Government Pension Scheme on or after
1 April 2014**

AREAS OF DISCRETION

REGULATION 4 (2)(b) OF LGPS REGULATIONS 2013: Admission Agreement with a Care Trust, NHS Scheme Employing Authority or Care Quality Commission

That under Regulation 4(2)(b) of the LGPS Regulations 2013, Staffordshire County Council as administering authority would normally enter into an admission agreement with a Care Trust, NHS Scheme Employer or Care Quality Commission subject to the circumstances of the application.

REGULATION 5(5) AND SCHEDULE 2 PART 3 PARAGRAPH 1 OF LGPS REGULATIONS 2013: Admission Agreements

That under Regulations 5(5) and Schedule 2 Part 3 Paragraph 1 of the LGPS Regulations 2013, Staffordshire County Council as administering authority shall require that –

- (a) any body seeking admission to the Staffordshire Pension Fund under these Regulations should demonstrate, to the administering authority's satisfaction, compliance with the authority's current prescribed Admission Criteria and the requirements of the Regulations, and
- (b) the body seeking admission should enter into an Admission Agreement in such form as the administering authority may from time to time require.

REGULATION 16(1) OF LGPS REGULATIONS 2013: Additional Pension Contributions

That under Regulation 16(1) of the LGPS Regulations 2013, Staffordshire County Council as administering authority would require payment of an Additional Pension Contribution to be made as a single payment where it would be impractical to allow payment over a period of time. Impractical would be deemed to be where there was insufficient regular pay to ensure that the agreed payment would not be recovered.

REGULATION 16(10) OF LGPS REGULATIONS 2013: Administering authority's requirement that members wishing to pay Additional Pension Contributions should undertake a satisfactory medical examination

That Staffordshire County Council as administering authority determine under Regulation 16(10) of the LGPS Regulations 2013 that where the period of repayment exceeds one year then –

- (a) if a member makes a request to pay additional pension contributions under regulation 16(1) in order to increase his/her pension, he/she should satisfy the County Council that he/she is at the time of the request in reasonably good health by producing to them in a format laid down by the administering authority a report by a registered medical practitioner of the results of a medical examination undertaken at the member's own expense, and
- (b) in the absence of such a report the County Council will refuse the request.

**AREAS OF DISCRETION
(continued)**

REGULATION 17(12) OF LGPS REGULATIONS 2013: Payment of additional voluntary contribution fund active, deferred, pension credit member or pensioner member

That under Regulation 17(12) of the LGPS Regulations 2013 Staffordshire County Council as administering authority will pay any monies due, including life assurance monies, to the legal personal representatives as named in the Grant of Probate or Letters of Administration in all circumstances unless there is a clear, effective and valid nomination in respect of the death grant by the Scheme member payable under regulations 40(2) active member, 43(2) deferred and pension credit member, 46(2) pensioner member;

(a) made in writing, and

(b) which does not disclose any reason to believe that the nomination is otherwise than genuine and intended to have effect, and

(c) the Council are not aware at the date of death of the Scheme member of any circumstance which would lead the Council to believe that the nomination was otherwise than genuine and intended to have effect – the Council will for example, consider a nomination to be “otherwise than genuine and intended to have effect” in all cases where there is evidence that, after the date of nomination in respect of the death grant, the Scheme member married, remarried, formed a civil partnership or further civil partnership, or withdrew a nomination of a cohabiting partner, or the marriage or civil partnership was dissolved or annulled; and

(d) the discretion to pay the Additional Voluntary Contribution fund or life assurance monies to a nominee is not overridden by Regulation 17(14) of the LGPS Regulations 2013 which require payment to the legal personal representatives of any shortfall in monies if not otherwise paid before the expiry of two years beginning with the member’s death, or beginning with the date on which the Council as administering authority could reasonably be expected to have become aware of the member’s death.

(Staffordshire County Council continues to reserve the right to request sight of the Grant of Probate or Letters of Administration.)

REGULATION 22(3)(C) OF LGPS REGULATIONS 2013: Pension accounts – format of pension accounts

Staffordshire County Council will maintain pension accounts as prescribed under Regulation 22(3)(b) of the LGPS Regulations 2013 using such Pensions Administration computer software deemed fit for purpose by the administering authority.

AREAS OF DISCRETION (continued)

REGULATION 32(7) of LGPS Regulations 2013: Commencement of pensions

Where a member elects under regulation 30(5) or (11) (early retirement) to have a pension paid from a date other than their normal pension age, the first period for which retirement pension is payable begins on the date the member specifies in a written notice to the appropriate administering authority. A notice given must be given not less than three months before the beginning of the period specified in the written notice.

Staffordshire County Council as administering authority will extend the time limits under regulation 32(7) of the LGPS Regulations 2013 within which a member must give notice of their wish to draw benefits before normal pension age (regulation 30(5) early retirement). The member must give written notice to the administering authority not less than one month before the period specified in the written notice.

Where a written notice is received from a member following an election to defer receipt of their pension (regulations 30(3) and 30(12)), Staffordshire County Council as administering authority will commence payment of the pension from the period specified in the written notice, provided the written notice is given not less than one month before the beginning of the period specified. Where the member does not specify a period in their written notice or less than 1 months notice is given before the beginning of the period specified by the member, then Staffordshire County Council as the administering authority will commence payment of the pension one month from the date of receipt of the written notice.

The written notice must be received in respect of regulation 30(6) (flexible retirement), within one month of the reduction in hours or grade. Staffordshire County Council as administering authority will not extend the time limit under regulation 32(7) of the LGPS Regulations 2013.

REGULATION 34(1) OF LGPS REGULATIONS 2013: Commutation of trivial pension

That if the benefit payable to a person under the provisions of the Local Government Pension Scheme could be commuted to a lump sum in accordance with the provisions of the Finance Act 2004 and rules made under that Act including the Registered Pension Schemes (Authorised Payments) Regulations 2009, and in accordance with Regulation 34(1) of the LGPS Regulations 2013, Staffordshire County Council as administering authority would, where it is deemed by the Director of Finance and Resources to be appropriate and in accordance with the guidance of the Government Actuary, commute the benefit to a lump sum

REGULATION 36(3) OF LGPS REGULATIONS 2013: Approval of medical advisors used by employing authorities

That under Regulation 36(3) of the LGPS Regulations 2013, Staffordshire County Council as administering authority will require all employing authorities to seek opinions on medical questions under the Regulations only from those independent registered medical practitioners qualified in occupational health medicine in respect of whom the employing authority has sought and received the approval of the County Council. A Panel of independent registered medical practitioners will be appointed by the County Council and employing authorities will normally be required to seek medical opinions for the purposes of the Local Government Pension Scheme from Panel members only.

AREAS OF DISCRETION (continued)

REGULATION 40(2), 43(2), 46(2) OF LGPS REGULATIONS 2013 AND 17(5) TO 17(8) OF TP REGULATIONS 2014: Payment of death grant

That under Regulations 40, 43, 46 and 82 of the LGPS Regulations 2013 (active, deferred and pensioner members) and 17(5) to 17(8) of the TP Regulations 2014, Staffordshire County Council as administering authority shall maintain their existing policy on payment of death grant, viz. the death grant will be paid to the legal personal representatives as named in the Grant of Probate or Letters of Administration in all circumstances unless –

- (a) there is a clear, effective and valid nomination in respect of the death grant by the Scheme member:
 - (i) made in writing, and
 - (ii) which does not disclose any reason to believe that the nomination is otherwise than genuine and intended to have effect, and
 - (iii) the Council are not aware at the date of death of the Scheme member of any circumstance which would lead the Council to believe that the nomination was otherwise than genuine and intended to have effect – the Council will for example, consider a nomination to be “otherwise than genuine and intended to have effect” in all cases where there is evidence that, after the date of nomination in respect of the death grant, the Scheme member married, remarried, formed a civil partnership or further civil partnership, or withdrew a nomination of a cohabiting partner, or the marriage or civil partnership was dissolved or annulled; and
 - (iv) the discretion to pay the death grant to a nominee is not overridden by regulation 40(4), 43(4) 46(5) of the LGPS Regulations 2013 which require payment to the legal personal representatives of any shortfall in death grant if not otherwise paid before the expiry of two years beginning with the member’s death, or beginning with the date on which the Council as administering authority could reasonably be expected to have become aware of the member’s death;
- or
- (b) the total sums payable in respect of the deceased under the Local Government Pension Scheme Regulations are £10,000 or less and a Form of Application is completed satisfactorily by the surviving spouse or civil partner so that the Council can identify that person as appearing to be beneficially entitled to the estate.

(In the case of (a) or (b), Staffordshire County Council as the administering authority reserve the right to request sight of the Grant of Probate or Letters of Administration.)

REGULATION 49(1)(c) OF LGPS REGULATIONS 2013: Power of administering authority to decide provision under which benefits are to be payable where there is a duplication of benefits

That if a Scheme member –

- (a) would be entitled to a pension or retirement grant under two or more regulations by reason of the same period of membership, and
- (b) fails, within the appropriate time limit, to give an election under 49(1)(c) to Staffordshire County Council as administering authority for his/her preferred choice of benefit provision

the Director of Finance and Resources would, immediately at the end of the time limit, make the decision of benefit provision and choose whichever provision appears to the him at that time to be the most beneficial for the member in the circumstances of the case.

AREAS OF DISCRETION (continued)

REGULATION 54(1) OF LGPS REGULATIONS 2013: Power of the administering authority to set up a separate admission agreement fund

That Staffordshire County Council as administering authority do not use discretionary powers contained in Regulation 54 of the LGPS Regulations 2013 to create an admission agreement fund.

REGULATION 55 OF LGPS REGULATIONS 2013: Governance compliance statement

That Staffordshire County Council as administering authority shall prepare a document setting out such matters mentioned in Regulation 55 of the LGPS Regulations 2013 and keep this document under review.

REGULATION 58 OF LGPS REGULATIONS 2013: Funding strategy statement

That Staffordshire County Council as administering authority shall prepare a document setting out such matters mentioned in Regulation 58 of the LGPS Regulations 2013 and keep this document under review.

REGULATION 59 OF LGPS REGULATIONS 2013: Pensions administration strategy

That Staffordshire County Council as administering authority shall prepare and publish a document setting out such matters mentioned in Regulation 61 of the LGPS Regulations 2013 as they consider appropriate. This includes –

- (a) the procedures for liaison and communication with employing authorities,
- (b) the establishment of levels of performance which the administering authority and employing authorities are expected to achieve in carrying out their functions under the Scheme by the setting of performance targets and the making of agreements about the levels of performance, etc.,
- (c) procedures regarding compliance with statutory requirements, and agreement about levels of performance,
- (d) procedures for improvement of communications by the administering and employing authorities
- (e) the circumstances in which the administering authority may consider giving written notice to an employing authority under Regulation 70 of the LGPS Regulations 2013 on account of that employer's unsatisfactory performance in carrying out its functions under the Regulations when measured against established levels of performance,
- (f) the publication by the administering authority of annual reports dealing with the extent to which the administering and employing authorities have achieved the established levels of performance and any other matters arising from their pensions administration strategy as they consider appropriate, and
- (g) such other matters as the administering authority, after consulting employing authorities, considers appropriate for inclusion in the strategy.

**AREAS OF DISCRETION
(continued)**

REGULATION 61 OF LGPS REGULATIONS 2013: Communication strategy

That Staffordshire County Council as administering authority shall prepare a document setting out such matters mentioned in Regulation 61 of the LGPS Regulations 2013 and keep this document under review.

REGULATION 64 (4) OF LGPS REGULATIONS 2013: Special Circumstances where revised actuarial valuation and certificates may be obtained

That subject to discussion with the Fund Actuary Staffordshire County Council's will consider whether a revised rates and adjustments certificate should be obtained under Regulation 62(1)(c) of the LGPS Regulations 2013. The circumstances where this will be considered are where in the opinion of Staffordshire County Council as the administering authority it is likely that a Scheme employer (including an admission body) will exit the Staffordshire Pension Fund.

REGULATION 65 OF LGPS REGULATIONS 2013: Future costs – revised certificates

That if, as a result of a “future costs” valuation undertaken by the Government Actuary, the Secretary of State amends the Regulations for cost-sharing purposes, Staffordshire County Council as administering authority will, subject to discussion with the Fund Actuary, consider whether a rates and adjustments certificate following the most recent triennial valuation of the Staffordshire Pension Fund should be revised - Regulation 62(1)(c).

REGULATION 68 of LGPS REGULATIONS 2013: Method of paying for additional pension granted under Regulations 31 of the LGPS Regulations 2013

That Staffordshire County Council as administering authority would not agree with any employing authority under Regulation 68 of the LGPS Regulations 2013 to the payment of increased contributions to meet the cost of the award of additional pension under Regulation 31 of the LGPS Regulations 2013, but that employing authorities should be advised that the cost of the award should be met by the payment of the appropriate lump sum required by Regulation 68 of the LGPS Regulations 2013 within one month of the date the resolution to make the award is passed or within one month of the member leaving the employment of the scheme employer, if this would be later than one month of the date of the resolution to make the award.

AREAS OF DISCRETION (continued)

REGULATION 69 LGPS REGULATIONS 2013: Frequency of payment to be made over to Fund by employing authorities and form and frequency of information to accompany payments to Fund

That under Regulation 69 of the LGPS Regulations 2013, Staffordshire County Council as administering authority shall require employing authorities to pay to the County Council:

1. all employees' and employer's pension contributions regulations 9 to 14 and 16,
2. any extra charge notified by the County Council as payable under Regulation 68 of the LGPS Regulations 2013 (employer's payment following resolution to award additional pension)
3. any administration contribution including "level of performance" costs required under Regulation 70 of the LGPS Regulations 2013

by no later than the first day of the month immediately following the month in respect of which contributions were deducted or are payable (the "due date")

To complete statements, to accompany these payments, of such design and content as the Director of Finance and Resources may from time to time determine, to comply with the requirements of Regulation 69 of the LGPS Regulations 2013.

REGULATION 70 OF THE LGPS REGULATIONS 2013 AND REGULATION 22(2) OF TP REGULATIONS 2014: Additional costs incurred as a result of the employer's level of performance

That under Regulation 70 of the LGPS Regulations 2013 and Regulation 22(2) of the TP Regulations 2014, Staffordshire County Council as administering authority, if they are of the opinion that they have incurred additional costs which should be recovered from an employing authority because of that authority's level of performance in carrying out its functions under any of the Regulations, shall issue a written notice to the employing authority stating –

- (a) the administering authority's reasons for forming the opinion,
- (b) the administering authority's opinion that the employing authority's contribution under Regulation 69(1)(d) of the LGPS Regulations 2013 should include the amount specified in the notice in respect of the additional costs attributable to the employing authority's level of performance,
- (c) the basis on which the amount is calculated, and
- (d) the provisions of the administering authority's pension administration strategy made under Regulation 59 of the LGPS Regulations 2013 relevant to the decision to give notice and the matters contained in the notice.

REGULATION 71(1) OF LGPS REGULATIONS 2013: Interest on overdue payments from employing authority

That under Regulation 71(1) of the LGPS Regulations 2013, Staffordshire County Council as administering authority will require an employing authority from which payment of any amount due under Regulations 67 to 70 of the LGPS Regulations 2013 (employers' contributions or payments) is overdue by more than one month to pay interest on that amount in accordance with Regulation 71(4) of the LGPS Regulations 2013.

AREAS OF DISCRETION (continued)

REGULATION 79(2) OF LGPS REGULATIONS 2013: Power of administering authority to appeal to Secretary of State against employing authority's decision (or lack of decision)

That under Regulation 79(2) of the LGPS Regulations 2013, if Staffordshire County Council as administering authority decide it would be appropriate to make an appeal to the Secretary of State about a decision made by an employing authority, or a failure to make a decision, the appeal would be made by the Director of Law and Democracy on behalf of the County Council.

REGULATION 80 (1)(b) OF LGPS REGULATIONS 2013 AND REGULATION 22(1) OF TP REGULATIONS 2014: Information to be supplied by employers to enable administering authority to discharge its functions

That to assist employing authorities to comply with Regulation 80(1)(b) of the LGPS Regulations 2013 and Regulation 22(1) of the TP Regulations 2014, Staffordshire County Council as administering authority will publish an Administration Strategy under Regulation 59 of the LGPS Regulations 2013 and keep employing authorities informed of requirements for the provision of such information as it requires for discharging its Scheme functions by the provision of –

- (a) a Procedural Manual,
- (b) model forms and notes,
- (c) newsletters and mailshots.

REGULATION 83 OF LGPS REGULATIONS 2013: Payments for persons incapable of managing their affairs

That under Regulation 83 of the LGPS Regulations 2013, if it appears to Staffordshire County Council as administering authority that a person (other than an eligible child as defined in Schedule 1 of the LGPS Regulations 2013) is entitled to the payment of benefits under the Scheme but is, by reason of mental disorder or otherwise, incapable of managing his or her affairs, the County Council will, having regard to the circumstances of the case and medical guidance where appropriate, consider –

- (a) paying benefits or any part of them to a person having care of the person entitled, or such other person as the County Council may determine, to be applied for the benefit of the person entitled as the County Council may direct, or
- (b) applying the benefits in such manner as the County Council may determine for the benefit of the person entitled, or his/her beneficiaries.

The Director of Finance and Resources is authorised to implement the Regulation subject to any third parties who are not the legal partner of the pension benefit recipient being required to provide Power of Attorney where the annual pension payable exceeds £1000 (linked to CPI); in cases where the annual pension benefit is below £1000, medical and documentary evidence as applied for legal partners would be deemed acceptable.

In circumstances where the Director of Finance and Resources is unwilling to exercise delegated powers in respect of payments to legal partners the matter will be referred to the Pensions Committee of Staffordshire County Council.

AREAS OF DISCRETION (continued)

REGULATION 85(3) OF LGPS REGULATIONS 2013: Collection of outstanding employee contributions

That under Regulation 85(3) of the LGPS Regulations 2013, where contributions due from a person have not been collected by his/her employing authority, Staffordshire County Council as administering authority will use their powers to collect the contributions by –

- (a) initially writing to the person who owes the contributions setting out details of the amount owed and offering a suggested course of recovery, and
- (b) in the event of failing to obtain the agreement/compliance of the member to this form of recovery, for the Director of Finance and Resources to make a decision based on the size of the debt and the date at which benefits become payable, to recover the amount through the courts as a simple contract debt or by deducting from any payment by way of benefits.

REGULATION 89(5) OF LGPS REGULATIONS 2013: Annual Benefit Statements

That under Regulation 89(5) of the LGPS Regulations 2013, Staffordshire County Council as the administering authority will calculate the benefits shown on the annual benefit statement to 31 March prior to the date of issue.

REGULATION 100(6) AND (7) OF LGPS REGULATIONS 2013: Transfer of pension rights into the Fund

That under Regulation 100(7) of the LGPS Regulations 2013, Staffordshire County Council as administering authority will accept inward transfers of pension rights which are legally acceptable within the terms of the Regulations and relevant Pension Acts and which have the consent of the Scheme member. But such a transfer will not be accepted, in part or in whole, where the request is in respect of pension rights held concurrently with another pension arrangement or from a scheme which is not a member of the Public Sector Transfer Club –

- (a) where notice has not been given by the Scheme member within the period of 12 months beginning with the date he/she became an active member unless the extension of the time limit is with the consent of the employer, or
- (b) where the aggregate of –
 - (i) the service credit in respect of, and on acceptance of, the transfer value,
 - (ii) the Scheme member's prospective service to age 65, and
 - (iii) any service already accrued in the Scheme,would exceed 49 years by age 65.

AREAS OF DISCRETION (continued)

SCHEDULE 2 PART 3 PARAGRAPH 9(d) OF LGPS REGULATIONS 2013: Circumstances in which an admission agreement can be terminated

That where Staffordshire County Council as administering authority enter into an admission agreement with an admission body they will exercise their right to terminate the agreement in the event of –

- (a) the insolvency, winding up, or liquidation of the admission body,
- (b) a breach by the body of any of its obligations under the admission agreement (but where the breach is capable of remedy, only where it has not been remedied within a reasonable time), or
- (c) a failure by the body to pay any sums due to the Fund within a reasonable period after receipt of a notice from the administering authority requiring it to do so,
- (d) any other reason specified within the admission agreement.

SCHEDULE 2 PART 3 PARAGRAPH 12(a) of LGPS REGULATIONS 2013: Admission agreements definition of “employed in connection with”

That where Staffordshire County Council as administering authority enter into an admission agreement with an admission body then the expression “employed in connection with” shall normally mean that a member spends on average in a scheme year at least 75% of his/her time working on the services connected to the contract.

REGULATION 15(1)(b) OF TP REGULATIONS 2014 and REGULATION 28(2) OF ADMINISTRATION REGULATIONS: Power of administering authority 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 member does not elect within time limit

That Staffordshire County Council as administering authority do not use the discretionary powers contained in Regulation 28(2) of the Administration Regulations to deduct the cost from the member's (Shared Cost) Additional Voluntary Contributions Fund of calculating a transfer of that Fund into the Pension Fund.

REGULATION 10(9) OF TP REGULATIONS 2014: Multiple concurrent employments

Where a member does not make an election within 12 months of ceasing a concurrent employment Staffordshire County Council as the Administering Authority will where there is more than one ongoing employment aggregate the benefits in respect of the employment that has ceased with the ongoing employment which is deemed to be the most beneficial to the employee.

AREAS OF DISCRETION (continued)

SCHEDULE 2 PARAGRAPH 2(3) OF TP REGULATIONS 2014 AND REGULATIONS 30(8) and 68(2) OF THE LGPS REGULATIONS 2013: Payment of “strain costs” by employing authority waiver of actuarial reduction

That where an employing authority agree that paragraph 2(3) of the TP Regulations 2014, for a member over age 55 and under age 60 (retirement under regulation 30(5) of the LGPS Regulations 2013) is to apply then Staffordshire County Council as administering authority shall require the employing authority to make additional payments (“strain costs”) to the Fund as determined by the Fund Actuary.

That where an employing authority agree to release benefits before age 60 under 30 or 30A of the Benefit Regulations then Staffordshire County Council as administering authority shall require the employing authority to make additional payments (“strain costs”) to the Fund as determined by the Fund Actuary.

Where an employing body determine to waive actuarial reduction under Schedule 2 Paragraph 2(1) of the TP Regulations 2014 then Staffordshire County Council as administering authority shall require the employing authority to make additional payments (“strain costs”) to the Fund as determined by the Fund Actuary.

Where a retirement benefit becomes immediately payable under Regulations 30(6) (flexible retirement) or 30(7) (redundancy or business efficiency) of the LGPS Regulations 2013 then Staffordshire County Council as administering authority shall require the employing authority to make additional payments (“strain costs”) to the Fund as determined by the Fund Actuary.

Where any “strain costs” are incurred as a result of a waiver of any actuarial reduction to a member’s benefits payable under regulations 30(5) (early retirement for a member over age 55 and under age 60) and 30(6) (flexible retirement) of the LGPS Regulations 2013 then Staffordshire County Council as administering authority shall require the employing authority to make additional payments (“strain costs”) to the Fund as determined by the Fund Actuary under regulation 30(8) of the LGPS Regulations 2013.

The frequency of recovery of strain costs is detailed in the Funding Strategy Statement.

REGULATIONS 3(6), 4(6)(c), 8(4), 10(2)(a), 17(2)(b) OF TP REGULATIONS 2014 AND REGULATION 10(2) OF THE BENEFITS REGULATIONS: Power of the Administering Authority to give notice, on a deceased member’s behalf, that Final Pay should be based on an average of three consecutive years within the last thirteen consecutive years of membership

That under Regulation 10(2) of the Benefits Regulations if –

- (a) a Scheme member has a right under Regulation 10 of the Benefits Regulations to give an election to Staffordshire County Council as administering authority for final pay to be assessed over three consecutive years of the last thirteen consecutive years of active membership rather than over the final pay period as defined in Regulation 8 of the Benefits Regulations,
- (b) the substitution of pay averaged over those three consecutive years appears to the County Council to be beneficial to the Scheme member in the calculation of benefits, and
- (c) the Scheme member dies before making such an election

Staffordshire County Council as the administering authority would make the election on behalf of the member.

**AREAS OF DISCRETION
(continued)**

REGULATIONS 3(6), 4(6)(c), 8(4), 10(2)(a), 17(2)(b) OF TP REGULATIONS 2014 AND SCHEDULE 1 AND L23(9) OF TP REGULATIONS 2008: Permanent reduction in pay – certificates of protection

That if –

- (a) a Scheme member had a right to give notice of election to Staffordshire County Council as administering authority under Regulation 23 of the LGPS Regulations 1997 for the substitution of a pay period covered by a Certificate of Protection of Pension Benefits in the calculation of benefits,
- (b) the scheme member died before making such an election, and
- (c) it appears to the County Council that if the member had made such an election it would have been beneficial in the calculation of death benefits

the County Council as administering authority would make the election on behalf of the member.

REGULATION 17(9) OF TP REGULATIONS 2014 AND SCHEDULE 1 OF LGPS REGULATIONS 2013 1: Continuity of education or training in case of dependent child

That if a person who would otherwise satisfy the definition of eligible child and the meaning of "dependant" contained within the Finance Act 2004 has no more than one break in the continuity of full-time education or vocational training and that break is a period of no more than 12 months, Staffordshire County Council as administering authority would disregard that break for the purposes of eligibility but would suspend the payment of any entitlement to benefits under Regulations 42, 45 or 48 of the LGPS Regulations 2013 during such a break.

REGULATION 17(9)(b) OF TP REGULATIONS 2014 AND SCHEDULE 1 OF LGPS REGULATIONS 2013: Cohabiting Partners

Staffordshire County Council will require and accept such documents as proof of a shared household with shared household spending as the Director of Finance and Resources deems appropriate. as part of the process of establishing the financial dependency of a nominated cohabiting partner on a Scheme member, or their financial interdependency.

AREAS OF DISCRETION (continued)

REGULATION 3(13) OF TP REGULATIONS 2014 AND REGULATIONS 70(1) AND 71(4)(C OF ADMINISTRATION REGULATIONS: Abatement of pension following re-employment

That under Regulation 3(13) of the TP Regulations 2014 and Regulations 70(1) and 71(4)(c) of the Administration Regulations Staffordshire County Council as administering authority shall require that –

- (a) abatement of pensions payable from the Staffordshire Pension Fund should continue in respect of any pensioner member who gained further employment covered by the Local Government Pension Scheme before 1 October 2006 and not be applied to a pensioner member who gained further employment on or after 1 October 2006, and
- (b) the method of abatement should follow the principles set out in the LGPS Regulations 1995.

In accordance with Regulation 70(1) of the Administration Regulations, Staffordshire County Council shall keep this policy under review.

REGULATION 15(1)(c) OF TP REGULATIONS 2014 and Schedule 1 and 83(5) OF TP REGULATIONS 2008: Extension of time period for capitalisation of added years contract

That Staffordshire County Council as administering authority will not permit the extension of the time limit set by Regulation 83(5) of the LGPS Regulations 1997 in which a member leaving on grounds of redundancy (as defined by the Regulations) may give notice to pay a lump sum in respect of the capital value of outstanding contributions unless it can be demonstrated to the satisfaction of the administering authority that the person's delay in giving notice is caused by an error or oversight on the part of the administering or employing authority.

REGULATION 20 OF TP REGULATIONS 2014 SCHEDULE 1 of TP REGULATIONS 2008 AND REGULATION 147 OF LGPS 1997: Pension Sharing Orders and Discharge of pension credit liability

That Staffordshire County Council as administering authority will discharge their liability in respect of a pension credit in accordance with sub-paragraphs (2) or (3) of paragraph 1 of Schedule 5 to the Welfare Reform and Pensions Act 1999, having regard to the wishes of the pension credit member.

PART TWO

Discretions in relation to Scheme members (excluding Councillor Members) who ceased active membership after 31 March 2008 and before 1 April 2014

**AREAS OF DISCRETION WHERE A POLICY STATEMENT IS OBLIGATORY IN
ACCORDANCE WITH REGULATION 106 OF LGPS REGULATIONS 1997**

REGULATIONS 109 AND 110(4)(b) OF LGPS REGULATIONS 1997: Abatement of pensions following re-employment (councillor members and those who left Scheme before 1 April 2008)

That under Regulations 109 and 110(4)(b) of the LGPS Regulations 1997, Staffordshire County Council as administering authority shall require that –

- (a) abatement of pensions payable from the Staffordshire Pension Fund should continue in respect of any pensioner member who gained further employment covered by the Local Government Pension Scheme before 1 October 2006 and not be applied to a pensioner member who gained further employment on or after 1 October 2006, and
- (b) the method of abatement should follow the principles set out in the LGPS Regulations 1995.

In accordance with Regulation 109 of the LGPS Regulations 1997, Staffordshire County Council shall keep this policy under review.

AREAS OF DISCRETION

REGULATION 28(2) OF ADMINISTRATION REGULATIONS: Power of administering authority 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 member does not elect within time limit

That Staffordshire County Council as administering authority do not use the discretionary powers contained in Regulation 28(2) of the Administration Regulations to deduct the cost from the member's (Shared Cost) Additional Voluntary Contributions Fund of calculating a transfer of that Fund into the Pension Fund.

REGULATIONS 23, 32 AND 35 OF BENEFITS REGULATIONS, REGULATION 52 OF ADMINISTRATION REGULATIONS, AND SCHEDULE 1 OF TP REGULATIONS 2008: Payment of death grant

That under Regulations 23, 32 and 35 of the Benefits Regulations (active, deferred and pensioner members), Regulation 52 of the Administration Regulations (active, deferred and pensioner members), and Schedule 1 of the TP Regulations 2008, Staffordshire County Council as administering authority shall maintain their existing policy on payment of death grant, viz. the death grant will be paid to the legal personal representatives as named in the Grant of Probate or Letters of Administration in all circumstances unless –

- (a) there is a clear, effective and valid nomination in respect of the death grant by the Scheme member:
 - (i) made in writing, and
 - (ii) which does not disclose any reason to believe that the nomination is otherwise than genuine and intended to have effect, and
 - (iii) the Council are not aware at the date of death of the Scheme member of any circumstance which would lead the Council to believe that the nomination was otherwise than genuine and intended to have effect – the Council will for example, consider a nomination to be “otherwise than genuine and intended to have effect” in all cases where there is evidence that, after the date of nomination in respect of the death grant, the Scheme member married, remarried, formed a civil partnership or further civil partnership, or withdrew a nomination of a cohabiting partner, or the marriage or civil partnership was dissolved or annulled; and
 - (iv) the discretion to pay the death grant to a nominee is not overridden by Regulations 23(5), 32(4) or 35(4) of the Benefits Regulations which require payment to the legal personal representatives of any shortfall in death grant if not otherwise paid before the expiry of two years beginning with the member's death, or beginning with the date on which the Council as administering authority could reasonably be expected to have become aware of the member's death;

or

- (b) the total sums payable in respect of the deceased under the Local Government Pension Scheme Regulations are £10,000 or less and a Form of Application is completed satisfactorily by the surviving spouse or civil partner so that the Council can identify that person as appearing to be beneficially entitled to the estate.

(In the case of (a) or (b), Staffordshire County Council reserve the right to request sight of the Grant of Probate or Letters of Administration.)

AREAS OF DISCRETION (continued)

REGULATION 56(2) OF ADMINISTRATION REGULATIONS: Approval of medical advisers used by employing authorities

That under Regulation 56(2) of the Administration Regulations, Staffordshire County Council as administering authority will require all employing authorities to seek opinions on medical questions under the Regulations only from those independent registered medical practitioners qualified in occupational health medicine in respect of whom the employing authority has sought and received the approval of the County Council. A Panel of independent registered medical practitioners will be appointed by the County Council and employing authorities will normally be required to seek medical opinions for the purposes of the Local Government Pension Scheme from Panel members only.

REGULATION 60(8) OF ADMINISTRATION REGULATIONS: IDRP Stage Two procedures

That under Regulation 60(8) of the Administration Regulations, the Internal Dispute Resolution Procedures to be followed by Staffordshire County Council when exercising their functions as an appropriate administering authority, and the manner in which those functions are to be exercised, shall be as reported to the Regulatory Committee on 21 April 2004 and as contained in the Guidance Notes based upon the recommendation contained in that report, except that for "Corporate Director (Resources)" in all places where it appears there shall be substituted "Director of Law and Democracy". In the first instance the appeal will be made to the Director of Law and Democracy who will then select an officer to consider the grievance from a Panel of senior officers. The selected officer will have had no previous involvement in the case.

REGULATION 63(2) OF ADMINISTRATION REGULATIONS: Power of administering authority to appeal to Secretary of State against employing authority's decision (or lack of decision)

That under Regulation 63(2) of the Administration Regulations, if Staffordshire County Council as administering authority decide it would be appropriate to make an appeal to the Secretary of State about a decision made by an employing authority, or a failure to make a decision, the appeal would be made by the Director of Law and Democracy on behalf of the County Council.

REGULATION 64(1)(b) OF ADMINISTRATION REGULATIONS: Information to be supplied by employers to enable administering authority to discharge its functions

That to assist employing authorities to comply with Regulation 64(1)(b) of the Administration Regulations, Staffordshire County Council as administering authority will keep employing authorities informed of requirements for the provision of such information as it requires for discharging its Scheme functions by the provision of –

- (a) a Procedural Manual,
- (b) model forms and notes, and
- (c) mailshots.

AREAS OF DISCRETION (continued)

REGULATION 10 OF THE BENEFITS REGULATIONS: Power of administering authority to give notice, on a deceased member's behalf, that final pay should be based on an average of three consecutive years within the last thirteen consecutive years of membership.

That under Regulation 10(2) if –

- (a) a Scheme member has a right under Regulation 10 of the Benefits Regulations to give an election to Staffordshire County Council as administering authority for final pay to be assessed over three consecutive years of the last thirteen consecutive years of active membership rather than over the final pay period as defined in Regulation 8 of the Benefits Regulations,
- (d) the substitution of pay averaged over those three consecutive years appears to the County Council to be beneficial to the Scheme member in the calculation of benefits, and
- (e) the Scheme member dies before making such an election

Staffordshire County Council as the administering authority would make the election on behalf of the member.

REGULATION 27(5) OF THE BENEFITS REGULATIONS: Power of administering authority to determine apportionment and recipient of children's pension

That where children's benefits are payable, Staffordshire County Council as administering authority would use their discretion under Regulation 27(5) of the Benefits Regulations –

- (a) in the case of more than one eligible child and according to the circumstances of each case, apportion the children's pension equally between the eligible children,
- (b) where a child is a minor or incapable of handling his or her own affairs, to pay the children's pension to the surviving parent or guardian after obtaining a written undertaking from that person that the money will be used solely for the benefit of the child(ren), and
- (c) where a child is no longer a minor, according to the amount due and wishes of the child, to consider payment directly to that person of his/her portion of the children's pension.

AREAS OF DISCRETION (continued)

REGULATION 52A OF ADMINISTRATION REGULATIONS: Payments for persons incapable of managing their affairs

That under Regulation 52A of the Administration Regulations, if it appears to Staffordshire County Council as administering authority that a person (other than an eligible child as defined in Regulation 26 of the Benefits Regulations) is entitled to the payment of benefits under the Scheme but is, by reason of mental disorder or otherwise, incapable of managing his or her affairs, the County Council will, having regard to the circumstances of the case and medical guidance where appropriate, consider –

- (a) paying benefits or any part of them to a person having care of the person entitled, or such other person as the County Council may determine, to be applied for the benefit of the person entitled as the County Council may direct, or
- (b) applying the benefits in such manner as the County Council may determine for the benefit of the person entitled, or his/her beneficiaries.

The Director of Finance and Resources is authorised to implement the Regulation subject to any third parties who are not the legal partner of the pension benefit recipient being required to provide Power of Attorney where the annual pension payable exceeds £1000 (linked to CPI); in cases where the annual pension benefit is below £1000, medical and documentary evidence as applied for legal partners would be deemed acceptable.

In circumstances where the Director of Finance and Resources is unwilling to exercise delegated powers in respect of payments to legal partners the matter will be referred to the Pensions Committee of Staffordshire County Council.

REGULATION 25 OF BENEFITS REGULATIONS: Evidence required to determine financial dependence or interdependence in case of nominated cohabiting partner

That under Regulation 25 of the Benefits Regulations, as part of the process of establishing the financial dependency of a nominated cohabiting partner on a Scheme member, or their financial interdependency, Staffordshire County Council will require and accept such documents as proof of a shared household with shared household spending as the Director of Finance and Resources deems appropriate.

REGULATION 26(5)(a) AND (b) OF BENEFITS REGULATIONS: Continuity of education or training in case of dependent child

That if a person who would otherwise satisfy the definition of eligible child and the meaning of "dependant" contained within the Finance Act 2004 has no more than one break in the continuity of full-time education or vocational training and that break is a period of no more than 12 months, under Regulation 26(5) of the Benefits Regulations Staffordshire County Council as administering authority would disregard that break for the purposes of eligibility but would suspend the payment of any entitlement to benefits under Regulations 28, 34 or 37 of the Benefits Regulations during such a break.

AREAS OF DISCRETION (continued)

REGULATION 39 OF BENEFITS REGULATIONS AND REGULATION 14 OF TP REGULATIONS 2008: Commutation of trivial pension

That if the benefit payable to a person under the provisions of the Local Government Pension Scheme could be commuted to a lump sum in accordance with the provisions of the Finance Act 2004 and rules made under that Act including the Registered Pension Schemes (Authorised Payments) Regulations 2009, and in accordance with Regulation 39 of the Benefits Regulations and Regulation 14 of the TP Regulations 2008, Staffordshire County Council as administering authority would, where it is deemed by the Director of Finance and Resources to be appropriate and in accordance with the guidance of the Government Actuary, commute the benefit to a lump sum.

REGULATION 42(1)(c) OF BENEFITS REGULATIONS: Power of administering authority to decide provision under which benefits are to be payable where there is duplication of benefits

That if a Scheme member –

- (a) would be entitled to a pension or retirement grant under two or more regulations by reason of the same period of membership, and
- (b) fails, within the appropriate time limit, to give an election under 42(1)(b) to Staffordshire County Council as administering authority for his/her preferred choice of benefit provision

the Director of Finance and Resources would, immediately at the end of the time limit, make the decision of benefit provision and choose whichever provision appears to the him at that time to be the most beneficial for the member in the circumstances of the case.

REGULATION 45(3) OF ADMINISTRATION REGULATIONS: Collection of outstanding employee contributions

That under Regulation 45(3) of the Administration Regulations, where contributions due from a person have not been collected by his/her employing authority, Staffordshire County Council as administering authority will use their powers to collect the contributions by –

- (a) initially writing to the person who owes the contributions setting out details of the amount owed
- (b) and offering a suggested course of recovery, and
- (b) in the event of failing to obtain the agreement/compliance of the member to this form of recovery, for the Director of Finance and Resources to make a decision based on the size of the debt and the date at which benefits become payable, to recover the amount through the courts as a simple contract debt or by deducting from any payment by way of benefits.

**AREAS OF DISCRETION
(Continued)**

SCHEDULE 1 OF TP REGULATIONS 2008 AND REGULATION 23(9) OF LGPS REGULATIONS 1997: Permanent reduction in pay – certificates of protection of pension benefits

That if –

- (a) a Scheme member had a right to give notice of election to Staffordshire County Council as administering authority under Regulation 23 of the LGPS Regulations 1997 for the substitution of a pay period covered by a Certificate of Protection of Pension Benefits in the calculation of benefits,
- (b) the scheme member died before making such an election, and
- (c) it appears to the County Council that if the member had made such an election it would

have been beneficial in the calculation of death benefits the County Council as administering authority would make the election on behalf of the member.

SCHEDULE 1 OF TP REGULATIONS 2008 AND REGULATION 83 LGPS REGULATIONS 1997:

That Staffordshire County Council as administering authority will not permit the extension of the time limit set by Regulation 83(5) of the LGPS Regulations 1997 in which a member leaving on grounds of redundancy (as defined by the Regulations) may give notice to pay a lump sum in respect of the capital value of outstanding contributions unless it can be demonstrated to the satisfaction of the administering authority that the person's delay in giving notice is caused by an error or oversight on the part of the administering or employing authority.

PART THREE

**Discretions in relation to active councillor members,
pension credit members, and those Scheme members who left the
Local Government Pension Scheme after 31 March 1998 and before
1 April 2008**

**AREAS OF DISCRETION WHERE A POLICY STATEMENT IS OBLIGATORY IN
ACCORDANCE WITH REGULATION 106 OF LGPS REGULATIONS 1997**

REGULATIONS 109 AND 110(4)(b) OF LGPS REGULATIONS 1997: Abatement of pensions following re-employment (councillor members and those who left Scheme before 1 April 2008)

That under Regulations 109 and 110(4)(b) of the LGPS Regulations 1997, Staffordshire County Council as administering authority shall require that –

- (a) abatement of pensions payable from the Staffordshire Pension Fund should continue in respect of any pensioner member who gained further employment covered by the Local Government Pension Scheme before 1 October 2006 and not be applied to a pensioner member who gained further employment on or after 1 October 2006, and
- (b) the method of abatement should follow the principles set out in the LGPS Regulations 1995.

In accordance with Regulation 109 of the LGPS Regulations 1997, Staffordshire County Council shall keep this policy under review.

OTHER AREAS OF DISCRETION

REGULATION 12(5) OF LGPS REGULATIONS 1997: Frequency of payment of councillor members' contributions

That Staffordshire County Council as administering authority determine under Regulation 12 of the LGPS Regulations 1997 that contributions are collected from payments of a councillor's allowance(s) on the day that the payments are made to that person.

REGULATIONS 17(4), (7), (8), 89(4), AND SCHEDULE 1 OF LGPS REGULATIONS 1997: Extension of time limit in which cancelling notice to be submitted by a councillor member following relevant reserve forces service

That under Regulations 17 and 89 and Schedule 1 of the LGPS Regulations 1997, Staffordshire County Council as administering authority would not permit the extension of the time limit in which a councillor member may give a cancelling notice unless it can be demonstrated to the satisfaction of the administering authority that the person's delay in giving the notice is caused by an error or oversight on the part of the administering or employing authority.

REGULATION 22(7) OF LGPS REGULATIONS 1997: Variation of final pay period for fees

That if –

- (a) a Scheme member had a right to give notice of election to Staffordshire County Council as administering authority under Regulation 22 of the LGPS Regulations 1997 for the substitution of an alternative pay period for the calculation of benefits in respect of fees or pay not consisting of fees received,
- (b) the scheme member died before making such an election, and
- (c) it appears to the County Council that if the member had made such an election it would have been beneficial in the calculation of death benefits

the County Council as administering authority would make the election on behalf of the member.

REGULATION 23(9) OF LGPS REGULATIONS 1997: Permanent reduction in pay – certificates of protection of pension benefits

That if –

- (a) a Scheme member had a right to give notice of election to Staffordshire County Council as administering authority under Regulation 23 of the LGPS Regulations 1997 for the substitution of a pay period covered by a Certificate of Protection of Pension Benefits in the calculation of benefits,
- (b) the scheme member died before making such an election, and
- (c) it appears to the County Council that if the member had made such an election it would have been beneficial in the calculation of death benefits

the County Council as administering authority would make the election on behalf of the member.

OTHER AREAS OF DISCRETION (continued)

REGULATIONS 38(1), 95 AND 155(4) OF LGPS REGULATIONS 1997: Payment of death grant (councillor members, pension credit members, and those who left Scheme after 31 March 1998 and before 1 April 2008)

That under Regulations 38(1), 95 and 155(4) of the Local Government Pension Scheme Regulations 1997, Staffordshire County Council as administering authority shall pay any death grant payable under the LGPS 1997 to the legal personal representatives as named in the Grant of Probate or Letters of Administration, in all circumstances unless:

- (a) there is a clear, effective and valid nomination in respect of the death grant by the Scheme member:
 - (i) made in writing, and
 - (ii) which does not disclose any reason to believe that the nomination is otherwise than genuine and intended to have effect, and
 - (iii) the Council are not aware at the date of death of the Scheme member of any circumstance which would lead the Council to believe that the nomination was otherwise than genuine and intended to have effect – the Council will for example, consider a nomination to be “otherwise than genuine and intended to have effect” in all cases where there is evidence that, after the date of nomination in respect of the death grant, the councillor, pension credit member or other Scheme member married, remarried, formed a civil partnership or further civil partnership, or the marriage or civil partnership was dissolved or annulled, and
 - (iv) had the death grant been payable under the Benefits Regulations, the terms of the discretion to pay the death grant to a nominee would not have been overridden by Regulations 23(5), 32(4) or 35(4) of those Regulations which require payment to the legal personal representatives of any shortfall in death grant if not otherwise paid before the expiry of two years beginning with the member’s death, or beginning with the date on which the Council as administering authority could reasonably be expected to have become aware of the member’s death;

or

- (b) the total sums payable in respect of the deceased under the Local Government Pension Scheme Regulations are £10,000 or less and a Form of Application is completed satisfactorily by the surviving spouse or civil partner so that the Council can identify that person as appearing to be beneficially entitled to the estate.

(In the case of (a) or (b), Staffordshire County Council reserve the right to request sight of the Grant of Probate or Letters of Administration.)

OTHER AREAS OF DISCRETION (continued)

REGULATION 44(3) OF LGPS REGULATIONS 1997: Break in education or training of eligible children (councillor members and those who left Scheme after 31 March 1998 and before 1 April 2008)

That if a person, who would otherwise satisfy the definition of eligible child under Regulation 44 of the LGPS Regulations 1997 and the meaning of "dependant" contained within the Finance Act 2004, has no more than one break in continuity of education or vocational training and that break is a period of no more than 12 months, Staffordshire County Council as administering authority would disregard that break for purposes of eligibility.

REGULATION 47(1) AND (2) OF LGPS REGULATIONS 1997: Apportionment of children's pension amongst eligible children and payment of children's pension to another person for benefit of the child (councillor members and those who left Scheme after 31 March 1998 and before 1 April 2008)

That where children's benefits are payable, Staffordshire County Council as administering authority would use their discretion under Regulation 47 of the LGPS Regulations 1997 –

- (a) in the case of more than one eligible child and according to the circumstances of each case, to apportion the children's pension equally between the eligible children; and
- (b) where a child is a minor or incapable of handling his or her own affairs, to pay the children's pension to the surviving parent or guardian after obtaining a written undertaking from that person that the money will be used solely for the benefit of the child(ren); and
- (c) where a child is no longer a minor and is capable of handling his or her own affairs, according to amount due and wishes of the child, to consider payment directly to that person of his/her portion of the children's pension.

REGULATIONS 49 AND 156 OF LGPS REGULATIONS 1997: Commutation of small pension (councillor members and those who left Scheme after 31 March 1998 and before 1 April 2008, and related pension credit members)

That if the total pension payable to a person under the provisions of the LGPS Regulations 1997 may be commuted to a trivial lump sum in accordance with the provisions of the Finance Act 2004, Staffordshire County Council as administering authority would, where it appears appropriate to the authority, commute the total to a lump sum.

OTHER AREAS OF DISCRETION (continued)

REGULATIONS 50 AND 157 OF LGPS REGULATIONS 1997: Commutation of benefits due to exceptional ill-health (councillor members, pension credit members and those who left Scheme before 1 April 2008)

That Staffordshire County Council as administering authority–

- (a) where they consider it appropriate according to the circumstances of the case, and
- (b) are satisfied by reference to the certification of a fully registered person within the meaning of the Medical Act 1983 – preferably an independent qualified medical practitioner approved by the administering authority – that the life expectancy of a councillor member, or other Scheme member, or pension credit member is less than one year at the time that person's pension first becomes payable

would use their discretion under Regulation 50 of the LGPS Regulations 1997 to commute the pension to a lump sum in accordance with that Regulation and having regard to the requirements of the Finance Act 2004.

REGULATION 60(5) OF LGPS REGULATIONS 1997: Acceptance of AVC election – minimum payment (councillor members)

That Staffordshire County Council as administering authority shall set a minimum contribution rate for AVCs as allowed by Regulation 60 of the LGPS Regulations 1997 and that rate shall be £20 a month for any new or amended election on or after the effective date of this policy statement unless this would exceed 50% of the member's remuneration in respect of any employment covered by the election.

REGULATION 80(5) OF LGPS REGULATIONS 1997: Payment of "strain costs" by employing authority where councillor member retires early or a deferred benefit is paid early on ill-health grounds (councillor members and those who left Scheme before 1 April 2008)

That under Regulation 80(5) of the LGPS Regulations 1997, Staffordshire County Council as administering authority shall require an employing authority to make additional payments to the Fund as determined by the Fund Actuary. Such payments are in respect of any charge on the Fund resulting from a pension and retirement grant becoming payable before the member's normal retirement date.

OTHER AREAS OF DISCRETION (continued)

REGULATION 81 OF LGPS REGULATIONS 1997: Frequency of payment to be made over to Fund by employing authorities (in respect of councillor members) and form and frequency of information to accompany payments to the Fund

That under Regulation 81 of the LGPS Regulations 1997, Staffordshire County Council as administering authority will require employing authorities –

- (a) to pay to the County Council all employees' and employer's pension contributions and any other payments as may be required under Regulation 81 by no later than the first day of the month immediately following the month in respect of which contributions were deducted or are payable (the "due date"), and
- (b) to complete statements to accompany these payments, of such design and content as the Director of Finance and Resources may from time to time determine, to comply with the requirements of Regulation 81.

REGULATION 82(1) OF LGPS REGULATIONS 1997: Interest on overdue payments from employing authorities (in respect of councillor members and those who left Scheme before 1 April 2008)

That under Regulation 82 of the LGPS Regulations 1997, Staffordshire County Council as administering authority will require an authority from which payment of any amount due under Regulations 79, 80, 81, 91 or 125 is overdue by more than one month to pay interest on that amount.

REGULATION 89(3) OF LGPS REGULATIONS 1997: Collection of outstanding employee contributions (councillor members and those who left Scheme before 1 April 2008)

That Staffordshire County Council as administering authority will use their powers under Regulation 89 of the LGPS 1997 to collect contributions not deducted from a person's pay by –

- (a) initially writing to the person who owes the contributions, setting out details of the amount owed and offering a suggested course of recovery, and
- (b) in the event of failing to obtain the agreement/compliance of the person to this form of recovery, for the Director of Finance and Resources to make a decision based on the size of the debt and the date at which benefits become payable, to recover the amount through the courts as a simple contract debt or by deducting from any payment by way of benefits.

REGULATION 91(6) OF LGPS REGULATIONS 1997: Timing of pensions increase payments by employers to Fund (those who left Scheme before 1 April 2008)

That under Regulation 91 of the LGPS Regulations 1997, the Director of Finance and Resources of Staffordshire County Council will from time to time –

- (a) review and determine the intervals at which payments of Pensions Increase recharges are made to the Pension Fund, having regard to the amounts payable and the convenience of administration, and
- (b) review and determine the content of statements accompanying payments of Pensions Increase recharge.

OTHER AREAS OF DISCRETION (continued)

REGULATION 97(10) OF LGPS REGULATIONS 1997: Approval of medical advisers used by employing authorities (ill-health benefits for councillor members and deferred benefits payable on health grounds for those who left the Scheme before 1 April 2008)

That under Regulation 97 of the Local Government Pension Scheme Regulations 1997, Staffordshire County Council as administering authority will require all employing authorities to seek opinions on medical questions under the Regulations only from those independent registered medical practitioners qualified in occupational health medicine in respect of whom the employing authority has sought and received the approval of the County Council. A Panel of independent registered medical practitioners will be appointed by the County Council and employing authorities will normally be required to seek medical opinions for the purposes of the Local Government Pension Scheme from Panel members only.

Staffordshire County Council will, unless the circumstances otherwise require, regard compliance with the above as satisfying the provisions of Regulation 97(10).

REGULATION 99 OF LGPS REGULATIONS 1997: IDR Stage Two procedures (for councillor members and those who left the Scheme before 1 April 2008)

That –

- (a) the Internal Dispute Resolution Procedures to be followed by Staffordshire County Council when exercising their functions as an appropriate administering authority, and
- (b) the manner in which those functions are to be exercised

shall be as reported to the Regulatory Committee on 21 April 2004 and as contained in the Guidance Notes based upon the recommendation contained in that report, except that for "Corporate Director (Resources)" in all places where it appears there shall be substituted "Director of Law and Democracy". In the first instance the appeal will be made to the Director of Law and Democracy who will then select an officer to consider the grievance from a Panel of senior officers. The selected officer will have had no previous involvement in the case.

REGULATION 105(1) OF LGPS REGULATIONS 1997: Power of administering authority to appeal to Secretary of State against employing authority's decision, or lack of decision (councillor members and those who left the Scheme before 1 April 2008)

That under Regulation 105, any appeal made to the Secretary of State against a decision made by an employing authority, or a failure to make such a decision, would be made by the Director of Law and Democracy on behalf of Staffordshire County Council.

REGULATION 106A OF LGPS REGULATIONS 1997: Annual benefit statements

That under Regulation 106A, the relevant date selected by Staffordshire County Council for the purpose of annual benefits statements shall normally be the 31 March prior to the date that the statement is issued.

OTHER AREAS OF DISCRETION (continued)

REGULATION 118 OF LGPS REGULATIONS 1997: Retention of Contributions Equivalent Premium where member transfers out (councillor members and those who left the Scheme before 1 April 2008)

That if a transfer payment is made out of the Fund, Staffordshire County Council as administering authority shall if they think fit and as permitted under Regulation 118(3) of the LGPS Regulations 1997, use the amount of any Contributions Equivalent Premium deducted from that transfer to preserve the liability for contracted-out rights within the Pension Fund.

REGULATION 147 OF LGPS REGULATIONS 1997: Discharge of pension credit liability (pension credit members)

That Staffordshire County Council as administering authority will discharge their liability in respect of a pension credit in accordance with sub-paragraphs (2) or (3) of paragraph 1 of Schedule 5 to the Welfare Reform and Pensions Act 1999, having regard to the wishes of the pension credit member.

REGULATION 157 OF LGPS REGULATIONS 1997: Pension credit member – serious ill-health (pension credit members)

That where Staffordshire County Council as administering authority

- (a) consider it appropriate according to the circumstances of the case, and
- (b) are satisfied by reference to the certification of an independent qualified medical practitioner approved by the administering authority that the person's life expectancy is less than one year at the time that the person's pension first becomes payable

they would use their discretion under Regulation 157 of the Local Government Pension Scheme Regulations 1997 to commute the pension to a lump sum in accordance with that Regulation.

REGULATION 14(2) and (3) OF TP REGULATIONS 2008: trivial commutation (pension credit members)

That if the benefits payable to a pension credit member under the provisions of the Local Government Pension Scheme Regulations 1997 would convert to a trivial commutation lump sum or trivial commutation lump sum death benefit within the meaning of the Finance Act 2004, Staffordshire County Council as administering authority would, where it appears appropriate to the authority, pay the benefits as such a lump sum.

PART FOUR

**Discretions in relation to members covered by
the TP Regulations 1997**

AREAS OF DISCRETION

REGULATION 17(3) OF TP REGULATIONS 1997: Extending time limit for repayment of a refund received between 1 April 1974 and 31 December 1979

That Staffordshire County Council as administering authority would not permit the extension of the time limit as set by Regulation 17(3) of the TP Regulations 1997 in which a member may return a refund of contributions paid in respect of any period between 1 April 1974 and 31 December 1979 inclusive unless it can be demonstrated to the satisfaction of the administering authority that the person's delay in giving notice is caused by an error or oversight on the part of the administering or employing authority.

SCHEDULE 3, PARAGRAPH 21 OF TP REGULATIONS 1997: Spouse's pensions for life for pensioner and deferred members who retired before 1 April 1998 and who die on or after 1 April 1998

That Staffordshire County Council as administering authority resolve under Regulation F7(1) of the LGPS Regulations 1995 as amended by Paragraph 21 of Schedule 3 to the TP Regulations 1997 not to terminate any widow's or widower's pensions upon the remarriage or cohabitation of that person.

PART FIVE

**Discretions in relation to members covered by the Local
Government Pension Scheme Regulations 1995**

AREAS OF DISCRETION

REGULATION E8 OF LGPS REGULATIONS 1995: Payment of death grant in respect of Scheme members who left before 1 April 1998

That Staffordshire County Council as administering authority shall pay any death grant payable under the LGPS 1995 to legal personal representatives as named in the Grant of Probate or Letters of Administration in all circumstances unless –

- (a) there is a clear, effective and valid nomination in respect of the death grant by the Scheme member:
 - (i) made in writing, and
 - (ii) which does not disclose any reason to believe that the nomination is otherwise than genuine and intended to have effect, and
 - (iii) the Council are not aware at the date of death of the Scheme member of any circumstance which would lead the Council to believe that the nomination was otherwise than genuine and intended to have effect – the Council will for example, consider a nomination to be “otherwise than genuine and intended to have effect” in all cases where there is evidence that, after the date of nomination in respect of the death grant, the Scheme member married, remarried, formed a civil partnership or further civil partnership, or the marriage or civil partnership was dissolved or annulled, and
 - (iv) had the death grant been payable under the Benefits Regulations, the terms of the discretion to pay the death grant to a nominee would not have been overridden by Regulations 23(5), 32(4) or 35(4) of those Regulations which require payment to the legal personal representatives of any shortfall in death grant if not otherwise paid before the expiry of two years beginning with the member’s death, or beginning with the date on which the Council as administering authority could reasonably be expected to have become aware of the member’s death;

or

- (b) the total sums payable in respect of the deceased under the Local Government Pension Scheme Regulations are £10,000 or less and a Form of Application is completed satisfactorily by the surviving spouse or civil partner so that the Council can identify that person as appearing to be beneficially entitled to the estate.

(In the case of (a) or (b), Staffordshire County Council reserve the right to request sight of the Grant of Probate or Letters of Administration.)

REGULATION G1 OF LGPS REGULATIONS 1995: Continuity of education or training of child following death of Scheme member who left before 1 April 1998

That if a person who would otherwise satisfy the definition of eligible child and the meaning of “dependant” contained within the Finance Act 2004 has no more than one break in the continuity of full-time education or vocational training and that break is a period of no more than 12 months, under Regulation G1 of the LGPS Regulations 1995 Staffordshire County Council as administering authority would disregard that break for the purposes of eligibility but would suspend the payment of any entitlement to benefits during such a break.

**AREAS OF DISCRETION
(continued)****REGULATION G11(1) AND (2) OF LGPS REGULATIONS 1995: Apportionment of children's pension amongst eligible children following death of Scheme member who left before 1 April 1998 and payment of child's pension to another person for the benefit of the child following death of Scheme member**

That where children's benefits are payable under the LGPS Regulations 1995, Staffordshire County Council as administering authority would use their discretion under Regulation G11 as follows –

- (a) in the case of more than one eligible child and according to the circumstances of each case, to apportion the children's pension equally between the eligible children; and
- (b) where the child is a minor or incapable of handling his or her own affairs, to pay the children's pension to the surviving parent or guardian after obtaining a written undertaking from that person that the money will be used solely for the benefit of the child(ren), and
- (c) where a child is no longer a minor and is capable of handling his or her own affairs, according to amount due and wishes of the child, to consider payment directly to that person of his/her portion of the children's pension.

PART SIX

Discretions to be exercised by Staffordshire County Council as administering authority where a scheme member has no current employing authority and the member's former employing authority has ceased to be a Scheme employer

AREAS OF DISCRETION WHERE A POLICY, ETC. STATEMENT IS OBLIGATORY

REGULATION 30 OF BENEFITS REGULATIONS: Power of employing authority to consent to a person's choice of early payment of pension

That if a Scheme member – who has no current employing authority and whose former employing authority has ceased to be a Scheme employer – elects under Regulation 30 of the Benefits Regulations to receive early payment of pension, being age 55 or over but below age 60, Staffordshire County Council as administering authority will not normally give consent under this Regulation. Nor, where consent is given, would Staffordshire County Council consent to the waiving of any actuarial reduction otherwise to be applied to those benefits on early payment.

REGULATION 30A OF BENEFITS REGULATIONS: Power of employing authority to consent to a person's choice of early payment of pension in the case of a pensioner member with deferred benefits

That if a Scheme member –

- who has had a Tier 3 ill-health pension cancelled under Regulation 20(9) and is consequently classed as a pensioner member with deferred benefits, and
- whose former employing authority has ceased to be a Scheme employer,

elects under Regulation 30A to receive immediate payment of deferred benefits, being age 55 or over but below age 60, Staffordshire County Council as administering authority will not normally give consent under this Regulation.

That if such a Scheme member being below age 65 is granted entitlement to receive immediate payment of benefits under Regulation 30A, Staffordshire County Council as administering authority will not normally waive any actuarial reduction for early payment otherwise applicable.

TP REGULATIONS 2014 SCHEDULE 2 PARAGRAPHS 1(2) and 2(2): Employer decision to apply the “Rule of 85”

That if a Scheme member – who has no current employing authority and whose former employing authority has ceased to be a Scheme employer – elects under Regulation 30 (immediate payment of deferred benefits) of the LGPS Regulations 2013 to receive early payment of deferred benefits, being age 55 or over but below age 60, Staffordshire County Council as administering authority will not normally agree to applying the “85 rule” and a reduction will be applied to those benefits.

TP REGULATIONS 2014 3(1), SCHEDULE 2 PARAGRAPHS 2(1) and 2(2): Employer decision to waive actuarial reduction on compassionate grounds

That if a Scheme member – who has no current employing authority and whose former employing authority has ceased to be a Scheme employer – elects under Regulation 30 (immediate payment of deferred benefits) of the LGPS Regulations 2013 to receive early payment of deferred benefits, being age 55 or over but below age 60, Staffordshire County Council as administering authority will not normally agree to waive the actuarial reduction.

OTHER AREAS OF DISCRETION

REGULATION 31 OF BENEFITS REGULATIONS: Early payment of deferred pension – ill-health

That if a Scheme member –

- who has left employment before being entitled to the immediate payment of retirement benefits or who has had a Tier 3 ill-health pension cancelled under Regulation 20(9) and is consequently classed as a pensioner member with deferred benefits, and
- whose former employing authority has ceased to be a Scheme employer,

requests, under Regulation 31, to receive immediate payment of deferred benefits, being age 55 or over but below age 60, Staffordshire County Council as administering authority shall decide whether to permit early payment of deferred benefits to a deferred member, having regard to a medical certificate obtained from an independent registered medical practitioner.

TP REGULATIONS 2014 REGULATION 12(6): IRMP Certificate

Staffordshire County Council as administering authority will not accept an IRMP certificate under the 2008 Scheme for the purposes of making a decision under the 2014 Scheme.

TP REGULATIONS 2014 REGULATION 38(3): Early payment of deferred benefit – ill health

That if a Scheme member –

- who has left employment before being entitled to the immediate payment of retirement benefits or who has had a Tier 3 ill-health pension cancelled under Regulation 37 of the LGPS Regulations 2013 and is consequently classed as a pensioner member with deferred benefits, and
- whose former employing authority has ceased to be a Scheme employer,

requests, under Regulation 38, to receive immediate payment of deferred benefits, being age 55 or over but below age 60, Staffordshire County Council as administering authority shall decide whether to permit early payment of deferred benefits to a deferred member, having regard to a medical certificate obtained from an independent registered medical practitioner.

