

**Buckinghamshire County Council Pension Fund (BCCPF)
Local Government Pension Scheme (LGPS)
Administering Authority's Statement of Discretions**



Discretion	LGPS Regulation	BCC as Administering Authority decision
Whether to agree to an admission agreement with a Care Trust, NHS Scheme employing authority or Care Quality Commission	R4(2)(b) 2013	Applications will be agreed to subject to actuarial assessment of risk and where risk is identified, the appropriate indemnity or bond required to be approved by the BCCPF
Whether to agree to an admission agreement with a body applying to be an admission body	R3(5) & Sch 2, Part 3, para 1 2013	Applications will be agreed to subject to actuarial assessment of risk and where risk is identified, the appropriate indemnity or bond required to be approved by the BCCPF
Whether to terminate an admission agreement in the event of <ul style="list-style-type: none"> • Insolvency, winding up or liquidation of the body • breach by that body of its obligations under the admission agreement • failure by that body to pay over sums due to the Fund within a reasonable period of being requested to do so 	RSch 2, Part 3, para 9(d) 2013	BCCPF will terminate an admission agreement where any of the circumstances detailed occur
Define that is meant by “employed in connection with”	RSch 2, Part 3, para 12(a) 2013	BCCPF define this as from the effective date, the admission body will provide services or assets in connection with the functions of a Scheme Employer as a result of a transfer of services or assets, by means of the contract for the provision of services between the Scheme Employer and Admission Body



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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	R16(1) 2013	BCCPF will not turn down a request to pay monthly and insist on a one off payment where the payment is small
Whether to require a satisfactory medical before agreeing to an application to pay an APC/SCAPC	R16(10) 2013	BCCPF will require any members applying to pay an APC contract (excluding those to pay for lost pension) to sign a declaration that they are in good health in relation to their age and to provide details of any period of sickness exceeding 2 weeks within the last 2 years. If unable to sign the declaration or if there has been significant sickness, BCCPF will ask for a GPs letter confirming they are in good health the cost of this being met by the member
Whether to turn down an application to pay an APC/SCAPC if not satisfied that the member is in reasonably good health	R16(10) 2013	BCCPF will turn down an application to pay an APC/SCAPC if not satisfied the member is in reasonably good health
Whether to charge a member for provision of an estimate of additional pension that would be provided by the Scheme in return for a transfer of in-house AVC/SCAVC funds(where the AVC/SCAVC arrangement was entered into before 01/04/2014)	TP15(1)(d) 2014 A28(2) 2008	No charge will be made by the BCCPF
Decide to whom any AVC/SCAVC monies (including life assurance monies) are to be paid on the death of the member	R17(12) 2013	Payment of any AVC/SCAVC monies will be made to the member's nominated beneficiary. Where a nomination has not been made, payment will be made to the verified next of kin. If there is doubt over to whom payment should be made, payment will be made upon production of Grant of Probate or Letters of Administration
Pension account may be kept in such form as is considered appropriate	R22(3)(c) 2013	A member's pension account will be kept on the BCCPF's computerised pensions database

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Decide, in the absence of an election from the member within 12 months of ceasing a concurrent employment, which continuing employment the rights from the ceased concurrent employment should be aggregated with (where there is more than one ongoing employment)	TP10(9) 2014	BCCPF will aggregate the rights from the ceased concurrent employment with the ongoing employment which has been ongoing for the longest period of time
Whether to waive, in whole or part, actuarial reduction on benefits paid on flexible retirement	R30(8) 2013	BCCPF will not waive actuarial reductions where it is acting as the Employer where an Employer has become defunct
Whether to waive, in whole or 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 31/03/2014 membership)	R30(8) 2013	BCCPF will not waive actuarial reductions where it is acting as the Employer where an Employer has become defunct
Whether to require any strain on Fund costs to be paid “up front” by a Scheme Employer 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) 2013	BCCPF will require payment of a strain on Fund cost “up front” where a member receives payment of benefits under R30(6) & R30(7), if the member is aged under age 60. Where a member receives benefits under R30(8) and reductions are waived, payment of the strain on Fund cost is required “up front” regardless of the member’s age
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)	TP Sch 2, paras 1(2) 2014	BCCPF will not switch on the 85 year rule where it is acting as the Employer, where an Employer has become defunct

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<p>Whether to waive any actuarial reduction for a member voluntarily drawing benefits before normal pension age other than on grounds of flexible retirement (where the member has both pre 01/04/2014 and post 31/03/2014 membership) on</p> <ul style="list-style-type: none"> a) compassionate grounds (pre 01/04/2014 membership) and in whole or part on any grounds (post 31/03/2014 membership) if the member was not in the Scheme before 01/10/2006 b) compassionate grounds (pre 01/04/2014 membership) and in whole or part on any grounds (post 31/03/2014 membership) if the member was in the Scheme before 01/10/2006, will not be 60 by 31/03/2016 and will not attain 60 between 01/04/2016 and 31/03/2020 c) on compassionate grounds (pre 01/04/2016 membership) and in whole or part on any grounds (post 31/03/2016 membership) if the member was in the Scheme before 01/10/2006 and will be 60 by 31/03/2016 d) on compassionate grounds (pre 01/04/2020 membership) and in whole or part on any grounds (post 31/03/2020 membership) if the member was in the Scheme before 01/10/2006, will not be 60 by 31/03/2016 and will attain 60 between 01/04/2016 and 31/03/2020 	<p>TP3(1), TPSch 2, paras 2(1) 2014 B30(5) & B30A(5) 2007</p>	<p>BCCPF will not waive actuarial reduction on pre and/or post April 2014 benefits where it is acting as the Employer where an Employer has become defunct</p> <p style="text-align: center;">4</p>

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Whether to require any strain on Fund costs to be paid “up front” by a Scheme Employer if they ‘switch on’ the 85 year rule for a member voluntarily retiring (other than flexible retirement) prior to age 60, or waives an actuarial reduction under TPSch 2, para 2(1) or releases benefits before age 60 under B30(1) or B30A	TPSch 2, para 2(3) 2014	BCCPF will require payment of any strain on Fund costs “up front” under R30(6), B30(1) or B30A where the member is aged under 60
Whether to extend the time limits within which a member must give notice of their wish to draw benefits before normal retirement age or upon flexible retirement	R32(7) 2013	BCCPF will not extend the time limits
Decide whether to commute a small pension	R34(1) 2013 B39 2007 T14(3) 2008 49 & 156 1997	BCCPF will commute a member’s small pension where the appropriate requirements are met
Approve medical advisors used by Scheme Employers (for all ill health benefits)	R36(3) 2013 A56(2) 2008 97(10) 1997	BCCPF will only accept ill health certification from an approved occupational health advisor
Whether to use a certificate produced by an IRMP under the 2008 Scheme for the purposes of making an ill health determination under the 2014 Scheme	TP12(6) 2014	BCCPF will only accept a certificate produced under the 2008 Scheme for a determination under the 2014 Scheme for ill health retirements where the termination date is prior to 30 June 2014.
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 the sooner	R38(3) 2013	BCCPF will refer a deferred beneficiary to its IRMP as it is acting as the Employer where an Employer has become defunct

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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) 2013	BCCPF will refer a suspended ill health tier 3 member to its IRMP as it is acting as the Employer where an Employer has become defunct
Decide to whom a death grant is paid	TP17(5) to (8) 2014 R40(2), R43(2) & R46(2) 2013 TSch1 2008 B23(2), B32(2) & B35(2) 2007 L155(4) & 38(1) 1997 E8 1995	Payment of any death grant will be made to the member's nominated beneficiary. Where a nomination has not been made, payment will be made to their next of kin or other relevant person on completion of an 'Interest in death grant' form. If there is doubt over to whom payment should be made, payment will be made upon production of Grant of Probate or Letters of Administration
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) 2013 B42(1)(c) 2007	BCCPF will make payment of the most beneficial benefit to the member
Whether to set up a separate admission agreement fund	R54(1) 2013	BCCPF will not set up a separate admission agreement fund unless it is deemed relevant by the Fund actuary
Governance policy must state whether the admin authority delegates their function or part of their function in relation to maintaining a pension fund to a committee, sub-committee or an officer of the administering authority, and if they do so delegate, state <ul style="list-style-type: none"> - the frequency of any committee or sub-committee meetings - the terms, structure and operational procedures appertaining to the delegation 	R55 2013	BCCPFs Governance policy covering all requirements under R55 can be found at: http://www.buckscc.gov.uk/services/council-and-democracy/local-government-pension-scheme/policies/

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<ul style="list-style-type: none"> - whether representatives of Scheme employers or members are included and, if so, whether they have voting rights <p>The policy must also state</p> <ul style="list-style-type: none"> - the extent to which a delegation, or the absence of a delegation, complies with Secretary of State guidance and, to the extent it does not comply, state the reasons for not complying, and - the terms, structure and operational procedures appertaining to the Local Pension Board 		
Decide on Funding Strategy for inclusion in funding strategy statement	R58 2013	BCCPFs funding strategy statement can be found at: http://www.buckscc.gov.uk/services/council-and-democracy/local-government-pension-scheme/investment/funding-strategy-statement/
Whether to have a written pensions administration strategy and, if so, the matters it should include	R59(1) & (2) 2013	BCCPFs pensions administration strategy can be found at: http://www.buckscc.gov.uk/services/council-and-democracy/local-government-pension-scheme/policies/
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 2013	BCCPFs communication policy can be found at: http://www.buckscc.gov.uk/services/council-and-democracy/local-government-pension-scheme/policies/
Whether to suspend, for up to 3 years, an employer's obligation to pay an exit payment where the Scheme employer is	R64(2A)	BCCPF will issue a suspension notice where it deems it is appropriate

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again likely to have active members within the specified period of suspension		
Whether to obtain revision of an employer's contribution rate if there are circumstances which make it likely a Scheme Employer will become an exiting employer	R64(4) 2013	BCCPF will liaise with the Fund actuary and if advised, will obtain a revised employer rate certificate
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 2013	BCCPF will liaise with the Fund actuary and if advised, will obtain a new rates and adjustments certificate
Decide frequency of payments to be made over to the Fund by Scheme Employers and whether to make an administration charge	R69(1) 2013 81(1) 1997	An administration charge is incorporated within an employer's contribution rate. Details of frequency of payments can be found in the BCCPF Service Level Agreement (SLA) at: http://www.buckscc.gov.uk/services/council-and-democracy/local-government-pension-scheme/employers/employers-guides-forms-and-booklets/
Decide form and frequency of information to accompany payments to the Fund	R69(4) 2013 81(5) 1997	Details of the form and frequency of payments can be found in the BCCPF Service Level Agreement (SLA) at: http://www.buckscc.gov.uk/services/council-and-democracy/local-government-pension-scheme/employers/employers-guides-forms-and-booklets/
Whether to issue a Scheme Employer with notice to recover additional costs incurred as a result of their unsatisfactory level of performance	R70 2013 TP22(2) 2014	BCCPF's pensions administration strategy covering additional costs can be found at: http://www.buckscc.gov.uk/services/council-and-democracy/local-government-pension-scheme/employers/employers-guides-forms-and-booklets/
Whether to charge interest on payments by Scheme Employers which are overdue	R71(1) 2013 82(1) 1997	Details regarding interest payments are detailed in the charging schedule in the pensions administration strategy at: http://www.buckscc.gov.uk/services/council-and-democracy/local-government-pension-scheme/employers/employers-guides-forms-and-booklets/

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		booklets/
Whether to extend the six month period to lodge a stage one IDRPF appeal	R74(4) 2013 A58(7)(B) 2008	BCCPF (where it is adjudicating on a stage one appeal) will not extend the six month time limit
Decide the procedure to be followed by the adjudicator when exercising stage one IDRPF functions and decide the manner in which those functions are to be exercised	R74(6) 2013	BCCPF (where it is adjudicating on a stage one appeal) will acknowledge receipt of the appeal and provide a response within the timescales required by the LGPS Regulations
Decide the procedure to be followed by the administering authority when exercising its stage two IDRPF functions and decide the manner in which those functions are to be exercised	R76(4) 2013 A60(8) 2008 99 1997	Where the IDRPF is against a Scheme Employer, the Principal Pensions Officer (Administration) will undertake the stage two procedure. Where the IDRPF is against the administering authority, BCCs Group Solicitor & Deputy Monitoring Officer will undertake the stage two procedure
Whether the administering authority should appeal against a Scheme Employer decision (or lack of one)	R79(2) 2013 A63(2) 2008 105(1) 1997	BCCPF will appeal against a Scheme Employer decision (or lack of one) where it is clear the Scheme Employer has not undertaken the correct procedure, if it has not complied with the regulations or if its actions have resulted in the administering authority not being able to comply with the regulations
Specify information to be supplied by Scheme Employers to enable the administering authority to discharge its functions	R80(1)(b) 2013 TP22(1) 2014 A64(1)(b) 2008	Details of the information required from Scheme Employers to the BCCPF can be found in the BCCPF Service Level Agreement (SLA) at: http://www.buckscc.gov.uk/services/council-and-democracy/local-government-pension-scheme/employers/employers-guides-forms-and-booklets/
Whether to pay any 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 the amount specified in s6 of the Administration of Estates (Small Payments) Act 1965	R82(2) 2013 A52(2) 2008 95 1997	BCCPF will make payment of a death grant without the need for probate/letters of administration under s6 of the Administration of Estates (Small Payments) Act 1965, on completion of an 'Interest in death grant' form
Whether, where a person is incapable of managing their affairs, to pay the whole	R83 2013 A52A 2008	BCCPF will make payment to another person for a member's benefit upon receipt of a letter from the member's GP confirming they are incapable of

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or part of that person's pension benefits to another person for their benefit		managing their affairs. If a letter from the member's GP cannot be obtained, the BCCPF will only accept a lasting power of attorney
Date to which benefits shown on an annual benefit statement are calculated	106A(5) 1997	The current value of benefits will be calculated as at 31 March for the relevant year. Projection of benefits will be calculated at the member's normal pension age
Agree to bulk transfer payment	R98(1)(b) 2013	Where appropriate and having taken advice from the Fund actuary, the BCCPF will agree to a bulk transfer payment
Extend normal time limit for acceptance of a transfer value beyond 12 months from joining the LGPS	R100(6) 2013	BCCPF will extend the time limit after discussion with the relevant Scheme Employer
Allow transfer of pension rights into the Fund	R100(7) 2013	BCCPF will accept transfer values from other pension arrangements
Where a member to whom B10 applies (use of the 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) 2014 B10(2) 2007	BCCPF will make the election on behalf of the deceased member where the benefits resulting from the election would be the most beneficial
Make an election on behalf of a deceased member with a certificate of protection of pension benefits	TP3(6), TP4(6)(c), TP8(4), TP10(2)(a), TP17(2)(b) 2014 TSch 1 2008 L23(9) 1997	BCCPF will make the election on behalf of the deceased member where the benefits resulting from the election would be the most beneficial
Decide to treat a child as being in continuous education or vocational training despite a break	RSch1 2013 TP17(9) 2014	BCCPF will treat a child as being in continuous education or vocational training providing any break period is not in excess of one year
Whether to pay the whole or part of a child's pension to another person for the benefit of that child	B27(5) 2007 47(2) 1997 G11(2) 1995	BCCPF will pay a pension in respect of a child under the age of 18 or any age if the child is incapacitated to either a parent, legal guardian or a person with lasting power of attorney
Decide evidence required to determine financial dependence of cohabiting partner on the scheme member, or financial interdependence of cohabiting partner and the scheme member	RSch 1 2013 TP17(9) (b) 2014 B25 2008	BCCPF will require copies of any joint mortgage or property rental arrangements; copies of any joint bank/saving accounts; copies of any utility bills in joint names

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Decide policy on abatement of pre 1 April 2014 element of pensions in payment following re-employment	TP3(13) 2014 A70(1), A71(4)(c) & T12 2008 109 & 110(4)(b) 1997	The basic pension (excluding any compensatory added years element) of a pensioner who is re-employed in local government and again eligible for LGPS membership will not be reduced or suspended
Extend time period for capitalisation of added years contract	TP15(1)(c) 2014 TSch 1 2008 L83(5) 1997	BCCPF will extend the time limit to three months from the date retirement benefits were notified to the member should this be greater than three months from the date of retirement
Decide whether to delegate any administering authority functions under the Regulations	R105(2) 2013	BCCPF will not delegate any administering authority functions
Decide whether to establish a joint local pensions board (if approval has been granted by the Secretary of State)	R106(3) 2013	BCCPF will not establish a joint local pensions board
Decide procedures applicable to the local pensions board	R106(6) 2013	Detailed in the BCCPF local pension board's terms of reference
Decide appointment procedures, terms of appointment and membership of the local pension board	R107(1) 2013	Detailed in the BCCPF local pension board's terms of reference
Agreement to make a payment on behalf of a Scheme member under 'voluntary Scheme pays' where the member does not have the right to make a 'mandatory Scheme pays' election	N/A	BCCPF will agree to pay a Scheme member's annual allowance tax charge on a voluntary basis where the charge is based on excess savings as a result of benefits accrued in the BCC LGPS only
Outstanding employee contributions can be recovered as a simple debt or by deduction from benefits	A45(3) 2008 89(3) 1997	BCCPF will permit either method of recovery
Whether to grant application for early payment of deferred benefits on or after age 55 and before age 60	B30(2) 2007	BCCPF will only grant an application where there is no strain on Fund cost
Whether to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early under B30	B30(5) 2007	BCCPF will not waive actuarial reductions on compassionate grounds for deferred benefits paid early
Whether to grant an application for early	B30A(3) 2007	BCCPF will not grant an application for early payment of a suspended tier

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payment of a suspended tier 3 ill health pension on or after age 55 and before age 60		3 ill health pension
Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early under B30A	B30A(5) 2007	BCCPF will not waive actuarial reductions on compassionate grounds for benefits paid early under B30A
Decide whether a deferred beneficiary meets permanent ill health and a reduced likelihood of gainful employment criteria	B31(4) 2007	BCCPF will refer a deferred beneficiary to its IRMP as it is acting as the Employer where an Employer has become defunct
Decide whether a suspended ill health tier 3 member is permanently incapable of undertaking any gainful employment	B31(7) 2007	BCCPF will refer a deferred beneficiary to its IRMP as it is acting as the Employer where an Employer has become defunct
Frequency of payment of councillors' contributions	12(5) 1997	Contributions to be paid monthly
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 leave	17(4),(7),(8) & 89(4) & Sch 1 1997	BCCPF will not extend the normal 12 month period
Select appropriate final pay period for deceased non-councillor member (leavers post 31.03.1998/pre 01.04.2008)	22(7) 1997	BCCPF will select the appropriate final pay period
Make an election on behalf of a deceased non-councillor member with a certificate of protection	23(9) 1997	BCCPF will make the election on behalf of the deceased member where the benefits resulting from the election would be the most beneficial
Apportionment of children's pension amongst eligible children (children of councillor members & children of post 31.03.1998/pre 01.04.2008 leavers; and children of pre 01.04.1998 retirees & deferred beneficiaries)	47(1) 1997 G11(1) 1995	BCCPF will apportion the whole children's pension entitlement equally between any eligible children and adjust the amounts when any eligibility ceases
Commute benefits due to exceptional ill health (councillor members, pre	50 & 157 1997	BCCPF will offer ill health commutation to the member as an alternative to standard ill health benefits

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01.04.2008 leavers and pre 01.04.2008 pension credit members		
Whether acceptance of an AVC election is subject to a minimum payment (councillors only)	60(5) 1997	BCCPF have not set a minimum payment requirement
Whether to require any strain on Fund costs are to be paid “up front” by the employing authority following early voluntary retirement of a councillor (after age 50/55 and before age 60), or early payment of a deferred benefit on ill health grounds or from age 50 with employer consent (pre 01/04/2008 leavers)	80 (5) 1997	BCCPF will require payment of any strain on Fund costs “up front”
Timing of pension increase payments by employers to the Fund (pre 01.04.2008 leavers)	91(6) 1997	BCCPF will recharge these amounts on an annual basis after the end of the financial year
Retention of CEP where a member transfers out (councillors and pre 01.04.2008 leavers)	118 1997	BCCPF will not preserve the CEP liability but will discharge liability by paying the premium
Whether to pay spouse’s pensions for life for pre 01.04.1998 retirees/pre 01.04.1998 deferred beneficiaries who die on or after 01.04.1998 (rather than ceasing during any period of remarriage or cohabitation)	F7 1995	BCCPF will not cease payment during any period of remarriage or cohabitation