

Report Title:	Administering Authority Discretions Policy
Contains Confidential or Exempt Information	No - Part 1
Lead Member:	Councillor Julian Sharpe, Chairman Pension Fund Committee and Advisory Panel
Meeting and Date:	Pension Fund Committee and Advisory Panel – 7 March 2022
Responsible Officer(s):	Damien Pantling, Head of Pension Fund
Wards affected:	None

REPORT SUMMARY

This report brings back to Members' attention the Administering Authority's requirement to take decisions in respect of various discretions afforded to it under the current and former LGPS Regulations.

Whilst Members will have previously seen and approved a version of the document contained at Appendix 1 to this report, the revised version has been updated to reflect the need to have policy statements for discretions under both the current and former LGPS Regulations. The Administering Authority Discretions Policy found at Appendix 1 to this report is, therefore, split into a number of sections to facilitate the requirements of all sets of LGPS Regulations as they apply to current and former scheme members. Some items may appear to be duplicated but need to be re-stated in this way to account for the changes to the statutory legislation governing the Scheme.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That the Pension Fund Committee note the report ;

- i) **Considers, notes and approves the revised administering authority discretions policy and;**
- ii) **Approves publication of the final version on the Pension Fund website.**

2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

- 2.1 In accordance with Regulation 53 of the Local Government Pension Scheme Regulations 2013 (as amended) ("the Regulations") and as listed in Part 1 of Schedule 3 of the Regulations, RBWM is an Administering Authority (Scheme Manager) required to maintain a Pension Fund for the Scheme.
- 2.2 An Administering Authority is responsible for managing and administering the Scheme in relation to any person for which it is the appropriate Administering Authority under the Regulations.
- 2.3 The Pension Fund Committee as set out in RBWM's Constitution acts as the Scheme Manager and is therefore responsible for ensuring that the

Administering Authority fulfils its statutory responsibilities in accordance with the Regulations and the Public Service Pension Act 2013

- 2.4 The purpose of this paper is to identify for Committee members all of the discretions set out in the current and former LGPS Regulations as they apply to current and former scheme members and to set a policy decision as to how each of those discretions should be applied.
- 2.5 The Administering Authority Discretions Policy found at Appendix 1 to this report is based on guidance and a template issued by the Local Government Pension Committee (LGPC) Secretariat, part of the Local Government Association (LGA) who, in order to facilitate strong governance, recommend that a policy is maintained in all areas described.
- 2.6 The policy was last approved by the Pension Fund Committee (formerly the Pension Fund Panel) on 12 November 2018.

3. KEY IMPLICATIONS

- 3.1 The Administering Authority (Scheme Manager) is required by law to maintain the Royal County of Berkshire Pension Fund in accordance with the Regulations and all other associated legislation. Failure to do so could result in the Pensions Regulator issuing fines to the Authority where he deems it to have failed in areas of scheme governance, risk management and administration.

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 None

5. LEGAL IMPLICATIONS

- 5.1 The Public Service Act 2013, the Local Government Pension Scheme Regulations 2013 (as amended) and former version of the LGPS Regulations set out the statutory requirements of the Administering Authority.

6. RISK MANAGEMENT

- 6.1 The below table relates to risk "PEN050" from the risk register considered and approved by Pension Fund Committee on 7 March 2022.

Table 1: Impact of risk and mitigation (PEN050)

Risk description	Gross Risk Score	Mitigating Actions	Net Risk Score
Failure to comply with legislative requirements e.g. ISS, FSS, Governance Policy, Freedom of Information requests.	20	1) Publication of all documents on external website and all appointed managers expected to comply with ISS and investment manager agreements. 2) Local Pensions Board is an independent scrutiny and assistance function.	10

		3) Compliance with the legislative requirements are reviewed annually through the audit process.	
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7. POTENTIAL IMPACTS

- 7.1 Failure to comply with Pension legislation could result in the Administering Authority being reported to the Pensions Regulator where failure is deemed to be of a material significance.
- 7.2 Equalities: Equality Impact Assessments are published on the [council's website](#):
N/A
- 7.3 Climate change/sustainability: N/A
- 7.4 Data Protection/GDPR. N/A

8. CONSULTATION

- 8.1 N/A

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 From 7 March 2022

10. APPENDICES

- 10.1 This report is supported by 1 Appendix:
- Appendix 1 – Administering Authority Discretions Policy

11. BACKGROUND DOCUMENTS

- 11.1 This report is supported by 0 background documents:

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory:</i>		<i>Statutory Officers (or deputy)</i>	
Adele Taylor	Executive Director of Resources/S151 Officer		
Emma Duncan	Deputy Director of Law and Strategy / Monitoring Officer		
<i>Deputies:</i>			
Andrew Vallance	Head of Finance (Deputy S151 Officer)		

Elaine Browne	Head of Law (Deputy Monitoring Officer)		
Karen Shepherd	Head of Governance (Deputy Monitoring Officer)		
<i>Other consultees:</i>			
Cllr Julian Sharpe	Chairman – Berkshire Pension Fund Committee		
Nikki Craig	Head of HR, Corporate Projects and IT		

REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Pension Fund Committee decision	Yes/No	Yes/No

Report Author: Damien Pantling, Head of Pension Fund
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