

Administering Authority Discretions



The Local Government Pension Scheme

Discretionary Powers

STATEMENT OF POLICIES OF
STAFFORDSHIRE COUNTY COUNCIL
AS AN ADMINISTERING AUTHORITY



Administering Authority Discretions

Introduction

This policy has been determined by the Pensions Committee of Staffordshire County Council as the administering authority of the Staffordshire Pension Fund. It relates to discretions included within the Local Government Pension Scheme Regulations and related legislation (the governing regulations).

This policy was approved by the Staffordshire Pensions Committee at its meeting on 17 December 2021. It sets out the criteria that will be considered when making a decision about the use of administering authority discretions and, where appropriate, the policy that will be applied. Any decision relating to these discretionary provisions will be subject to the policy which is current at the time of the relevant event. In the case of a conflict between the discretion as written in this policy and the governing regulations, the governing regulations will prevail.

These policy decisions apply to all categories of scheme members (e.g., active, deferred, pensioners, pension credit members and dependents) from the effective date of the policy until such point as the policy is reviewed. For those who left employment prior to the effective date of the policy, the discretions that will apply shall have regard to the equivalent provisions in previous versions of governing legislation.

The Staffordshire Pensions Committee retains the right to review this policy at any point in time and will usually review it every three to four years as a minimum. This policy does not give, nor shall it be deemed to give, any contractual rights to any person whatsoever, including members or former members of the Staffordshire Pension Fund or employees or former employees of any of its employers or former employers.

Nothing in this policy will cause Staffordshire County Council's (as the administering authority of the Staffordshire Pension Fund) capacity to exercise its discretionary powers to be unlawfully fettered or restricted in any way.

These discretions will be exercised in line with the provisions of the various LGPS Regulations and other legislation. Nothing within this statement can overwrite the legal requirements within those provisions.

Administering Authority Discretions

Section 1 – Pension benefits and administration

- **Additional Pension Contributions and Shared Cost Additional Pension Contributions (APC/SCAPC)**

Discretion	Regulations	Reg No
<p>Whether to turn down a request to pay an APC / SCAPC over a period of time where it would be impractical to allow such a request (for example where the sum being paid is very small and could be paid as a single payment).</p> <p>We 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. Impractical would be deemed to be where there was insufficient regular pay to ensure that the agreed payment would not be recovered.</p>	LGPS Regulations 2013	16(1)
<p>Whether to require a satisfactory medical before agreeing to an application to pay an APC / SCAPC.</p> <p>Members are required to be assessed by their GP if they wish to purchase an APC where the contract will be in place for more than 1 year. In the absence of such a report the County Council will refuse the request.</p>	LGPS Regulations 2013	16(10)
<p>Whether to turn down an application to pay an APC / SCAPC if not satisfied that the member is in reasonably good health.</p> <p>The administering authority would normally turn down an application for an APC/SCAPC if the member is not in reasonably good health.</p>	LGPS Regulations 2013	16(10)

Administering Authority Discretions

Section 1 – Pension benefits and administration

- **Transfer and Aggregation of benefits**

Discretion	Regulations	Reg No
<p>Allow transfer of pension rights into Staffordshire Pension Fund</p> <p>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.</p>	LGPS Regulations 2013	100(7)
<p>Extend normal time limit for acceptance of a transfer value beyond 12 months from joining the LGPS.</p> <p>An extension of the transfer period would not normally be agreed unless the employer and the administering authority agree. Any extension should not extend beyond 18 months from the date of joining</p>	LGPS Regulations 2013	100(6)
<p>In the absence of an election from the member within 12 months of ceasing a concurrent employment, decide to which ongoing record the benefits from the ceased employment should be aggregated.</p> <p>The administering authority will determine which ongoing record the concurrent employment should be aggregated with if the member does not make a definite election.</p>	LGPS (Transitional Provisions) Regulations 2014	10(9)

Administering Authority Discretions

Section 1 – Pension benefits and administration

- **Retiring Members**

Discretion	Regulations	Reg No
<p>Whether to extend the time limits within which a member must give notice of the wish to draw benefits before normal pension age or upon flexible retirement.</p> <p>Deferred Pension into payment Administering authority normally requires 3 months’ notice to pay a Deferred Benefit. SCC as administering authority will waive this requirement on an individual basis on the member’s request where enforcing this notice would cause undue hardship.</p> <p>Active Member (Flexible Retirement) Administering authority will use the date of Flexible Retirement provided by the employer</p> <p>Active Member (Early Leaver Under age 60) Administering authority normally requires 3 months’ notice to pay a Deferred Benefit. The Administering authority will waive this requirement on an individual basis on the member’s request where enforcing this notice would cause undue hardship.</p> <p>Active Member (Early Leaver Over age 60) Administering authority will use the date of leaving provided by the employer</p>	<p>LGPS Regulations 2013</p>	<p>32(7)</p>
<p>Extension of the period following redundancy for a member to make an election to capitalise an added years contract</p> <p>The Administering authority will normally apply the prescribed three-month time limit but will assess each case on its own merits</p>	<p>LGPS (Transitional Provisions) Regulations 2014 LGPS Regulations 1997</p>	<p>15(1)(c) 83(5)</p>

Administering Authority Discretions

Section 1 – Pension benefits and administration

- **Retiring Members - Where the former employer no longer exists**

Where a former employing authority no longer exists, certain regulations require Staffordshire County Council to use its discretion to make decisions on the former employer’s behalf.

Generally, these decisions relate to situations where a member wishes to draw their pension benefits before their normal retirement date and early retirement reductions would normally apply. The member can apply to their employer or former employer requesting they exercise their discretion to consider waiving those reductions. However, where the former employer ceases to exist, this discretion falls to the administering authority, Staffordshire County Council. The discretions and applicable regulations are listed below.

Discretion	Regulations	Reg No
<p>Whether to switch on the 85-year rule (pre-1 April 2014 benefits)</p> <p><u>Former employees with a deferred benefit entitlement and where a Tier 3 ill benefit has been suspended.</u></p> <p>The County Council will not normally agree to waive any actuarial reduction in whole or in part that would apply to a member’s benefits, and if relevant nor would they agree to apply the “Rule of 85” where a former employee with entitlement to deferred benefits elects for early payment of their deferred benefit after age 55 and before attaining age 60.</p>	<p>LGPS (Transitional Provisions) Regulations 2014 – Schedule 2</p> <p>LGPS (Transitional Provisions) Regulations 2014</p>	<p>1(2), 1(1)(c), 1(1)(f) & 2(1)</p> <p>3(1) & 3(5A)(vi)</p>
<p>Waiving reductions on compassionate grounds (pre 1 April 2014 benefits)</p> <p><u>Former employees with a deferred benefit entitlement and where a Tier 3 ill benefit has been suspended.</u></p> <p>The Administering authority will not normally agree to waive any actuarial reduction in whole or in part that would apply to a member’s benefits, and if relevant nor would they agree to apply the “Rule of 85” where a former employee with entitlement to deferred benefits elects for early payment of their deferred benefit after age 55 and before attaining age 60.</p>	<p>LGPS (Benefits) Regulations 2007</p> <p>LGPS Regulations 1997</p> <p>LGPS (Transitional Provisions) Regulations 1997</p> <p>LGPS Regulations 1995</p>	<p>30(5) & 30A(5)</p> <p>31(5) & 106(1)</p> <p>4</p> <p>D11(2)(c)</p>

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In using its discretion to consider applications under any of the regulations listed above, Staffordshire County Council will assess each case on its own merits, but will give consideration to the following:

- The grounds for the request
- The policy of the former employer if one exists
- The costs involved in consenting to the request
- The opinion and financial position of the body liable for any costs
- Any specific circumstances that appear to be relevant

Administering Authority Discretions

Section 1 – Pension benefits and administration

- **Commutation of benefits**

Discretion	Regulations	Reg No
<p>Decide whether to commute a member’s pension under any of the following legislation:</p> <p>The administering authority will commute a member's pension where it meets the requirements of the relevant legislation and the Fund’s Policy</p> <p>Finance Act 2004</p> <ul style="list-style-type: none"> • Section 166 – Trivial Commutation Lump Sum rules • Section 168 – Trivial Commutation Lump Sum Death Benefit Rules <p>Registered Pension</p> <p>Schemes (Authorised Payments) Regulations 2009 – small lump sums</p> <ul style="list-style-type: none"> • Regulation 6 (payment after relevant accretion), • Regulation 11 (de minimis rule for pension schemes), • Regulation 12 (payments by larger pension schemes) 	<p>LGPS Regulations 2013</p> <p>LGPS (Benefits) Regulations 2007</p> <p>LGPS (Transitional Provisions) Regulations 200</p> <p>LGPS Regulations 1997</p>	<p>34(1)</p> <p>39(1)</p> <p>14(3)</p> <p>49(1)</p>
<p>Decide whether to commute benefits due to exceptional ill-health</p> <p>(Applicable to those who left employment before 1 April 2008)</p> <p>The administering authority will offer to commute a member's pension where it meets the requirements of this regulation.</p>	<p>LGPS (Transitional Provisions) Regulations 2014</p> <p>LGPS Regulations 1997</p>	<p>15(1)(c)</p> <p>83(5)</p>

Administering Authority Discretions

Section 1 – Pension benefits and administration

- **Internal Dispute Resolution Procedure**

Discretion	Regulations	Reg No
<p>Whether to extend six-month period to lodge a stage one IDR appeal.</p> <p>The adjudicator may choose to extend the six-month period to lodge a stage one IDR appeal, where circumstances have prevented a member lodging their appeal earlier.</p>	LGPS Regulations 2013	74(4)
<p>Decide procedure to be followed by adjudicator when exercising stage one IDR functions and decide the manner in which those functions are to be exercised.</p> <p>The adjudicator has decided the procedure to be followed when exercising Stage one IDR function</p>	LGPS Regulations 2013	74(6)
<p>Decide procedure to be followed by administering authority when exercising its stage two IDR functions and decide the manner in which those functions are to be exercised.</p> <p>The administering authority has decided the procedure to be followed by the Stage two adjudicators when exercising Stage two IDR functions.</p>	LGPS Regulations 2013	76(4)
<p>Whether the administering authority should appeal against employer decision (or lack of a decision).</p> <p>The Administering authority may appeal to the Secretary of State when we believe an employer has made a decision (or lack of) or committed an act that is both wrong in law and material, where we have been unable to persuade the employer to alter its actions (or inactions)</p>	LGPS Regulations 2013	79(2)

Administering Authority Discretions

Section 1 – Pension benefits and administration

- **Death Benefits – Death Grant payment guidelines**

Discretion	Regulations
<p>The Administering authority guidelines for the payment of a death grant are as follows:</p> <p>(a) Where a nomination has been made, payment of the death grant should normally be made to the nominee(s). However, where a significant event has taken place since the nomination was made, e.g., a marriage, divorce, or separation, then this is to be taken into account.</p> <p>(b) Where no nomination has been made and the member had one immediate family (i.e. a spouse, civil registered partner or dependent cohabiting partner who were not separated at the time of the member’s death, with or without children), payment of the death grant should normally be made to the spouse, civil or dependent cohabiting partner.</p> <p>(c) Where no nomination has been made and the member had an immediate family (i.e. a spouse, civil registered partner or dependent cohabiting partner who were not separated at the time of the member’s death, with or without children), and there are also children from a previous relationship, preference will normally be given to where dependence on the member was greatest. The death grant may be split between two or more beneficiaries.</p> <p>(d) Where no nomination has been made and there is no surviving spouse, civil registered partner or dependent cohabiting partner, or there is but the couple were separated at the time of the member’s death, payment of the death grant may be divided in equal shares to any known children of the member, regardless of their ages. This may include stepchildren or those accepted as children of the member.</p> <p>(e) Otherwise payment will normally be made to the member’s surviving parent(s) or sibling(s) in line with intestacy rules. Where none exists, payment will normally be made to the personal representative(s) dealing with the estate, in that capacity.</p>	<p>LGPS Regulations 2013 40(2), 43(2) & 46(2)</p> <p>LGPS (Benefits) Regulations 2007 23(2), 32(2) & 35(2)</p> <p>LGPS Regulations 1997 38(1) & 155(4)</p> <p>LGPS Regulations 1995 E</p>

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(f) Where the Assistant Director Treasury and Pension /or Officers of the Fund with delegated decision-making responsibilities consider that the normal practices described in (a) to (e) are inappropriate, impossible or is or may be subject to objection by interested parties because:

(1) there is evidence that the nomination may not have represented the member's wishes immediately before death; or

(2) because the nominee is no longer alive or cannot be traced, or because no personal representative can be identified; or

(3) because representations have been received from or on behalf of potential beneficiaries requesting a different treatment; or

(4) for other reasons,

they may determine on their own authority how the death grant should be distributed among potential eligible beneficiaries as defined in the scheme rules. Prior to so determining they may invite claimants to consider if they can propose a mutually satisfactory settlement.

Administering Authority Discretions

Section 1 – Pension benefits and administration

- **Death Benefits Continued**

Discretion	Regulations	Reg No
<p>Decide to who any additional voluntary contributions or shared costs additional voluntary contributions (AVC/SCAVC) monies (including life assurance monies) are to be paid on the death of a member.</p> <p>Where the administering authority has discretion, it will normally pay any AVC/SCAVC in line with the main scheme death grant. Otherwise it will be paid to the deceased' personal representatives</p>	<p>LGPS Regulations 2013</p>	<p>17(12)</p>
<p>Whether to pay the whole or part of the amount that is due to the personal representatives (including anything due to the deceased member at the date of death) to the 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.</p> <p>The Administering authority normally make payments due to the personal representative in respect of a deceased person without the production of probate or Letters of Administration (LOA), where the amounts due are below the amount specified in any order under s.6 of Admin. Of Estates (Small Payments) Act 1965</p>	<p>LGPS Regulations 2013</p> <p>LGPS (Administration) Regulations 2013</p> <p>LGPS Regulations 1997</p>	<p>82(2)</p> <p>52(2)</p> <p>95</p>

Administering Authority Discretions

Section 1 – Pension benefits and administration

- **Death Benefits Continued**

Discretion	Regulations	Reg No
<p>Where member to whom regulation B10 applies (use of average of 3 years pay for final pay purposes) dies before making an election, whether to make that election on behalf of the deceased member.</p> <p>If the Administering authority are aware that a reduction in pay has occurred, the Administering authority would make an election on behalf of the deceased member to utilise the protection offered by Regulation B10</p>	<p>LGPS(Benefits) Regulation 2007</p>	<p>10(2)</p>
<p>Make election on behalf of deceased member with a certificate of protection of pension benefits therefore determine best pay figure to use in the benefit calculations (pay cuts / restrictions occurring pre 1 April 2008).</p> <p>If Administering authority are aware that a certificate of protection has been issued, the Administering authority would make an election on behalf of the deceased member.</p>	<p>LGPS Regulations 1997</p>	<p>23(9)</p>
<p>Decide to treat child (who has not reached the age of 23) as being in continuous full-time education or vocational training despite a break.</p> <p>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 a break in the continuity of full-time education or vocational training and that break would normally be for a period of no more than 12 months, as the 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.</p>	<p>LGPS (Transitional Provisions) Regulations 2014</p>	<p>17(9)(a)</p>

Administering Authority Discretions

Section 1 – Pension benefits and administration

- **Death Benefits Continued**

Discretion	Regulations	Reg No
<p>Decide evidence required to determine financial dependence of cohabiting partner on scheme member or financial interdependence of cohabiting partner and scheme member.</p> <p>Examples of evidence include but are not limited to:</p> <ul style="list-style-type: none"> • Council tax bills, bank or credit card statements and main utility bills • Mortgage statements or property rental agreement • Copies of joint life assurance policies or loan/credit agreements taken out in both names. <p>This list is not exhaustive, and the Administering authority will consider any documentation that is sent to us that confirms financial dependency covering the two years period prior to death</p>	<p>LGPS (Transitional Provisions) Regulations 2014</p>	<p>17(9)(b)</p>
<p>Whether to pay the whole or part of a child’s pension to another person for the benefit of that child.</p> <p>(a) 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</p> <p>(b) where a child is no longer a minor to pay to an account in the child’s own name unless they express a wish for the payment of the children’s pension to continue to be made to their surviving parent or guardian.</p>	<p>LGPS (Benefits) Regulations 2007</p> <p>LGPS Regulations 1997</p> <p>LGPS Regulations 1995</p>	<p>27(5)</p> <p>47(2)</p> <p>G11(2)</p>

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<p>Apportionment of children's pension amongst eligible children.</p> <p>Where there is more than one eligible child, the Administering authority will normally divide a children's pension equally between them</p>	<p>LGPS Regulations 1997</p> <p>LGPS Regulations 1995</p>	<p>47(1)</p> <p>G11(1)</p>
<p>Whether to pay spouse's pensions for life (rather than ceasing during any period of remarriage or co-habitation).</p> <p>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.</p>	<p>LGPS Regulations 1995</p>	<p>F7</p>

Administering Authority Discretions

Section 1 – Pension benefits and administration

- **General Administration**

Discretion	Regulations	Reg No
<p>Whether to have a written pensions administration strategy and, if so, the matters it should include.</p> <p>The Administering authority has established and published a pensions administration strategy.</p>	<p>LGPS Regulations 2013</p>	<p>59(1) & (2)</p>
<p>Member pension accounts may be kept in such form as is considered appropriate.</p> <p>The Administering authority will keep the pension account in the form most appropriate to the liabilities built up.</p>	<p>LGPS Regulations 2013</p>	<p>22(3)(c)</p>
<p>In the absence of an election from the member, decide which benefit is to be paid where the member would be entitled to a benefit under 2 or more regulations in respect of the same period of Scheme membership.</p> <p>The administering authority would normally use its discretion to decide on a case by case basis.</p>	<p>LGPS Regulations 2013</p> <p>LGPS (Benefits) Regulations 2007</p>	<p>49(1)(c)</p> <p>42(1)(c)</p>

Administering Authority Discretions

<p>Whether, where a person is incapable of managing their affairs, to pay the whole or part of that person’s pension benefits to another person for their benefit.</p> <p>The administering authority may do this where we are satisfied that this would be in the best interests of the beneficiary.</p>	<p>LGPS Regulations 2013</p> <p>LGPS (Administration) Regulations 2008</p>	<p>83</p> <p>52A</p>
<p>Outstanding employee contributions can be recovered as a simple debt or by deduction from benefits.</p> <p>The administering authority will use their powers to collect the contributions by</p> <p>(a) initially writing to the person who owes the contributions setting out details of the amount owed</p> <p>(b) and offering a suggested course of recovery, and</p> <p>(c) in the event of failing to obtain the agreement/compliance of the member to this form of recovery, for the Assistant Director of Treasury and Pensions 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</p>	<p>LGPS (Administration) Regulations 2008</p> <p>LGPS Regulations 1997</p>	<p>45(3)</p> <p>89(3)</p>

Administering Authority Discretions

Section 1 – Pension benefits and administration

- **General Administration Continued**

Discretion	Regulations	Reg No
<p>Date to which benefits shown on an annual deferred benefit statement are calculated.</p> <p>Benefits shown on an annual deferred benefit statement are calculated to the relevant date of 31 March prior to the date that the statement is issued.</p>	LGPS Regulations 2013	106A (5)
<p>Discharge of liability for pension credit rights.</p> <p>Pension Credit liabilities are discharged by payment of benefits at the relevant payable date, or upon transfer of those Pension Credit liabilities to another qualifying pension scheme</p>	LGPS Regulations 1997	147
<p>Decide policy on abatement of pre 1 April 2014 element of pensions in payment following re-employment.</p> <p>Abatement of pensions payable from the Administering authority 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</p> <p>(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.</p>	<p>LGPS (transitional Provisions) Regulation 2014</p> <p>LGPS (Administration) Regulations</p>	13

Administering Authority Discretions

<p>Determine the amount of an exit credit The Administering authority will follow the guidelines we have set out in the Funding Strategy Statement Staffordshire Pension Fund - Funding Strategy Statement (staffspf.org.uk)</p>	LGPS Regulations 2013	64
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Administering Authority Discretions

Section 1 – Pension benefits and administration

- **General Administration Continued**

Discretion	Regulations	Reg No
<p>Bulk Transfers - whether to agree to a bulk transfer payment.</p> <p>The administering authority would normally use its discretion dependent upon the circumstances of the case, with a decision made in line with the Funding Strategy Statement Staffordshire Pension Fund - Funding Strategy Statement (staffspf.org.uk)</p>	<p>LGPS Regulations 2013</p>	<p>98(1)(b)</p>
<p>Bulk Transfers – whether to agree to set aside bulk transfer assets / cash and acquisition of rights in new scheme.</p> <p>The administering authority would normally use its discretion dependent upon the circumstances of the case, with a decision made in line with the Funding Strategy Statement Staffordshire Pension Fund - Funding Strategy Statement (staffspf.org.uk)</p>	<p>LGPS Regulations 2013</p>	<p>98(4)(a)</p>
<p>Bulk Transfers – determine the amount of, and adjustments to, bulk transfer payment.</p> <p>The administering authority would normally use its discretion dependent upon the circumstances of the case, with a decision made in line with the Funding Strategy Statement Staffordshire Pension Fund - Funding Strategy Statement (staffspf.org.uk)</p>	<p>LGPS Regulations 2013</p>	<p>99(1) & (2)</p>

Administering Authority Discretions

<p>Bulk Transfers – Determine who should bear the bulk transfer actuarial costs (where more than one employing authority is involved in the transfer).</p> <p>The administering authority would normally use its discretion dependent upon the circumstances of the case, with a decision made in line with the Funding Strategy Statement Staffordshire Pension Fund - Funding Strategy Statement (staffspf.org.uk)</p>	<p>LGPS Regulations 2013</p>	<p>99(5)</p>
<p>Decide whether to delegate any administering authority functions under the Regulations.</p> <p>The administering authority may delegate its functions where it deems it necessary to do so.</p>	<p>LGPS Regulations 2013</p>	<p>105(2)</p>
<p>Decide whether to establish a joint local pensions board (if approval has been granted by the Secretary of State).</p> <p>The administering authority has chosen to establish a joint local pensions board.</p>	<p>LGPS Regulations 2013</p>	<p>106(3)</p>
<p>Decide procedures applicable to the local pensions board.</p> <p>The administering authority has decided the procedures applicable to the joint local pensions board.</p>	<p>LGPS Regulations 2013</p>	<p>106(6)</p>
<p>Decide appointment procedures, terms of appointment and membership of local pensions board.</p> <p>The administering authority has decided the procedures applicable to the joint local pensions board.</p>	<p>LGPS Regulations 2013</p>	<p>107(1)</p>

Administering Authority Discretions

Section 1 – Pension benefits and administration

- **General Administration Continued- Annual Allowance – Voluntary Scheme Pays (VSP) Policy**

Discretion	Regulations	Reg No
<p>To decide whether to offer voluntary scheme pays facility to members who have an annual allowance tax charge; and, if so, to decide the circumstances upon which it would do so.</p> <p>The administering authority offers use of the voluntary scheme pays (VSP) facility in the circumstances set out below:</p> <p>(a) The Administering authority accept VSP elections for members who are subject to the tapered annual allowance and whose pension savings are above £40,000 (that is, where there is both a mandatory and a voluntary element to the tax charge).</p> <p>(b) The Administering authority also accept VSP elections for members who are subject to the tapered annual allowance and whose pension savings are below £40,000 (that is, where there is no mandatory element to the tax charge)</p> <p>(c) The Administering authority will accept VSP elections if the members completed election form is receive by 15 December of the tax year after the tax year to which the tax charge applies. SPF may accept if an election form is received later this will be determined on a case by case basis. SPF will then pay the tax charge by the following 31 January. SPF will not accept elections for mandatory or voluntary scheme pays tax charges of less than £2,000.</p> <p>(e) The Administering authority will accept VSP elections where 'administrative difficulties' have meant that the member was not entitled to apply for scheme pays on a mandatory basis. For example, where SPF failed to recognise that a member had exceeded the Administering Authority before the benefits were crystallised.</p> <p>f) The Administering authority will also accept VSP elections based on 'administrative difficulties' where a member already has a pension in payment where a member may have made an election for payment of the benefit, but all relevant information was not provided in a timely manner prior to the payment of the pension.</p>	<p>The Registered Pension Schemes (Modification of Scheme Rules) Regulations 2011</p>	<p>2</p>

Administering Authority Discretions

Section 2 – Statement of Policy

- **Mandatory Administering Authority Policies**

Discretion	Regulations	Reg No
<p>Governance Compliance Statement must state whether the admin authority delegates their function or part of their function in relation to maintaining a pension fund to a committee, a sub-committee or an officer of the admin authority and, if they do so delegate, state:</p> <ul style="list-style-type: none"> • the frequency of any committee or sub-committee meetings, • the terms, structure and operational procedures appertaining to the delegation, and • whether representatives of employing authorities or members are included and, if so, whether they have voting rights. The policy must also state: • the extent to which a delegation, or the absence of a delegation, complies with Sec of State guidance and, to the extent it does not so comply, state the reasons for not complying, and • the terms, structure and operational procedures appertaining to the local Pensions Board. <p>A Governance Compliance Statement is in place. Staffordshire Pension Fund - Governance policy statement (staffspf.org.uk)</p>	<p>LGPS Regulations 2013</p>	<p>55</p>
<p>Decide on Funding Strategy for inclusion in funding strategy statement.</p> <p>A Funding Strategy is in place. Staffordshire Pension Fund - Funding Strategy Statement (staffspf.org.uk)</p>	<p>LGPS Regulations 2013</p>	<p>58</p>

Administering Authority Discretions

<p>Communication policy must set out the policy on provision of information and publicity to, and communicating with, members, representatives of members, prospective members and Scheme employers; the format, frequency and method of communications; and the promotion of the Scheme to prospective members and their employers.</p> <p>A Communications policy is in place. Staffordshire Pension Fund - Communication policy (staffspf.org.uk)</p>	LGPS Regulations 2013	61
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Administering Authority Discretions

Section 3 – Employing Authorities

- **Employing Authority - Admissions**

Discretion	Regulations	Reg No
<p>Whether to agree to an admission agreement with a Care Trust, NHS Scheme employing authority or Care Quality Commission.</p> <p>The Administering authority would normally enter into an admission agreement unless the administering authority deemed it detrimental to other scheme employers to do so.</p>	LGPS Regulations 2013	4(2) (b)
<p>Whether to agree to an admission agreement with a body applying to be an admission body. We are obliged to admit those formerly known as transferee admission bodies (for example, a body referred to in a best value arrangement).</p> <p>(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</p> <p>(b) the body seeking admission should enter into an Admission Agreement in such form as the administering authority may from time to time require.</p>	LGPS Regulations 2013	3(1A), 3(5) & Part 3, paragraph 1 of Schedule 2
<p>Whether to agree that an admission agreement may take effect on a date before the date on which it is executed</p> <p>The administering authority would normally agree to an agreement taking effect before the date it is executed assuming this is within a reasonable time period.</p>	LGPS Regulations 2013	Part 3, paragraph 14 of Schedule 2

Administering Authority Discretions

<p>Define what is meant by “employed in connection with”.</p> <p>The 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 50% of his/her time working on the services connected to the contract.</p>	LGPS Regulations 2013	Part 3, paragraph 9(d) of Schedule 2
<p>Whether to set up a separate admission agreement fund.</p> <p>The administering authority would not normally set up a separate admission agreement fund, but may choose to do this if appropriate or required by legislative change</p>	LGPS Regulations 2013	54(1)

Administering Authority Discretions

Section 3 – Employing Authorities

- **Employing Authority – Administration Matters**

Discretion	Regulations	Reg No
<p>Whether to suspend (by way of issuing a suspension notice), for up to 3 years, an employer’s obligation to pay an exit payment where the employer is again likely to have active members within the specified period of suspension.</p> <p>The administering authority may choose to extend this period on a case by case basis.</p>	LGPS Regulations 2013	64(2A)
<p>Whether to obtain revision of employer’s contribution rate if there are circumstances which make it likely a Scheme employer will become an exiting employer.</p> <p>The Administering authority may choose to obtain a revision of employer’s contribution rate if circumstances require us to do so and in accordance with regulatory guidance</p>	LGPS Regulations 2013	64(4)
<p>Decide frequency of payments to be made over to SPF by employers and whether to make an admin charge.</p> <p>The frequency of payments and potential charges under this regulation are detailed in the Pensions Administration Strategy. Staffordshire Pension Fund - Pensions administration strategy (staffspf.org.uk)</p>	LGPS Regulations 2013 LGPS Regulations 1997	69(1) 81(1)
<p>Decide form and frequency of information to accompany payments to Staffordshire Pension Fund.</p> <p>The form and frequency of information to accompany payments is detailed in the Pension Administration Strategy. Staffordshire Pension Fund - Pensions administration strategy (staffspf.org.uk)</p>	LGPS Regulations 2013 LGPS Regulations 1997	69(4) 81(5)

Administering Authority Discretions

<p>Whether to issue an employer with a notice to recover additional costs incurred as a result of the employer's level of performance.</p> <p>The Administering authority may choose to issue a notice under this regulation where necessary and details of circumstances under which are contained within the Pensions Administration Strategy. Staffordshire Pension Fund - Pensions administration strategy (staffspf.org.uk)</p>	<p>LGPS Regulations 2013 LGPS (Transitional Provisions) Regulations 2014</p>	<p>70 22(2)</p>
<p>Whether to charge interest on payments made by employers which are overdue.</p> <p>The administering authority may charge interest on such payments and details of circumstances under which are contained within the Pensions Administration Strategy Staffordshire Pension Fund - Pensions administration strategy (staffspf.org.uk)</p>	<p>LGPS Regulations 2013 LGPS Regulations 1997</p>	<p>71(1) 82(1)</p>

Administering Authority Discretions

Section 3 – Employing Authorities

- **Employing Authority – Administration Matters continued**

Discretion	Regulations	Reg No
<p>Specify information to be supplied by employers to enable the administering authority to discharge its functions.</p> <p>The information to be supplied by employers to enable the administering authority to discharge its functions is detailed in the Pensions Administration Strategy. Staffordshire Pension Fund - Pensions administration strategy (staffspf.org.uk)</p>	<p>LGPS Regulations 2013 LGPS (Transitional Provisions) Regulations 2014</p>	<p>80(1)(b) 22(1)</p>
<p>Agree to pay annual compensation on behalf of an employer and recharge the payment to an employer.</p> <p>The administering authority will not normally agree to any new requests to pay any annual compensation on behalf of the employer.</p>	<p>LGPS Regulations 1997</p>	<p>31(2)</p>
<p>Timing of pension increase payments by employers to the administering authority.</p> <p>The Assistant Director of Treasury and Pensions 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</p>	<p>LGPS Regulations 2013</p>	<p>91(6)</p>

Administering Authority Discretions

<p>Whether to terminate an admission agreement in the event of:</p> <ul style="list-style-type: none">● insolvency, winding up or liquidation of the body,● breach by that body of its obligations under the admission agreement, or● failure by that body to pay over sums due to the Fund within a reasonable period of being requested to do so. <p>The administering authority will terminate an admission agreement in these events as outlined in relevant clauses of the admission agreement</p>	LGPS Regulations 2013	Part 3, paragraph 9(d) of Schedule 2
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Administering Authority Discretions

Section 3 – Employing Authorities

- **Employing Authority – Administration Matters continued**

Discretion	Regulations	Reg No
<p>Whether to extend the period beyond 3 months from the date an Employer ceases to be a Scheme Employer, by which to pay an exit credit.</p> <p>The administering authority would normally use its discretion dependent upon the circumstances of the case, with a decision made in line with the Funding Strategy Statement and Exit Credit Policy Staffordshire Pension Fund - Funding Strategy Statement (staffspf.org.uk)</p>	<p>LGPS Regulations 2013</p>	<p>64(2ZA)</p>
<p>Approve independent registered medical practitioners (IRMP) used by employers (for ill health benefits).</p> <p>The administering authority will approve IRMP's used by employers (for ill health benefits). The list of approved IRMP's is published for Employers on the Staffordshire Pension Fund website. The Administering authority would normally only accept an Ill Health Certificate from an IRMP on the approved list.</p>	<p>LGPS Regulations 2013 LGPS (Administration) Regulations 2008 LGPS Regulations 1997</p>	<p>36(3) 56(2) 97(10)</p>
<p>Whether to require any strain costs to be paid "up front" by the employing authority if the employing authority "switches on" the 85 year rule for a member voluntarily retiring (other than flexible retirement) prior to age 60, or waives an actuarial reduction on compassionate grounds under TPSch 2, para 2(1).</p> <p>The frequency of the recovery of strain costs is detailed in the Funding Strategy Statement 2021 Funding Strategy Statement (staffspf.org.uk)</p>	<p>LGPS (Transitional Provisions) Regulations 2014</p>	<p>Paragraph 2(3) of Schedule 2</p>

Administering Authority Discretions

<p>Whether to require any strain costs to be paid “up front” by the employing authority following early voluntary retirement of a councillor, or early payment of a deferred benefit on health grounds or from age 50 and prior to age 55 with employer consent. 2021 Funding Strategy Statement (staffspf.org.uk)</p> <p>The frequency of the recovery of strain costs is detailed in the Funding Strategy Statement</p>	LGPS Regulations 1997	80(5)
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