



## Administering Authority Discretions for North Yorkshire County Council April 2022



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Discretions from 1 April 2014 in relation to post 31 March 2014 active members (excluding councillor members) and post 31 March 2014 leavers (excluding councillor members), under:

R = Local Government Pension Scheme Regulations (LGPS) 2013 (SI 2013/2356)  
 TP = LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 (SI 2014/525)  
 A = LGPS (Administration) Regulations 2008 (SI 2008/239)  
 B = LGPS (Benefits, Membership and Contributions) Regulations 2007 (as amended) (SI 2007/1166)  
 T = LGPS (Transitional Provisions) Regulations 2008 (SI 2008/238)  
 L = LGPS Regulations 1997 (as amended) (SI 1997/1612)

Discretion	Regulation	Exercised by	Agreed Discretion
Whether to agree to an admission agreement with a body applying to be an admission body	R3(1A) R3(5) & RSch 2, Part 3, para 1	Admin. Authority	The administering authority will enter into admission agreements to allow certain non-local government employers to participate in the fund with the agreement of the Pension Fund Committee providing all criteria of the administering authority can be met. The criteria include supplying financial protection to the Pension Fund in the form of a guarantor or bond and subsumption commitment. However, if the employer is a 'transferee admission body' and there is an obligation to enter into an admission agreement one will be set up providing the criteria are met.
Whether to agree to an admission agreement with a Care Trust, NHS Scheme or Care Quality Commission	R4(2)(b)	Admin. Authority	Applications will be considered by the Pension Fund Committee following the provision of all required information from the relevant body including actuarial advice. The potential admission body must cover the cost of obtaining information and advice.

Whether to agree that an admission agreement may take effect on a date before the date on which it is executed	RSch2, Parts 3, para 14	Admin. Authority	An admission agreement will take effect from the date it is executed at the earliest. Requests to backdate an admission agreement will be looked at on a case by case basis.
Whether to terminate an admission agreement in the event of - insolvency, winding up or liquidation of the body - breach by that body of its obligations under the admission agreement - failure by that body to pay over sums due to the Fund within a reasonable period of being requested to do so	RSch2, Part 3, para 9(d)	Admin. Authority	A decision will be made following receipt of actuarial and legal advice. The principles in the NYPF Admissions and Terminations Policy will be applied when carrying out calculations to assess the funding levels.
Define what is meant by "employed in connection with"	RSch2, Part 3, para 12 (a)		Mainly or wholly employed in connection with the relevant service area relating to the original outsourcing contract or transfer agreement.
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)	Admin. Authority	The administering authority will not impose a level but will instead allow individual Scheme employers to determine what is achievable on individual payroll systems. The administering authority reserves the right to impose a single lump sum payment where lost pay is less than 1% of gross annual pay.
Whether to require a satisfactory medical before agreeing to an application to pay an APC/SCAPC	R16 (10)	Admin. Authority	The administering authority has determined that any election to pay an APC/SCAPC (to buy additional pension) must be subject to the employee passing a medical examination carried out by a medical practitioner approved by the Pension Fund. The cost of the medical examination is to be met by the employee.
Whether to turn down an application to pay an APC/SCAPC if not satisfied that the member is in reasonably good health	R16(10)	Admin. Authority	The administering authority has determined that any election to pay an APC/SCAPC (to buy additional pension) must be subject to the employee passing a medical examination carried out by a medical practitioner approved by the Pension Fund. The cost of the medical examination is to be met by the employee. If the employee does not pass the medical examination the application will be turned down.
Decide to whom any AVC/SCAVC monies (including life assurance monies) are to be paid on death of the member	R17(12)	Admin. Authority	The administering authority will make payment in line with the action to be taken for the payment of the main scheme death grant payable.
Pension account may be kept in such form as is considered appropriate	R22(3)©	Admin. Authority	The administering authority will maintain a pension account for each LGPS member using the Fund's software provider's administration module, based on information supplied by the relevant Scheme employer.
Where there are multiple ongoing employments, in the absence of an election from the member within 12 months of ceasing a concurrent employment, decide to which record the benefits from the ceased concurrent employment should be aggregated	TP10(9)	Admin. Authority	The administering authority will apply the method which is most beneficial for the member.
Whether to waive, in whole or in part, actuarial reduction on benefits paid on flexible retirement	R30(8)*	Employer (or Admin. Authority where Employer has become defunct)	The administering authority will not waive any actuarial reduction on benefits paid on flexible retirement.

Whether to waive, in whole or in part, actuarial reduction on benefits which a member voluntarily draws before normal pension age other than on the grounds of flexible retirement (where the member only has post 31 March 2014 membership)	R30(8)*	Employer (or Admin. Authority where Employer has become defunct)	The administering authority will not waive any actuarial reduction on benefits paid which a member voluntarily draws before normal pension age
Whether to require any strain on Fund costs to be paid "up front" by employing authority following payment of benefits under R30(6) (flexible retirement), R30(7) (redundancy/business efficiency), or 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	R68(2)	Admin. Authority	Any cost will be paid by the Scheme employer over a period agreed between the administering authority and the Scheme employer. Payment can be made in full as a one off sum at retirement or in instalments over 3 years or over 5 years. The cost will be increased in line with guidance from the Fund Actuary where payment is not made as a single sum at the time of retirement. However the payment of costs by admission bodies will usually be required in full as a one off sum at retirement.
Whether to "switch on" the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60 (other than on the grounds of flexible retirement).	TPSch 2, para 1(2) & 1(1) (c)*	Employer (or Admin. Authority where Employer has become defunct)	The administering authority will not switch on the 85 year rule for any employee voluntarily drawing benefits on or after age 55 and before age 60
Whether to waive any actuarial reduction for a member voluntarily drawing benefits before normal pension age other than on the grounds of flexible retirement (where the member has both pre 1 April 2014 and post 31 March 2014 membership): a) on compassionate grounds (pre 1 April 2014 membership) and in whole or in part on any grounds (post 31 March 2014 membership) if the member was not in the Scheme before 1 October 2006, b) on compassionate grounds (pre 1 April 2014 membership) and in whole or in part on any grounds (post 31 March 2014 membership) if the member was in the Scheme before 1 October 2006, will not be 60 by 31 March 2016 and will not attain 60 between 1 April 2016 and 31 March 2020 inclusive, c) on compassionate grounds (pre 1 April 2016 membership) and in whole or in part on any grounds (post 31 March 2016 membership) if the member was in the Scheme before 1 October 2006 and will be 60 by 31 March 2016, d) on compassionate grounds (pre 1 April 2020 membership) and in whole or in part on any grounds (post 31 March 2020 membership) if the member was in the Scheme before 1 October 2006, will not be 60 by 31 March 2016 and will attain 60 between 1 April 2016 and 31 March 2020 inclusive	TP3(1) TPSch 2, para 2(1), B30(5) and B30A(5)*	Employer (or Admin. Authority where Employer has become defunct)	The administering authority will not waive any actuarial reduction and will pay any pension strain costs arising out of a member voluntarily drawing benefits before normal pension age
Whether to require any strain on Fund costs to be paid "up front" by employing authority if the Scheme employer "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)	TPSch 2, para 2(3)	Admin. Authority	Any cost will be paid by the Scheme employer over a period agreed between the administering authority and the Scheme employer. Payment can be made in full as a one off sum at retirement or in instalments over 3 years or over 5 years. The cost will be increased in line with guidance from the Fund Actuary where payment is not made as a single sum at the time of retirement. However the payment of costs by admission bodies will usually be required in full as a one off sum at retirement.

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)	Admin. Authority	The time limit will not be extended unless there is evidence of administrative shortcomings.
Decide whether to trivially commute a member's pension under section 166 of the Finance Act 2004 (includes pensions credit members where the effective date of the PSO is after 31 March 2014 and the debited member has some post 31 March 2014 membership of the scheme)	R34(1)(a)	Admin. Authority	The administering authority has determined that where the total pension is within HMRC limits small pensions will be commuted on request of the member.
Decide whether to trivially commute a lump sum death benefit under section 168 of the Finance Act 2004	R34(1)(b)	Admin Authority	The administering authority has determined that where the total pension is within HMRC limits small pensions will be commuted on request of the member's beneficiary.
Decide whether to pay a commutation payment under regulations 6 (payment after relevant accretion), 11 (de minimis rule for pension schemes) or 12 (payments by larger pension schemes) of the Registered Pension Schemes (Authorised Payments) Regulations 2009 (excludes survivor pensions and includes pension credit members where the effective date of the Pension Sharing Order is after 31 March 2014 and the debited member had some post 31 March 2014 membership of the 2014 Scheme)	R34(1)(c)	Admin Authority	The administering authority has determined that where the total pension is within HMRC limits small pensions will be commuted on request of the member.
Approve medical advisors used by employers (for ill health benefits)	R36(3)	Admin. Authority	The administering authority must give approval to a Scheme employer as to their choice of medical practitioner.
Decide whether deferred beneficiary meets criteria of being permanently incapable of former job because of ill health and is unlikely to be capable of undertaking gainful employment before normal pension age or for at least three years, whichever is sooner	R38(3)	Employer (or Admin. Authority where Employer has become defunct)	The administering authority will be guided by the recommendation of an Independent Registered Medical Practitioner (IRMP).
Decide whether a suspended ill health tier 3 member is unlikely to be capable of undertaking gainful employment before normal pension age because of ill health	R38(6)	Employer (or Admin. Authority where Employer has become defunct)	The administering authority will be guided by the recommendation of an Independent Registered Medical Practitioner (IRMP).

Decide to whom death grant is paid	TP17(5) to (8) & R40(2), R43(2) & R46(2)	Admin. Authority	<p>In assessing who should receive any death grant, the administering authority will make reasonable efforts to identify potential beneficiaries and to gather relevant information. Potential beneficiaries can be a member's nominees, personal representatives, relatives or dependants.</p> <p>The administering authority will take into account all information that it receives in making a decision, but most importance will be attached to the member's nomination where one exists. The administering authority will however not always follow the nomination. In particular (but without limitation), the administering authority may decide to award the death grant to someone else where the member's circumstances have materially changed after the nomination was made, or where there are other factors which (in the view of the administering authority) indicate that this would not be appropriate.</p> <p>Where necessary, cases will be referred to the Pension Fund Committee for a decision.</p>
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)	Admin. Authority	The administering authority will apply the method which is most beneficial for the member.
Whether to set up a separate admission agreement fund	R54(1)	Admin. Authority	A separate admission agreement fund will not be maintained.
<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"> <li>- the frequency of any committee or sub-committee meetings</li> <li>- the terms, structure and operational procedures appertaining to the delegation and</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*	Admin. Authority	<p>A separate Governance Compliance Statement has been formulated and is kept under review by the North Yorkshire Pension Fund. The policy can be found on the NYPF website:</p> <p><a href="https://www.nypf.org.uk/nypf/policiesandstrategies.shtml">https://www.nypf.org.uk/nypf/policiesandstrategies.shtml</a></p>
Decide on funding strategy for inclusion in Funding Strategy Statement	R58*	Admin. Authority	<p>The decision on the funding strategy is made by the Pension Fund Committee and can be found in the Investment Strategy Statement and the Funding Strategy Statement on the NYPF website:</p> <p><a href="https://www.nypf.org.uk/nypf/policiesandstrategies.shtml">https://www.nypf.org.uk/nypf/policiesandstrategies.shtml</a></p>

Whether to have a written Pensions Administration Strategy and, if so, the matters it should include	R59(1) & (2)	Admin. Authority	The NYPF has produced a Pensions Administration Strategy which is kept under review. All employing authorities are asked to agree the Strategy and to submit suggestions to improve any aspect of the Strategy at any time. The Strategy can be found on the NYPF website:  <a href="https://www.nypf.org.uk/nypf/policiesandstrategies.shtml">https://www.nypf.org.uk/nypf/policiesandstrategies.shtml</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*	Admin. Authority	A Communications Policy has been formulated and is kept under review by the NYPF. The policy can be found on the Pension Fund website:  <a href="https://www.nypf.org.uk/nypf/policiesandstrategies.shtml">https://www.nypf.org.uk/nypf/policiesandstrategies.shtml</a>
Whether to extend the period beyond 6 months from the date an employer ceases to be a Scheme employer, by which to pay an exit credit	R64(2ZA)	Admin. Authority	The administering authority will agree to extend the period beyond 6 months on a case by case basis
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	R64(2A)	Admin. Authority	Any application for the Administering Authority to grant a suspension notice will normally only be considered if the following criteria apply;  <ul style="list-style-type: none"> <li>• The employer can provide evidence that it is likely to admit one or more new active members to the Fund within the period of the suspension notice</li> <li>• The employer is not a 'closed' Admitted Body (no new active members are permitted to join the Fund).</li> <li>• Any application for the Administering Authority to grant a suspension notice is made within three months of the exit date.</li> </ul> <p>The Administering Authority reserves the right to withdraw a suspension notice if the terms of the agreement to award a suspension notice are not being upheld by the Scheme employer.</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	R64(4)	Admin. Authority	The administering authority will be guided by an initial assessment made by the Fund Actuary. A certificate may be obtained following advice from the Fund Actuary and, if appropriate, the Fund Legal Adviser.

Decide frequency of payments to be made over to Fund by employers and whether to make an admin charge.	R69(1)	Admin. Authority	<p>All funds due to the NYPF in respect of employer and employee pension contributions must be cleared in the NYPF bank account by 19<sup>th</sup> of each month (or the last working day if the 19<sup>th</sup> is not a working day) following the month the contributions relate to. The administering authority has determined that all other sums due to the Fund shall be paid within 30 days of invoice or notification.</p> <p>A penalty system will apply for employers failing to meet the deadlines referred to under regulation R69(1), with a one month grace period for a 'first offence'.</p> <p>The penalty is based on the number of days after the 19th of the month that the payment due is received in the NYPF bank account. This will take the form of a fixed penalty (£100 for each month payment is delayed) plus a daily interest surcharge for the period the amount is outstanding. The interest rate to be used will be 1% above the bank base rate as prescribed in the Regulations. For persistent breaches of this protocol, the employer could be reported to the Pensions Regulator.</p>
Decide form and frequency of information to accompany payments to the Fund	R69(4)	Admin. Authority	<p>The administering authority has determined that the intervals of the annual/monthly contribution returns must be ahead of the payment dates and that standard forms are used which are completed and sent electronically. Year end information is also required electronically in a standard format to be supplied within a timeframe set each year by the administering authority.</p> <p>A fixed penalty of £100 will apply where the monthly return is delayed or not provided as described above. For persistent breaches of this protocol, the employer could be reported to the Pensions Regulator.</p>
Whether to issue employer with notice to recover additional costs incurred as a result of the employer's level of performance	R70 & TP22(2)	Admin. Authority	<p>The policy for the payment of additional costs is contained in both the NYPF Pensions Administration Strategy and the Employer Charging Policy.</p> <p>Any over payment made by the NYPF resulting from inaccurate information supplied by the employer shall be recovered by the NYPF from the employer.</p> <p>In the event of the NYPF being fined by the Pensions Regulator, the fine will be passed on to the relevant employer where that employer's action or inaction (e.g. the failure to notify a retirement within the time limits described above) caused the fine.</p> <p>If NYPF undertakes work specifically on behalf of the employer, the employer will be charged directly for the cost of that work.</p> <p><a href="https://www.nypf.org.uk/nypf/policiesandstrategies.shtml">https://www.nypf.org.uk/nypf/policiesandstrategies.shtml</a></p>

Whether to charge interest on payments by employers which are overdue	R71(1)	Admin. Authority	The administering authority will charge interest at 1% above the base rate on any employer payments unpaid one month after the due date. Details can be found in the NYPF Pensions Administration Strategy and the Employer Charging Policy.
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 Administering Authority exercised	R76(4)	Admin. Authority	Any stage two IDRPs application will be referred to the Corporate Director, Strategic Resources to assess the appropriateness of the stage one decision when making a determination under stage two.
Whether administering authority should appeal against employer decision (or lack of a decision)	R79(2)	Admin. Authority	An appeal will be made when it is believed that action or inaction by a Scheme employer is incorrect under law and is material. This will usually only be done where the administering authority has explained the effect of the action or inaction and the Scheme employer has been given an opportunity to remedy the situation but has failed to do so.
Specify information to be supplied by employers to enable administering authority to discharge its functions	R80(1)(b) & TP22(1)	Admin. Authority	The Scheme employer responsibilities are set out in the NYPF Pensions Administration Strategy, standard forms and guidance notes.
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.	R83	Admin. Authority	The administering authority will consider using this provision only in exceptional cases where it is thought impractical for the national schemes to be used to obtain either Lasting Power of Attorney or Court of Protection. A decision will be made in relation to each case based on advice obtained from the Fund's Legal Adviser, where thought necessary. A declaration will be obtained from the Scheme member's doctor to confirm that the Scheme member is incapable of managing their own affairs. A declaration will be obtained from the person to receive the benefits to confirm that they will use the pension benefits for the benefit of the Scheme member. This provision is not to be used to replace the national schemes to obtain either Lasting Power of Attorney or Court of Protection and it is only in exceptional circumstances that this provision should be used instead of the national schemes.
Agree to bulk transfer payment	R98(1)(b)	Employer / Admin. Authority	A decision will be made based on advice obtained from the Fund Actuary in relation to each case where a bulk transfer is being proposed.
Extend normal time limit for acceptance of a transfer value beyond 12 months from joining the LGPS	R100(6)	Employer and Admin. Authority	The time limit will not be extended unless there are exceptional circumstances and/or if there is evidence of administrative shortcomings.
Allow transfer of pension rights into the Fund	R100(7)	Admin. Authority	Transfers will be allowed into the Fund but will be subject to the employer-led time limits.
Where a member to whom 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)	Admin. Authority	An election will be made on behalf of the member to provide the most beneficial result.



Make an 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 April 2008)	TP3(6), TP4(6)(c), TP8(4), TP10(2)(a), TP17(2)(b) & TSch 1 & L23(9)	Admin. Authority	The administering authority will make an election on behalf of the member which will result in applying the final pay which is most beneficial for the member.
Decide to treat a child (who has not reached the age of 23) as being in continuous full-time education or vocational training despite a break	RSch1 & TP17(9)(a)	Admin. Authority	The administering authority has determined when paying a child's pension that breaks of a year or less will be ignored. The Pension Fund Committee will consider other cases on their merits.
Decide evidence required to determine financial dependence of cohabiting partner on scheme member or financial interdependence of nominated of cohabiting partner and scheme member	RSch1 & TP17(9)(b)	Admin. Authority	Documentary evidence will be requested at the time payment of benefits is due to confirm, to the satisfaction of the administering authority, dependence or interdependence. This could be done, for example, by obtaining documents confirming that there was a bank account or mortgage in joint names.
Decide policy on abatement of pre 1 April 2014 element of pensions in payment following re-employment	TP3(13) & A70(1) & A71(4)(c)*	Admin. Authority	The administering authority will not reduce pension payments as a result of re-employment. However where pensioners have been awarded additional service as compensation by their former employer the extra pension from this service may be abated due to re-employment with a Scheme employer under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 as amended.
Extend time period for capitalisation of added years contract	TP15(1)(c) & TSch 1 & L83(5)	Admin. Authority	The administering authority has determined that a member with an added years contract may have up to 3 months from the date the necessary information is given to the employee to opt to capitalise a whole cost contract.
Decide whether to delegate any administering authority functions under the Regulations	R105(2)	Admin. Authority	A decision will be made by the Pension Fund Committee on whether the delegation of functions is appropriate and the nature of the arrangement for doing so.
Decide whether to establish a joint local pension board (if approval has been granted by the Secretary of State)	R106(3)	Admin. Authority	The administering authority will make decisions via the appropriate committee process.
Decide procedures applicable to the local pension board	R106(6)	Admin. Authority	The administering authority will make decisions via the appropriate committee process.
Decide appointment procedures, terms of appointment and membership of local pension board	R107(1)	Admin. Authority	The administering authority will make decisions via the appropriate committee process.

\*These are mandatory and the administering authority must have a written policy

Discretions in relation to scheme members (excluding councillor members) who ceased active membership on or after 1 April 2008 and before 1 April 2014 under:

A = LGPS (Administration) Regulations 2008 (SI 2008/239)  
B = LGPS (Benefits, Membership and Contributions) Regulations 2007 (as amended) (SI 2007/1166)  
T = LGPS (Transitional Provisions) Regulations 2008 (SI 2008/238)  
TP = LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 (SI 2014/525)  
R = Local Government Pension Scheme Regulations (LGPS) 2013 (SI 2013/2356)  
L = LGPS Regulations 1997 (as amended) (SI 1997/1612)

Discretion	Regulation	Exercised by	Agreed Discretion
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Extend time period for capitalisation of added years contract where the member leaves his employment by reason of redundancy	TR15(1)(c) & TSch 1 & L83(5)	Admin. Authority	The administering authority has determined that a member retiring on the grounds of redundancy/efficiency with an added years contract may have up to 3 months from the date the necessary information is given to the employee to opt to capitalise a whole cost contract.
Outstanding employee contributions can be recovered as a simple debt or by deduction from benefits	A45(3)	Admin. Authority	Each case will be considered and, based on the circumstances of the case, suitable options will be offered which may include recovery as a simple debt or a deduction from benefits.
Approve medical advisors used by employers (for early payment, on grounds of ill health, of a deferred benefit or a suspended Tier 3 ill health pension)	A56(2)	Admin. Authority	The administering authority must give approval to a Scheme employer as to their choice of medical practitioner.
Decide procedure to be followed by admin authority when exercising its stage two IDRPs and decide the manner in which those functions are to be exercised	TP23 & R76(4)	Admin. Authority	Any stage two IDRPs application will be referred to the Corporate Director, Strategic Resources to assess the appropriateness of the stage one decision when making a determination under stage two.
Whether administering authority should appeal against employer decision (or lack of a decision)	TP23 & R79(2)	Admin. Authority	An appeal will be made when it is believed that action or inaction by an employer is incorrect under law and is material. This will usually only be done where the administering authority has explained the effect of the action or inaction and the employer has been given an opportunity to remedy the situation but has failed to do so.
Specify information to be supplied by employers to enable administering authority to discharge its functions	TP23 & TP22(1) & R80(1)(b)	Admin. Authority	The Scheme employer responsibilities are set out in the NYPF Pensions Administration Strategy, standard forms and guidance notes.
Decide policy on abatement of pensions following re-employment	TP3(13) & A70(1) & A71(4)(c)*	Admin. Authority	The administering authority will not reduce pension payments as a result of re-employment. However where pensioners have been awarded additional service as compensation by their former employer the extra pension from this service may be abated due to re-employment with a Scheme employer under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 as amended.
Where a member to whom B10 applies (use of average of 3 years pay within the period of 13 years ending with the last day of active membership for final pay purposes) dies before making an election, whether to make that election on behalf of the deceased member	B10(2)	Admin. Authority	An election will be made on behalf of the member to provide the most beneficial result.
Whether to pay the whole or part of a child's pension to another person for the benefit of that child	B27(5)	Admin. Authority	The administering authority will consider payment of a child's pension to a guardian. A declaration will be obtained from the person to receive the benefits to confirm that they will use the pension benefits for the benefit of the child.

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.	A52(a)	Admin. Authority	The administering authority will consider using this provision only in exceptional cases where it is thought impractical for the national schemes to be used to obtain either Lasting Power of Attorney or Court of Protection. A decision will be made in relation to each case based on advice obtained from the Fund's Legal Adviser, where thought necessary. A declaration will be obtained from the Scheme member's doctor to confirm that the Scheme member is incapable of managing their own affairs. A declaration will be obtained from the person to receive the benefits to confirm that they will use the pension benefits for the benefit of the Scheme member. This provision is not to be used to replace the national schemes to obtain either Lasting Power of Attorney or Court of Protection and it is only in exceptional circumstances that this provision should be used instead of the national schemes
Whether to "switch on" the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60	TPSch2, para 1(2) & 1(1)(c)*	Employer (or Admin. Authority where Employer has become defunct)	The administering authority will not switch on the 85 year rule for any employee voluntarily drawing benefits on or after age 55 and before age 60
Whether to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early under B30 (member)	B30(5), TPSch2, para 2(1)*	Employer (or Admin. Authority where Employer has become defunct)	The administering authority will not waive any actuarial reduction and will pay any pension strain costs arising out of a member voluntarily drawing benefits before normal pension age
Whether to "switch on" the 85 year rule for a pensioner member with deferred benefits voluntarily drawing benefits on or after age 55 and before age 60	TPSch 2, para 1(2) & 1(1) (c)*	Employer (or Admin. Authority where Employer has become defunct)	The administering authority will not switch on the 85 year rule for any pensioner member with deferred benefits voluntarily drawing benefits on or after age 55 and before age 60
Whether to waive on compassionate grounds, the actuarial reduction applied to benefits paid early under B30A (pensioner member with deferred benefits)	B30A(5), TPSch 2, para 2(1)*	Employer (or Admin. Authority where Employer has become defunct)	The administering authority will not waive any actuarial reduction and will pay any pension strain costs arising out of a member voluntarily drawing benefits before normal pension age
Whether to require any strain on Fund costs to be paid "up front" by Scheme employer if the Scheme employer "switches on" the 85 year rule for a member voluntarily retiring prior to age 60, or waives an actuarial reduction on compassionate grounds under TPSch2, para 2(1)	TPSch2, para 2(3)	Admin. Authority	Any cost will be paid by the Scheme employer over a period agreed between the administering authority and the Scheme employer. Payment can be made in full as a one off sum at retirement or in instalments over 3 years or over 5 years. The cost will be increased in line with guidance from the Fund Actuary where payment is not made as a single sum at the time of retirement. However the payment of costs by admission bodies will usually be required in full as a one off sum at retirement.
Decide whether deferred beneficiary meets permanent ill health and reduced likelihood of gainful employment criteria	B31(4)	Employer (or Admin. Authority where Employer has become defunct)	The administering authority will be guided by the recommendation of an Independent Registered Medical Practitioner (IRMP).
Decide whether a suspended ill health tier 3 member is permanently incapable of undertaking any gainful employment	B31(7)	Employer (or Admin. Authority where Employer has become defunct)	The administering authority will be guided by the recommendation of an Independent Registered Medical Practitioner (IRMP).

Decide to whom death grant is paid	B23(2) & B32(2) & B35(2) & TSch 1 & L155(4)	Admin. Authority	<p>In assessing who should receive any death grant, the administering authority will make reasonable efforts to identify potential beneficiaries and to gather relevant information. Potential beneficiaries can be a member's nominees, personal representatives, relatives or dependants.</p> <p>The administering authority will take into account all information that it receives in making a decision, but most importance will be attached to the member's nomination where one exists. The administering authority will however not always follow the nomination. In particular (but without limitation), the administering authority may decide to award the death grant to someone else where the member's circumstances have materially changed after the nomination was made, or where there are other factors which (in the view of the administering authority) indicate that this would not be appropriate.</p> <p>Where necessary, cases will be referred to the Pension Fund Committee for a decision.</p>
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)	Admin. Authority	<p>Documentary evidence will be requested at the time payment of benefits is due to confirm, to the satisfaction of the administering authority, dependence or interdependence. This could be done, for example, by obtaining documents confirming that there was a bank account or mortgage in joint names.</p>

Decide to treat a child (who has not reached the age of 23) as being in continuous education or vocational training despite a break	RSch1 & TP17(9)(a)	Admin. Authority	The administering authority has determined when paying a child's pension that breaks of a year or less will be ignored. The Pension Fund Committee will consider other cases on their merits.
Decide whether to trivially commute a member's pension under section 166 of the Finance Act 2004	B39(1)(a) & T14(3)	Admin. Authority	The administering authority has determined that where the total pension is within HMRC limits small pensions will be commuted on request of the member.
Decide whether to trivially commute a lump sum death benefit under section 168 of the Finance Act 2004	R39(1)(b)	Admin. Authority	The administering authority has determined that where the total pension is within HMRC limits small pensions will be commuted on request of the member's beneficiary.
Decide whether to pay a commutation payment under regulations 6 (payment after relevant accretion), 11 (de minimis rule for pension schemes) or 12 (payments by larger pension schemes) of the Registered Pension Schemes (Authorised Payments) Regulations 2009 (excludes survivor pensions and pension credit members)	R39(1)(c)	Admin. Authority	The administering authority has determined that where the total pension is within HMRC limits small pensions will be commuted on request of the member.
Decide, in the absence of an election from the member, which benefit is to be 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	B42(1)(c)	Admin. Authority	The administering authority will apply the regulation which will result in the most beneficial outcome for the member.
Make an 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 April 2008)	TSch 1 & L23(9)	Admin. Authority	The administering authority will make an election on behalf of the member which will result in applying the final pay which is most beneficial for the member.

\*These are mandatory and the administering authority must have a written policy

Discretions in relation to councillor members who ceased active membership on or after 1 April 1998, and any other scheme members who ceased active membership on or after 1 April 1998 and before 1 April 2008 under:

LGPS Regulations 1997 (as amended) (SI 1997/1612)

T = LGPS (Transitional Provisions) Regulations 2008 (SI 2008/238)

A = LGPS (Administration) Regulations 2008 (SI 2008/239)

TP = LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 (SI 2014/525)

R = Local Government Pension Scheme Regulations (LGPS) 2013 (SI 2013/2356)

Discretion	Regulation	Exercised by	Agreed Discretion
Whether to "switch on" the 85 year rule for a member with deferred benefits voluntarily drawing benefits on or after age 55 and before age 60	TPSch2, para 1(2), 1(1)(f) & R60*	Employer (or Admin. Authority where Employer has become defunct)	The administering authority will not switch on the 85 year rule for a member with deferred benefits voluntarily drawing benefits on or after age 55 and before age 60
Waive, on compassionate grounds the actuarial reduction applied to deferred benefits paid early	31(5) & TPSch 2, para 2(1)*	Employer (or Admin. Authority where Employer has become defunct)	The administering authority will not waive any actuarial reduction for a member voluntarily drawing benefits before normal pension age
Decide to whom death grant is paid	38(1) & 155(4)	Admin. Authority	<p>In assessing who should receive any death grant, the administering authority will make reasonable efforts to identify potential beneficiaries and to gather relevant information. Potential beneficiaries can be a member's nominees, personal representatives, relatives or dependants.</p> <p>The administering authority will take into account all information that it receives in making a decision, but most importance will be attached to the member's nomination where one exists. The administering authority will however not always follow the nomination. In particular (but without limitation), the administering authority may decide to award the death grant to someone else where the member's circumstances have materially changed after the nomination was made, or where there are other factors which (in the view of the administering authority) indicate that this would not be appropriate.</p> <p>Where necessary, cases will be referred to the Pension Fund Committee for a decision.</p>
Decide to treat child (who has not reached the age of 23) as being in continuous education or vocational training despite a break	TP17(9)(a) & RSch 1	Admin. Authority	The administering authority has determined when paying a child's pension that breaks of a year or less will be ignored. The Pension Fund Committee will consider other cases on their merits.
Apportionment of children's pension amongst eligible children	47(1)	Admin. Authority	Each eligible child will receive the same level of pension.
Pay child's pension to another person for the benefit of the child	47(2)	Admin. Authority	Payment will be made after establishing the appropriate beneficiary and obtaining a declaration that the pension will be used for the benefit of the child.

Decide whether to trivially commute a member's pension under section 166 of the Finance Act 2004 (includes pre 1 April 2008 leavers or Pension Credit members where the effective date of the Pension Sharing Order was pre 1 April 2014 or where the effective date of the Pension Sharing Order is after 31 March 2014 but the debited member had no post 31 March 2014 membership of the 2014 Scheme)	49(1) & T14(3)	Admin. Authority	The administering authority has determined that where the total pension is within HMRC limits small pensions will be commuted on the request of the Scheme member.
Decide whether to trivially commute a lump sum death benefit under section 168 of the Finance Act 2004	49(1)	Admin. Authority	The administering authority has determined that where the total pension is within HMRC limits small pensions will be commuted on request of the member's beneficiary.
Decide whether to commute benefits due to exceptional ill-health (including Pension Credit members where the effective date of the Pension Sharing Order was pre 1 April 2014 or where the effective date of the Pension Sharing Order is after 31 March 2014 but the debited member had no post 31 March 2014 membership of the 2014 Scheme)	50 and 157	Admin. Authority	The option to commute benefits will be given in relevant cases.
Whether to require any strain on Fund costs to be paid "up front" by 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	80(5)	Admin. Authority	Any cost will be paid by the Scheme employer over a period agreed between the administering authority and the Scheme employer. Payment can be made in full as a one off sum at retirement or in instalments over 3 years or over 5 years. The cost will be increased in line with guidance from the Fund Actuary where payment is not made as a single sum at the time of retirement.
Whether to require any strain on Fund costs to be paid "up front" by employing authority if the employing authority "switches on" the 85 year rule for a member voluntarily retiring on or after age 55 and prior to age 60, or waives an actuarial reduction on compassionate grounds under TPSch2, para 2(1)	TPSch2, para 2(3)	Admin. Authority	Any cost will be paid by the employing authority over a period agreed between the administering authority and the employing authority. Payment can be made in full as a one off sum at retirement or in instalments over 3 or 5 years. The cost will be increased in line with guidance from the Fund Actuary where payment is not made as a single sum at the time of retirement.
Outstanding employee contributions can be recovered as a simple debt or by deduction from benefits	89(3)	Admin. Authority	Each case will be considered and, based on the circumstances of the case, suitable options will be offered which may include recovery as a simple debt or a deduction from benefits.
Timing of pension increase payments by employers to fund	91(6)	Admin. Authority	Payments should usually be made one month from the date on which the pension increase becomes due.
Approve medical advisors used by employers	97(10)	Admin. Authority	The administering authority must give approval to a Scheme employer as to their choice of medical practitioner.
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	TP23 & R76(4)	Admin. Authority	Any stage two IDRPs application will be referred to the Corporate Director, Strategic Resources to assess the appropriateness of the stage one decision when making a determination under stage two.

Whether administering authority should appeal against employer decision, or lack of a decision	TP23 & R79(2)	Admin. Authority	An appeal will be made when it is believed that action or inaction by an employer is incorrect under law and is material. This will usually only be done where the administering authority has explained the effect of the action or inaction and the employer has been given an opportunity to remedy the situation but has failed to do so.
Specify information to be supplied by employers to enable administering authority to discharge its functions	TP23 & TP22(1) & R80(1)(b)	Admin. Authority	The Scheme employer responsibilities are set out in the NYPF Pensions Administration Strategy, standard forms and guidance notes.
Date to which benefits shown on annual deferred statement are calculated.	106(A)(5)	Admin. Authority	Benefits are calculated to the first Monday in April each year after the start of the tax year (the 'Pensions Increase' date)
Abatement of pensions following re-employment	TP3(13), A70(1) & A71(4)(c)*	Admin. Authority	The administering authority will not reduce pension payments as a result of re-employment. However where pensioners have been awarded additional service as compensation by their former employer the extra pension from this service may be abated due to re-employment with a Scheme employer under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 as amended.
Retention of Contributions Equivalent Premium (CEP) where member transfers out	118	Admin. Authority	The administering authority reserves the right to retain the CEP should this be thought appropriate.
Discharge Pension Credit liability	147	Admin. Authority	Appropriate pension rights will be awarded to the pension credit member under the scheme but a payment of a transfer value can be paid out to an appropriate provider should the pension credit member request this.

\*These are mandatory and the administering authority must have a written policy

Note: benefits paid on or after age 50 and before age 55 are subject to an unauthorised payments charge and, where applicable, an unauthorised payments surcharge under the Finance Act 2006. Also, any part of the benefits which had accrued after 5 April 2006 would generate a scheme sanction charge.



Discretions in relation to scheme members who ceased active membership before 1 April 1998 under:

LGPS Regulations 1995 (SI 1995/1019)

TL = LGPS (Transitional Provisions) Regulations 1997 (SI 1997/1613)

L = LGPS Regulations 1997 (as amended) (SI 1997/1612)

A = LGPS (Administration) Regulations 2008 (SI 2008/239)

TP = LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 (SI 2014/525)

R = Local Government Pension Scheme Regulations (LGPS) 2013 (SI 2013/2356)

Discretion	Regulation	Exercised by	Agreed Discretion
Grant application for early payment of deferred benefits on or after age 50 on compassionate grounds.	TP3(5A)(vi), TL4, L106(1) & D11(2)(c)	Employer (or Admin. Authority where Employer has become defunct)	The administering authority will not grant applications for early payment of deferred benefits between the ages of 50 and 55. Over the age of 55, the administering authority will consider on a case by case basis.
Decide to whom death grant is paid	E8	Admin. Authority	<p>In assessing who should receive any death grant, the administering authority will make reasonable efforts to identify potential beneficiaries and to gather relevant information. Potential beneficiaries can be a member's nominees, personal representatives, relatives or dependants.</p> <p>The administering authority will take into account all information that it receives in making a decision, but most importance will be attached to the member's nomination where one exists. The administering authority will however not always follow the nomination. In particular (but without limitation), the administering authority may decide to award the death grant to someone else where the member's circumstances have materially changed after the nomination was made, or where there are other factors which (in the view of the administering authority) indicate that this would not be appropriate.</p> <p>Where necessary, cases will be referred to the Pension Fund Committee for a decision.</p>
Whether to pay spouse's pensions for life (rather than ceasing during any period of remarriage or co-habitation)	F7	Admin. Authority	The administering authority will pay a pension for life.
Decide to treat child (who has not yet reached age 23) as being in continuous education or vocational training despite a break	TP17(9)(a) & RSch 1	Admin. Authority	The administering authority has determined when paying a child's pension that breaks of a year or less will be ignored. The Pension Fund Committee will consider other cases on their merits
Apportionment of children's pension amongst eligible children	G11(1)	Admin. Authority	The administering authority has determined that it will equally apportion children's pensions amongst all the <u>eligible children</u> .
Pay child's pension to another person for the benefit of the child	G11(2)	Admin. Authority	Payment will be made after establishing the appropriate beneficiary and obtaining a declaration that the pension will be used for the benefit of the child.

Abatement of pensions following re-employment	TP3(13), A70(1) & A71(4)(c))*	Admin. Authority	The administering authority will not reduce pension payments as a result of re-employment. However where pensioners have been awarded additional service as compensation by their former employer the extra pension from this service may be abated due to re-employment with a Scheme employer under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 as amended.
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	TP23 & R76(4)	Admin. Authority	Any stage two IDRPs application will be referred to the Corporate Director, Strategic Resources to assess the appropriateness of the stage one decision when making a determination under stage two.
Whether administering authority should appeal against employer decision, or lack of a decision	TP23 & R79(2)	Admin. Authority	An appeal will be made when it is believed that action or inaction by an employer is incorrect under law and is material. This will usually only be done where the administering authority has explained the effect of the action or inaction and the employer has been given an opportunity to remedy the situation but has failed to do so.
Specify information to be supplied by employers to enable administering authority to discharge its functions	TP23 & TP22(1) R80(1)(b)	Admin. Authority	The Scheme employer responsibilities are set out in the NYPF Pensions Administration Strategy, standard forms and guidance notes.

\*These are mandatory and the administering authority must have a written policy

Discretions under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 (as amended) (SI 2000/1410)

Discretionary policies in relation to former employees of a Scheme employer that is a scheduled body, a designated body, or a body that is deemed to be a scheduled body under the LGPS Regulations 2013 and equivalent predecessor regulations (excluding admitted bodies)

Discretion	Regulation	Exercised by	Agreed Discretion
Agree to pay annual compensation on behalf of employer and recharge payments to employer	31(2)	Admin. Authority	Administering authority will make payments and recharge the employer.

Discretions under the Registered Pension Schemes (Modification of Scheme Rules) Regulations 2011 (SI 2011/1791)

Discretion	Regulation	Exercised by	Agreed Discretion
To decide whether it is legally able to offer voluntary scheme pays	2	Admin. Authority	Administering authority will not offer voluntary scheme pays