

Administering authority decisions

No.	Regulation	Administering Authority Discretion	Administering Authority Decision
1	LGPS13: 3(5) & Sch. 2, Part 3, para. 1	Whether to agree to an admission agreement with a body applying to become an admission body other than where a body as defined in paragraph 1(d) must be admitted providing they undertake the requirements of the regulations.	Report to be submitted to the Pension Fund Panel for approval subject to an employer covenant review being undertaken.
2	LGPS13: 16(1)	Whether the administering authority deems it inappropriate for a scheme member to pay APCs over a period of time due to the contribution being very small.	Pension Fund Panel have set an agreed minimum level of contribution whereby the scheme member will be required to pay APC as a lump sum - £100.
3	LGPS13: 16(10)	Whether to require a scheme member to have a medical (at their own expense) in order to satisfy the administering authority of their reasonably good health before agreeing to the scheme member's application to pay APCs/SCAPCs (Shared Cost Additional Pension Contributions).	Require a medical in circumstances where a scheme employer has already taken action to investigate the scheme member's possible ill health retirement.
4	LGPS13: 17(12)	To whom any AVC fund should be paid upon the scheme member's death.	To follow scheme member's expression of wish where appropriate. If non-contentious delegate to officers for a decision or report to the Pension Fund Panel where decision could be contentious.
5	LGPS13: 22(3)(c)	Pension accounts to be kept in a form as considered appropriate.	Pension accounts to be maintained in line with regulatory and pension software requirements.
6	LGPS13: 32(7)	Whether to extend beyond three months the time limits within which a scheme member must give notice of the wish to draw benefits before normal pension age or upon flexible	To restrict the time limit to three months as set out in regulation.

		retirement.	
7	LGPS13: 34(1)	Whether to commute the payment of a small pension into a trivial commutation lump sum within the meaning of section 164 of the Finance Act 2004.	To commute upon request from the scheme member in line with the rules and limits imposed by HMRC.
8	LGPS13: 36(3)	Whether to approve or not a scheme employer's choice of Independent Registered Medical Practitioner (IRMP).	Approval delegated to officers.
9	LGPS13: 38(3)	Whether a deferred member of a former employer that no longer exists meets the criteria for release of deferred benefits due to permanent ill health and the likelihood of not obtaining gainful employment before normal pension age or within three years, whichever is sooner.	Potentially contentious cases to be reported to Pension Fund Panel for a decision otherwise delegated to officers.
10	LGPS13: 38(6)	Whether a suspended tier-3 ill health pension should be reinstated upon request from a deferred pensioner member of a former employer that no longer exists where that member is unlikely to be capable of undertaking gainful employment before normal pension age.	Potentially contentious cases to be reported to Pension Fund Panel for a decision otherwise delegated to officers.
11	LGPS13: 40(2), 43(2), 46(2) & TP14: 17(5) to (8)	To whom a death grant should be paid following the death of a scheme member.	To follow scheme member's expression of wish where appropriate. If non-contentious delegate to officers for a decision or report to the Pension Fund Panel where decision could be contentious.
12	LGPS13: 49(1)(c)	To determine the benefit payable to a scheme member, in the absence of an election from the scheme member, where the scheme member is entitled to a benefit under 2 or more of the regulations in respect of the same period of membership.	Delegated to officers who will pay the benefit most beneficial to the scheme member.

13	LGPS13: 54(1)	Whether to establish an “admission agreement fund” in addition to the “main fund”.	Not to establish a separate fund.
14	LGPS13: 59(1) & (2)	Whether to produce and publish a written pension administration strategy and the matters to be included.	To produce and publish a pension administration strategy.
15	LGPS13: 64(4)	Whether to obtain a revised rates and adjustment certificate from the pension fund Actuary where it is considered that a scheme employer will become an exiting employer.	Delegated to officers to identify those scheme employer’s with a poor covenant and report to the Pension Fund Panel on action taken.
16	LGPS13: 65	Whether to obtain a revised rates and adjustment certificate from the pension fund Actuary following amendments to the scheme regulations by the Secretary of State as a result of a valuation under regulation 63 (aggregate scheme costs).	Delegated to officers to consider and take advice from the pension fund Actuary and report to the Pension Fund Panel.
17	LGPS13: 68(2)	To require a scheme employer to make a strain (capital) cost payment to the pension fund in all cases where a scheme employer’s decision results in the immediate release of a scheme member’s benefits because of flexible retirement, redundancy or retirement due to business efficiency.	In all cases the scheme employer will be required to make payment of a strain (capital) cost in full and within 21 days of receipt of an invoice from the scheme manager.
18	LGPS13: 69(1)	To consider the frequency that payments of contributions should be made to the pension fund by scheme employers and whether scheme employers should make a contribution towards to the cost of administration.	Payments required by the 19 th day of the month following deduction in accordance with statutory regulations. Currently no administration charges are made.
19	LGPS13: 69(4)	To consider the form and frequency of information required from a scheme employer to support the payment of contributions.	Delegated to officers. Failures by scheme employers to meet requirements to be reported to the Pension Board.

20	LGPS13: 70 & TP14: 22(2)	Whether to recover sums from a scheme employer where additional costs have been incurred because of the scheme employer's unsatisfactory level of performance.	Pension administration strategy provides details of when notices of unsatisfactory performances will be issued to scheme employers and reported to the Pension Fund Panel and Pension Board.
21	LGPS13: 71(1)	Whether to charge interest on payments received from a scheme employer later than prescribed in the pension administration service level agreement or the pension administration strategy.	Instances to be reported to the Pension Fund Panel and Pension Board as part of a stewardship report for decision and where considered material, invoice to be raised, sent to scheme employer and reported to the Pensions Regulator.
22	LGPS13: 76(4)	To determine the procedure to be followed at stage 2 of the IDRPs and the manner in which the exercise of those procedures should be undertaken.	The appointed adjudicator at stage 2 of the IDRPs is the Head of Finance for the administering authority who will seek advice and guidance from relevant officers and the Pension Board before making a determination.
23	LGPS13: 79(2)	Whether to appeal to the Secretary of State against a scheme employer's decision, or lack of decision, on a question arising under regulation 72 of LGPS13 (first instance decisions).	Cases to be reported to the Pension Fund Panel and Pension Board as part of a stewardship report but decision delegate to officers.
24	LGPS13: 80(1)(b) & TP14: 22(1)	To specify the format in which information supplied by a scheme employer is provided to the administering authority.	Delegated to officers who provide all standard forms and spreadsheets to scheme employers to assist them in providing all information required to enable the administering authority to discharge its scheme functions.
25	LGPS13: 82(2)	Whether to pay out in full or part a death grant due from the Pension Fund without having to obtain grant of probate or letters of administration where the value does not that specified in section 6 of the Administration of Estates	Delegated to officers for a decision where non-contentious but referred to the Pension Fund Panel where decision could be contentious.

		(Small Payments) Act 1965.	
26	LGPS13: 83	Whether, where a person (other than an eligible child) appears to be incapable of managing their affairs by reason of mental disorder or otherwise, to make payment of benefits to another person.	Delegated to officers for a decision where non-contentious but referred to the Pension Fund Panel where decision could be contentious.
27	LGPS13: 89(5)	To consider the date to which annual benefit statements are to be calculated.	Annual Benefit Statements to be calculated to the end of scheme year – 31 st March.
28	LGPS13: 98(1)(b)	Whether to agree to bulk transfer payments where two or more scheme members' membership ends on their joining a different registered pension scheme.	Delegated to officers who will in all instances seek the advice and guidance of the pension fund Actuary.
29	LGPS13: 98(4)(a)	Whether to determine that the amount set aside for a bulk transfer should be in cash or in assets or both.	Delegated to officers who will in all instances seek the advice and guidance of the pension fund Actuary.
30	LGPS13: 100(6)	Whether to extend the normal time limit for acceptance of a transfer value beyond 12 months from date scheme member joined the LGPS.	Delegated to officers as Scheme employers are required to include a statement in their discretions policy and where it is agreed to extend beyond the 12 month period the administering authority will endorse the scheme employer's decision unless it is clearly identified that such a decision would be detrimental for the Pension Fund.
31	LGPS13: 100(7)	Whether to allow the transfer of relevant pension rights into the pension fund.	To permit the transfer of relevant pension rights for credit to the member's pension account.
32	LGPS13: 106(6)	To determine the procedures applicable to a local pension board.	Terms of reference set out in the Council's Constitution.
33	LGPS13: 107(1)	To determine the membership of the local pension board and the manner in which members may be appointed and removed.	Approved by Pension Fund Panel.

34	LGPS13: 108(1)	To determine the method by which to confirm that a member of the pension board does not have a conflict of interest.	Set out in Council's code of conflict policy.
35	LGPS13: Sch. 1 & TP14: 17(9)	In accordance with definition of eligible child determine whether to treat a child as being in continuous education or vocational training despite a break.	Pensions payable to eligible children will continue to be paid during breaks in education or training of up to one year.
36	LGPS13: Sch.1 & TP14: 17(9)(b)	In accordance with definition of cohabiting partner determine the evidence required to confirm financial dependence of a cohabiting partner on a scheme member or financial interdependence of cohabiting partner and scheme member.	Delegate to officers for a decision where non-contentious or to the Pension Fund Panel where decision could be contentious.
37	LGPS13: Sch. 2, Part 3, para. 9(d)	To determine the right to terminate an admission agreement under circumstances listed in regulation.	Report to be submitted to the Pension Fund Panel.
38	LGPS13: Sch. 2, Part 3, para 12(a)	To consider definition of the term "employed in connection with the provision of the service or assets".	Must be continuously employed for a minimum of 50% of the time in connection with the provision of the service or assets as referred to in the admission agreement.
39	TP14: 3(6), 4(6)(c), 8(4), 10(2)(a), 17(2)(b) & B07: 10(2)	In respect of a scheme member who retains a right to have the use of the average of 3 years pay for final pay purposes, to determine, should the member die before making an election, whether to make that election on behalf of the deceased scheme member.	Delegated to officers to calculate and apply the best option for the scheme member's dependants.
40	TP14: 3(6), 4(6)(c), 8(4), 10(2)(a), 17(2)(b) & T08: Sch. 1 & LGPS97: 23(9)	In respect of a scheme member who retains a certificate of protection of pension benefits under former regulations to determine should the member die before making an election as to the use of that certificate, whether to make an election on behalf of the deceased scheme	Delegated to officers to calculate and apply the best option for the scheme member's dependants.

		member.	
41	TP14: 10(9)	In the absence of an election from a scheme member within 12 months of ceasing a concurrent employment, to determine, where the scheme member has more than one on-going employment, to which pension account the ceasing employment benefits should be aggregated.	Delegated to officers to calculate and apply the best option for the member.
42	TP14: 12(6)	Whether to use a certificate produced by an IRMP under the LGPS2008 for the purposes of making an ill health determination under the LGPS2013 in respect of a scheme employer that no longer exists.	Delegated to officers to make the necessary determination on a case by case basis.
43	TP14: 15(1)(c) & T08: Sch. 1 & LGPS97: 83(5)	Whether to extend the time period for capitalisation of ongoing added years contracts still in force under previous regulations.	Delegated to officers to make the necessary determination on a case by case basis.
44	TP14: 15(1)(d) & A08: 28(2)	Whether to charge a scheme member for the provision of an estimate of additional pension that would be provided for by the scheme in return for the transfer of in house AVC funds (where the arrangement was entered into before 1 April 2014).	No charge to be applied.
45	TP14: Sch. 2, para. 2(5)	Whether to require a strain (capital) cost to be paid "up front" by a scheme employer following their decision to waive any actuarial reduction to benefits under the 85-year rule.	A scheme employer must make payment of a strain (capital) cost to the pension fund in full and "up front" on every occasion that such a cost arises.

In the above table the statutory references relate to the following regulations where indicated:

LGPS13: The Local Government Pension Scheme Regulations 2013 (S.I. 2013 No. 2356)¹

TP14: The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 (SI 2014 No. 525)²

A08: Local Government Pension Scheme (Administration) Regulations 2008 (SI 2008 No. 239)³

LGPS97: Local Government Pension Scheme Regulations 1997 (SI 1997 No. 1612)⁴

B07: Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (SI 2007 No. 1166)⁵

T08: Local Government Pension Scheme (Transitional Provisions) Regulations 2008 (SI 2008 No. 238)⁶

¹ <http://www.legislation.gov.uk/uksi/2013/2356/contents/made>

² <http://www.legislation.gov.uk/uksi/2014/525/contents/made>

³ <http://www.legislation.gov.uk/uksi/2008/239/contents/made>

⁴ <http://www.legislation.gov.uk/uksi/1997/1612/contents/made>

⁵ <http://www.legislation.gov.uk/uksi/2007/1166/contents/made>

⁶ <http://www.legislation.gov.uk/uksi/2008/238/contents/made>