

# HERTFORDSHIRE PENSION FUND DISCRETIONARY POLICY 2014

## Key to Regulation Reference

Prefix TP	=	Local Government Pension Scheme (Transitional Provisions and Savings) Regulations 2014
Prefix R	=	Local Government Pension Scheme Regulations 2013
Prefix A	=	Local Government Pension Scheme (Administration) Regulations 2008
Prefix T	=	Local Government Pension Scheme (Transitional Provisions) Regulations 2008
Prefix B	=	Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended)
Prefix ET	=	Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 (as amended)
Prefix L	=	Local Government Pension Scheme Regulations 1997 (as amended)
Prefix E/F/G	=	Local Government Pension Scheme Regulations 1995 (as amended)

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

\*\* Status: 2012 = Discretion included in current Discretionary Policy; New = Discretion introduced as part of 2014 Scheme changes; Optional for DP = Discretion not previously disclosed in the Discretionary Policy

Discretion	Regulation	Status	Administering Authority Discretions Policy 2014
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## Governance and Management of the Pension Fund

### These discretions relate to the Administering Authority's management and governance arrangements of the Hertfordshire Pension Fund

<p>Governance policy must state whether the admin authority delegates their function of 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"> <li>- the frequency of any committee or sub-committee meetings</li> <li>- the terms, structure and operational procedures appertaining to the delegation</li> <li>- whether representatives of employing authorities or members are included and, if so, whether they have voting rights</li> </ul> <p>The policy must also state</p> <ul style="list-style-type: none"> <li>- 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</li> <li>- the terms, structure and operational procedures appertaining to the local Pensions Board</li> </ul>	R55 *	Optional for DP	<p>The Administering Authority's Governance Compliance Statement has been formulated and is kept under review. The Statement is published annually as part of the Annual Report and Accounts and is accessible from the Pension Fund's website at <a href="http://www.yourpension.org.uk/Hertfordshire/Pensions-Home.aspx">http://www.yourpension.org.uk/Hertfordshire/Pensions-Home.aspx</a></p>
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Discretion	Regulation	Status	Administering Authority Discretions Policy 2014
<b>Governance and Management of the Pension Fund</b> <b>These discretions relate to the Administering Authority's management and governance arrangements of the Hertfordshire Pension Fund</b>			
Decide on Funding Strategy for inclusion in funding strategy statement	R58 *	Optional for DP	The Administering Authority's Funding Strategy has been formulated in conjunction with the Pension Fund's Actuary and is kept under review. Employers are consulted on changes to the Strategy which is approved by the Pensions Committee. The Funding Strategy Statement is published annually as part of the Annual Report and Accounts which is accessible from the Pension Fund's website at <a href="http://www.yourpension.org.uk/Hertfordshire/Pensions-Home.aspx">http://www.yourpension.org.uk/Hertfordshire/Pensions-Home.aspx</a>
Whether to have a written pensions administration strategy and, if so, the matters it should include	R59(1) & (2)	Optional for DP	The Administering Authority's Administration Strategy has been formulated and is kept under review. Employers are consulted on changes to the Strategy which is approved by the Pensions Committee. The Strategy is accessible from the Pension Fund's website at <a href="http://www.yourpension.org.uk/Hertfordshire/Pensions-Home.aspx">http://www.yourpension.org.uk/Hertfordshire/Pensions-Home.aspx</a>
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.	R61 *	New	The Administering Authority's Communication Policy has been formulated and is kept under review. The Policy is published annually as part of the Annual Report and Accounts and is accessible from the Pension Fund's website at <a href="http://www.yourpension.org.uk/Hertfordshire/Pensions-Home.aspx">http://www.yourpension.org.uk/Hertfordshire/Pensions-Home.aspx</a>
Whether to set up a separate admission agreement fund	R54(1)	Optional for DP	The Administering Authority's Funding Strategy Statement sets out the funding strategy for the Pension Fund and is accessible from the Pension Fund's website at <a href="http://www.yourpension.org.uk/Hertfordshire/Pensions-Home.aspx">http://www.yourpension.org.uk/Hertfordshire/Pensions-Home.aspx</a> . The current Strategy does not allow for a separate admission agreement fund to be maintained.
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	R64(4)	New	Any revision of employer contributions rates will be made on advice from the Pension Fund's Actuary and in accordance with the Administering Authority's Funding Strategy Statement. The Funding Strategy Statement is accessible from the Pension fund's website at <a href="http://www.yourpension.org.uk/Hertfordshire/Pensions-Home.aspx">http://www.yourpension.org.uk/Hertfordshire/Pensions-Home.aspx</a>
Decide whether to obtain a new rates and adjustments certificate if the Secretary of State amends the Benefits Regulations as part of the "cost sharing" under R63	R65	Optional for DP	Any revision of the Rates and Adjustment Certificate will be made on advice from the Pension Fund's Actuary and in accordance with the Administering Authority's Funding Strategy Statement. The Funding Strategy Statement is accessible from the Pension fund's website at <a href="http://www.yourpension.org.uk/Hertfordshire/Pensions-Home.aspx">http://www.yourpension.org.uk/Hertfordshire/Pensions-Home.aspx</a>

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<b>Governance and Management of the Pension Fund</b> <b>These discretions relate to the Administering Authority's management and governance arrangements of the Hertfordshire Pension Fund</b>			
Decide whether to obtain a new rates and adjustments certificate if the Secretary of State amends the Benefits Regulations as part of the "cost sharing" under R63	R65	Optional for DP	Any revision of the Rates and Adjustment Certificate will be made on advice from the Pension Fund's Actuary and in accordance with the Administering Authority's Funding Strategy Statement. The Funding Strategy Statement is accessible from the Pension fund's website at <a href="http://www.yourpension.org.uk/Hertfordshire/Pensions-Home.aspx">http://www.yourpension.org.uk/Hertfordshire/Pensions-Home.aspx</a>
Decide frequency of payments to be made over to Fund by employers and whether to make an admin charge.	R69(1)	2012	Contributions must be paid on a monthly basis at the rates set by the Pension Fund's actuary, unless agreed otherwise by Hertfordshire County Council's Director of Resources and Performance. Payments must be received no later than the 19th calendar day of the month following the month of deduction in accordance with Local Government Pension Scheme Regulations and the Pension Fund's Administration Strategy. The Pension Fund's Administration Strategy is accessible from the Pension fund's website at <a href="http://www.yourpension.org.uk/Hertfordshire/Pensions-Home.aspx">http://www.yourpension.org.uk/Hertfordshire/Pensions-Home.aspx</a>
Frequency of payment of councillors' contributions	L12(5); L81(1)	Optional for DP	Councillors' contributions must be deducted from their pay on their regular pay days and paid over to the Administering Authority no later than the 19th calendar day of the month following the month of deduction in accordance with Local Government Pensions Regulations and the Pension Fund's Administration Strategy. The Pension Fund's Administration Strategy is accessible from the Pension fund's website at <a href="http://www.yourpension.org.uk/Hertfordshire/Pensions-Home.aspx">http://www.yourpension.org.uk/Hertfordshire/Pensions-Home.aspx</a>
Decide form and frequency of information to accompany payments to the Fund (including councillor members)	R69(4); L81(5)	2012	Each payment to the Pension Fund must be accompanied with a schedule, in the format and submitted by the method and within the timescales prescribed by the Pension Fund and in accordance with the Pension Fund's Administration Strategy. The Pension Fund's Administration Strategy is accessible from the Pension fund's website at <a href="http://www.yourpension.org.uk/Hertfordshire/Pensions-Home.aspx">http://www.yourpension.org.uk/Hertfordshire/Pensions-Home.aspx</a>
Specify information to be supplied by employers to enable admin. authority to discharge its functions	R80(1)(b); TP22(1); A64(1)(b)	Optional for DP	The Administering Authority has set out employing body responsibilities in the Pension Fund's Administration Strategy, Administration Guide, standard forms and guidance notes and other policies. These will be supplemented by bulletins and targeted information and guidance on specific administrative processes. These documents are accessible from the Pension Fund's website at <a href="http://www.yourpension.org.uk/Hertfordshire/Pensions-Home.aspx">http://www.yourpension.org.uk/Hertfordshire/Pensions-Home.aspx</a>

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<b>Governance and Management of the Pension Fund</b> <b>These discretions relate to the Administering Authority's management and governance arrangements of the Hertfordshire Pension Fund</b>			
Whether to charge interest on payments by employers which are overdue (including councillor members)	R71(1); L82(1)	2012	Interest on contributions paid more than 1 month after the due date will be charged in accordance with the Pension Fund's Administration Strategy. Interest is charged in accordance with regulation 71 which states that interest should be charged at Bank of England Base Rate plus one percent. The Pension Fund's Administration Strategy is accessible from the Pension fund's website at <a href="http://www.yourpension.org.uk/Hertfordshire/Pensions-Home.aspx">http://www.yourpension.org.uk/Hertfordshire/Pensions-Home.aspx</a>
Whether to issue employer with notice to recover additional costs incurred as a result of the employer's level of performance	R70 &TP22(2)	2012	Charges and penalties will apply to scheme employers for poor performance against the Employer performance targets set out in the Pension Fund's Administration Strategy for management and administration of the LGPS. The Pension Fund's Administration Strategy is accessible from the Pension fund's website at <a href="http://www.yourpension.org.uk/Hertfordshire/Pensions-Home.aspx">http://www.yourpension.org.uk/Hertfordshire/Pensions-Home.aspx</a>
Decide procedure to be followed by admin authority when exercising its IDRPs functions and decide the manner in which those functions are to be exercised (councillors and pre 1.4.2008 leavers)	L99	Optional for DP	The Administering Authority has set out its procedures in the Internal Disputes Resolution Procedure which is accessible from the Pension Fund's website at <a href="http://www.yourpension.org.uk/Hertfordshire/Pensions-Home.aspx">http://www.yourpension.org.uk/Hertfordshire/Pensions-Home.aspx</a>
Decide procedure to be followed by admin authority when exercising its stage two IDRPs functions and decide the manner in which those functions are to be exercised	R76(4); A60(8)	Optional for DP	The Administering Authority has set out its procedures in the Internal Disputes Resolution Procedure which is accessible from the Pension Fund's website at <a href="http://www.yourpension.org.uk/Hertfordshire/Pensions-Home.aspx">http://www.yourpension.org.uk/Hertfordshire/Pensions-Home.aspx</a>
Whether administering authority should appeal against employer decision or lack of a decision (including Councillors and pre 1.4.2008 leavers)	R79(2); A63(2); L105(1)	Optional for DP	The Administering Authority will consider any cases on its merits and with regard to the facts of the case. Where necessary, an appeal will be made when it is believed that action or inaction by an employer is incorrect under law and is material.
Pension account may be kept in such form as is considered appropriate	R22(3)(c)	New	The pension account will be kept in an electronic format within the pensions administration software system.
Date to which benefits shown on annual benefit statement are calculated	R89(5)	Optional for DP	The Administering Authority has determined that benefits are calculated to 31 March each year and to age 65.
Date to which benefits shown on annual deferred benefit statement are calculated	L106A(5)	Optional for DP	Benefits shown on annual deferred benefit statement are calculated as at the Pensions Increase date which is the first Monday after April 6th
Approve medical advisors used by employers (for ill health benefits) including pre-1.4.2008 deferred benefits or a suspended Tier 3 ill health pension	R36(3); A56(2); L97(10)	Optional for DP	The Administering Authority must give approval to an employing body on the choice of a medical practitioner

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<b>Admission/Termination Arrangements for Employers</b> <b>These discretions relate to the Administering Authority's arrangements for admission or termination of bodies that are not eligible for automatic admission to under the Local Government Pensions Scheme regulations</b>			
Whether to agree to an admission agreement with a body applying to be an admission body (including Care Trust, NHS Scheme employing authority or care Quality Commission)	R4(2)(b) & RSch 2, Part 3, para 1	Optional for DP	The Administering Authority will consider an admission agreement with one of these bodies, subject to the body showing long term financial security by either a guarantee from a scheduled employer or with the provision of a financial bond.
Whether to terminate a transferee admission agreement in the event of <ul style="list-style-type: none"> <li>- insolvency, winding up or liquidation of the body</li> <li>- breach by that body of its obligations under the admission agreement</li> <li>- failure by that body to pay over sums due to the Fund within a reasonable period of being requested to do so</li> </ul>	RSch 2, Part 3, para 9(d)	Optional for DP	The Administering Authority reserves the right to manage terminations in accordance with its Cessation Policy which is accessible from the Pension Fund's website at <a href="http://www.yourpension.org.uk/Hertfordshire/Pensions-Home.aspx">http://www.yourpension.org.uk/Hertfordshire/Pensions-Home.aspx</a>
Define what is meant by "employed in connection with"	RSch 2, Part 3, para 12(a)	Optional for DP	The Administering Authority defines "employed in connection with" within Admission Agreements, as at least fifty percent (50%) of the employee's available time must be expended upon work in connection with the provision of services that transferred to the transferee admission body.
<b>Employing Bodies</b> <b>These discretions relate to matters affecting the funding level and pensions liabilities for Employing Bodies</b>			
Whether to require any strain on Fund costs to be paid "up front" by employing authority following: <ul style="list-style-type: none"> <li>- payment of benefits under R30(6) (flexible retirement)</li> <li>- R30(7) (redundancy / business efficiency)</li> <li>- the waiver (in whole or in part) under R30(8) of any actuarial reduction that would otherwise have been applied to benefits which a member voluntarily draws before normal pension age or to benefits drawn on flexible retirement</li> <li>- waiver of actuarial reduction under TPSch 2(1)</li> <li>- release of benefits before age 60 under B30 of B30A</li> </ul>	R68(2); TPSch 2, para 2(3)	2012	Scheme employers are required to make additional payments to the Pension Fund in respect of early retirements or the early payment of benefits on the grounds of efficiency, redundancy, voluntary grounds with employer consent or compassionate grounds. This will be calculated using factors provided by the Pension Fund's Actuary and charged in accordance with the Pension Fund's Charging Policy. Scheme employers are also required to make additional payments to the pension Fund in respect of ill health retirements. The volume of ill health retirements per employer will be monitored against a notional budget set by the Pension Fund's Actuary at each Valuation. In the event that the budget is exceeded, then additional contributions will be calculated by the Pension Fund's Actuary and the employer will be required to pay contributions at the revised rate. The Pension Fund's Charging Policy is accessible from the Pension fund's website at <a href="http://www.yourpension.org.uk/Hertfordshire/Pensions-Home.aspx">http://www.yourpension.org.uk/Hertfordshire/Pensions-Home.aspx</a>

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<b>Employing Bodies</b> <b>These discretions relate to matters affecting the funding level and pensions liabilities for Employing Bodies</b>			
Whether to require any strain on Fund costs to be paid "up front" by employing authority following early voluntary retirement of a councillor (i.e. after age 50/55 and before age 60), or early payment of a deferred benefit on health grounds or from age 50 with employer consent (pre 1.4.2008 leavers)	L80(5)	Optional for DP	Employing Bodies are required to make additional payments to the Pension Fund in respect of early retirements or the early payment of benefits on the grounds of efficiency, redundancy, voluntary grounds with employer consent or compassionate grounds. This will be calculated using factors provided by the Pension Fund's Actuary and charged in accordance with the Pension Fund's Charging Policy. The Pension Fund's Charging Policy is accessible from the Pension fund's website at <a href="http://www.yourpension.org.uk/Hertfordshire/Pensions-Home.aspx">http://www.yourpension.org.uk/Hertfordshire/Pensions-Home.aspx</a>
Agree to bulk transfer payment	R98(1)(b)	Optional for DP	The Administering Authority will consider bulk transfer payments where appropriate based on advice obtained from the Pension Fund's Actuary.
Allow transfer of pension rights into the Fund	R100(7)	2012	Transfer values may be accepted provided the amount of the value for service up to 5 April 1997 is sufficient to cover the guaranteed minimum pension liabilities being taken on by the Pension Fund. The Pension Fund may refuse to accept transfer values for non-club transfers where the amount offered would not cover the liabilities that would be transferred or it considers that the member would benefit disproportionately to the detriment of the Pension Fund.
Extend normal time limit for acceptance of a transfer value beyond 12 months from joining the LGPS	R100(68)	New	The Administering Authority will consider each case on its merits with regard to the facts of the particular case and in conjunction with the Employing Body of the member requesting the transfer.
Agree to pay annual early retirement compensation on behalf of employer and recharge payments to employer	ET31(2)	Optional for DP	The Administering Authority will continue to administer existing arrangements.
Timing of pension increase payments by employers to fund (pre 1.4.2008 leavers)	L91(6)	Optional for DP	Determined by agreement between the Administering Authority and the employer.
<b>LGPS Members</b> <b>These discretions relate to the matters affecting the service record and/or membership benefits for LGPS members</b>			
Decide evidence required to determine financial dependence of cohabiting partner on scheme member or financial interdependence of cohabiting partner and scheme member	RSch 1; TP17(9)(b); B25	Optional for DP	<p>At the point that any benefits become payable, the Administering Authority will require documentary evidence to provide proof of cohabiting for a continuous period of at least 2 years immediately prior to the member's death. The required conditions are:</p> <ul style="list-style-type: none"> <li>• both the member and their co-habiting partner were free to marry each other or to enter into a civil partnership with each other, and</li> <li>• the member and their co-habiting partner have been living together as if they were husband and wife, or civil partners, and</li> <li>• neither the member or their co-habiting partner have been living with someone else as if they were husband and wife or civil partners, and</li> <li>• either the co-habiting partner is financially dependent on the member or they are financially interdependent on each other.</li> </ul>

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<b>LGPS Members</b>			
<b>These discretions relate to the matters affecting the service record and/or membership benefits for LGPS members</b>			
Decide policy on abatement of pensions following re-employment (only the pre-1 April 2014 element of pensions in payment can be abated)	TP3(13); A70(1) *; A71(4)(c); T12	2012 and New ref. to 2014 regs.	If the rate of pay in the new employment when added to the rate of pension from the former employment exceeds the rate of pay of the former post, then the pension is reduced by the excess. In considering the implications of such re-employment, the Administering Authority will, unless circumstances dictate otherwise, follow the principles relating to re-employed pensioners contained within the Local Government Pension Scheme Regulations 1995.
Outstanding employee contributions can be recovered as a simple debt or by deduction from benefits (including councillors and pre-1.4.2008 leavers)	A45(3); L89(3)	Optional for DP	The Administering Authority will consider each case on its merits having regard to the facts of the particular case. In general, the Administering Authority will liaise with the employee to determine an appropriate means to recover pension contributions.
Make election on behalf of deceased member with a certificate of protection of pension benefits i.e. determine best pay figure to use in the benefit calculations (pay cuts / restrictions occurring pre 1.4.2008)	TSch 1 & L23(9)	Optional for DP	The Administering Authority will consider each case on its merits having regard to the facts of the particular case.
Extend normal 12 month period following end of relevant reserve forces leave for "Cancelling notice" to be submitted by a councillor member requesting that the service should not be treated as relevant reserve forces service	L17(4),(7), (8), & 89(4) & LSch 1	Optional for DP	The Administering Authority will consider each case on its merits having regard to the facts of the particular case.
Retention of Contributions Equivalent Premium where member transfers out (councillors and pre 1.4.2008 leavers)	L118	Optional for DP	The Administering Authority will consider each case on its merits having regard to the facts of the particular case.
Discharge Pension Credit liability (in respect of Pension Sharing Orders for councillors and pre-1.4.2008; Pension Sharing Orders for non-councillor members)	L147	Optional for DP	The Administering Authority will consider each case on its merits having regard to the facts of the particular case.
<b>Additional Pensions Contributions</b>			
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 (e.g. where the sum being paid is very small and could be paid as a single payment)	R16(1)	New	The Administering Authority allows the Employer to exercise discretion in these cases based on their administrative procedures and knowledge of the member's circumstances.
Whether to require a satisfactory medical before agreeing to an application to pay an APC / SCAPC or to turn down an application to pay an APC/SCAPC if not satisfied that the member is in reasonably good health.	R16(10)	2012	Applications by members to purchase APC/SCAPC will be subject to the opinion of a registered medical practitioner nominated by Hertfordshire County Council and will only be agreed if the applicant is in reasonably good health.

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<b>LGPS Members</b>			
<b>These discretions relate to the matters affecting the service record and/or membership benefits for LGPS members</b>			
Whether 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 (including where AVC/SCAVC arrangement was entered into before 1/4/14)	TP15(1)(d) & A28(2)	2012	In the event that there is a charge, then the cost of calculation the AVC / SCAVC conversion to membership will be deducted from the AVC / SCAVC proceeds if the member fails to proceed with the conversion to a service credit / scheme annuity.
Extend time period for capitalisation of added years contract	TP15(1)(c) & TSch1 & L83(5)	2012 and New ref. to 2014 regs	The Administering Authority will consider each case on its merits having regard to the facts of the particular case. In general, the option period shall be three months from the date that the member has been notified of the costs of the added years contract.
Whether acceptance of AVC election is subject to a minimum payment (councillors only)	L60(5)	Optional for DP	The Administering Authority has not set a minimum limit.
<b>Death of a LGPS Member</b>			
Decide to whom death grant is paid (including pre-1.4.2008 and post-31.3.2008 deferred members; pre-1.4.2008 retirees and councillor members)	TP17(5) to (8); R40(2); R43(2); R46(2); B23(2); B32(2); B35(2); TSch1; L38(1); L155(4); E8	2012	<p><b>Discretion will be exercised in the following manner:</b></p> <ol style="list-style-type: none"> <li>1. If there is a valid nomination form, the death grant will usually be paid to the nominated beneficiaries in the proportions specified, but each case will be assessed on its merits.</li> <li>2. In other cases, the death grant may be paid to the deceased member's personal representative(s) or any person appearing to have been the member's relative or dependant at any time.</li> </ol> <p>However, each case will be reviewed individually and any representations from someone with an interest will be considered.</p>
Whether to pay death grant due to personal representatives or anyone appearing to be beneficially entitled to the estate without need for grant of probate / letters of administration where payment is less than amount specified in s6 of the Administration of Estates (Small Payments) Act 1965	R82(2); A52(2)	Optional for DP	<p><b>Discretion will be exercised in the following manner:</b></p> <ol style="list-style-type: none"> <li>1. If there is a valid nomination form, the death grant will usually be paid to the nominated beneficiaries in the proportions specified, but each case will be assessed on its merits.</li> <li>2. In other cases, the death grant may be paid to the deceased member's personal representative(s) or any person appearing to have been the member's relative or dependant at any time.</li> </ol> <p>However, each case will be reviewed individually and any representations from someone with an interest will be considered. Death grants that do not exceed £5,000 limit set out in the Administration of Estates (Small Payments) Act 1965, will normally be made without the need for Letters of Administration/Grant of Probate.</p>



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<b>Death of a LGPS Member</b>			
Pay death grant due to personal representatives without need for grant of probate / letters of administration (death of councillor or pre 1.4.2008 leaver)	L95	Optional for DP	<p><b>Discretion will be exercised in the following manner:</b></p> <ol style="list-style-type: none"> <li>1. If there is a valid nomination form, the death grant will usually be paid to the nominated beneficiaries in the proportions specified, but each case will be assessed on its merits.</li> <li>2. In other cases, the death grant may be paid to the deceased member's personal representative(s) or any person appearing to have been the member's relative or dependant at any time.</li> </ol> <p>However, each case will be reviewed individually and any representations from someone with an interest will be considered. Death grants that do not exceed £5,000 limit set out in the Administration of Estates (Small Payments) Act 1965, will normally be made without the need for Letters of Administration/Grant of Probate.</p>
Decide to whom any AVC/SCAVC monies (including life assurance monies) are to be paid on death of the member	R17(12)	New	<p><b>Discretion will be exercised in the following manner:</b></p> <ol style="list-style-type: none"> <li>1. If there is a valid nomination form, the death grant will usually be paid to the nominated beneficiaries in the proportions specified, but each case will be assessed on its merits.</li> <li>2. In other cases, the death grant may be paid to the deceased member's personal representative(s) or any person appearing to have been the member's relative or dependant at any time.</li> </ol> <p>However, each case will be reviewed individually and any representations from someone with an interest will be considered.</p>
Whether to pay spouse's pensions for life for pre-1.4.2008 retirees or deferreds who die on or after 1.4.2008 (rather than ceasing during any period of remarriage or co-habitation)	F7	Optional for DP	The Administering Authority will not suspend spouse's pensions upon remarriage or co-habitation.
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	TP3(6), TP4(6)(c), TP8(4), TP10(2)(a), TP17(2)(b) & B10(2)	Optional for DP	The Administering Authority will consider each case on its merits having regard to the facts of the particular case.
Make election on behalf of deceased member with a certificate of protection of pension benefits i.e. determine best pay figure to use in the benefit calculations (pay cuts / restrictions occurring pre-1.4.2008)	TP3(6), TP8(4), TP4(6)(c), TP10(2)(a), TP17(2)(b) & TSch 1 & L23(9)	Optional for DP	The Administering Authority will consider each case on its merits having regard to the facts of the particular case.

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<b>Pensioners / Children's Pensions</b>			
Decide whether to commute small pension (including pre-1.4.2008 leavers or pre-1.4.2008 Pension Credit members)	B39; R34(1); and T14(3); L49; L156	Optional for DP	Small pensions will be commuted on request of the member where the total pension is within HMRC limit
Commute benefits due to exceptional ill-health (councillor members, pre-1.4.2008 leavers and pre 1.4.2008 Pension Credit members)	L50 and L157	Optional for DP	The Administering Authority will generally agree to commutation but will consider each case on its merits having regard to the facts of the particular case.
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	R32(7)	New	The Administering Authority will not generally vary the time limit but each case will be considered on its merits having regard to the facts of the particular case. .
Decide, in the absence of an election from the member, which benefit is to be paid where the member would be entitled to a benefit under 2 or more regulations in respect of the same period of Scheme membership	R49(1)(c); B42(1)(c)	Optional for DP	The Administering Authority will consider each case on its merits having regard to the facts of the particular case.
Whether, where a person (other than an eligible child) is incapable of managing their affairs, to pay the whole or part of that person's pension benefits to another person for their benefit	A52A; R83	Optional for DP	The Administering Authority will consider each case on its merits having regard to the facts of the particular case. In general and where appropriate, having established an appropriate beneficiary, the Administering Authority will require a formal declaration that the pension will be used for the benefit of the member and may require a Trust Fund to be established for the benefit of the member.
Apportionment of children's pension amongst eligible children (including children of pre-1.4.2008 retirees and deferred members and councillor members)	G11(1); L47(1)	Optional for DP	The Administering Authority has determined that pension benefits will generally be divided equally between eligible children and, in the event that a child is no longer eligible, then the pension for the remaining children will be recalculated. However, each case will be considered on its merits having regard to the facts of the particular case.
Decide to treat child as being in continuous education or vocational training despite a break for children of post-31.3.2008 and pre-1.4.2008 leavers (including children of councillor members)	RSch 1; TP17(9); RSch 1	2012 and New ref. to 2014 regs	After the death of a scheme member, children's pensions are paid so long as the "child" remains in continuous full-time education. A gap of up to one academic year may be ignored when assessing the duration of payment of a child's pension. Children's pensions commencing after 6 April 2006 will only be paid up to age 23 in accordance with the Finance Act 2004.
Whether to pay the whole or part of a child's pension to another person for the benefit of that child (including children of pre-1.4.2008 and post-1.4.2008 retirees or deferred members and councillor members)	B27(5); G11(2); L47(2)	Optional for DP	The Administering Authority will consider each case on its merits having regard to the facts of the particular case. In general and where appropriate, having established an appropriate beneficiary, the Administering Authority will require a formal declaration that the pension will be used for the benefit of the child and may require a Trust Fund to be established for the benefit of the child.

Discretion	Regulation	Status	Administering Authority Discretions Policy 2014
<b>Pensioners / Children's Pensions</b>			
Abatement of pensions following re-employment (councillors and pre 1.4.2008 leavers)	L109 * & L110(4)(b)	Optional for DP	<p>If the rate of pay in the new employment when added to the rate of pension from the former employment exceeds the rate of pay of the former post, then the pension is reduced by the excess.</p> <p>In considering the implications of such re-employment, the Administering Authority will, unless circumstances dictate otherwise, follow the principles relating to re-employed pensioners contained within the Local Government Pension Scheme Regulations 1995.</p>