

Cronfa Bensiynau Clwyd  
Clwyd Pension Fund



**FLINTSHIRE COUNTY COUNCIL**

**Administering Authority for  
CLWYD PENSION FUND**

## **STATEMENT OF ADMINISTERING AUTHORITY DISCRETIONARY POLICIES**

**April 2019**

# STATEMENT OF ADMINISTERING AUTHORITY DISCRETIONARY POLICIES

### Introduction

Flintshire County Council, as administering authority to the Clwyd Pension Fund, has determined their discretionary policies in accordance with the Local Government Pension Scheme Regulations 2013, as amended, and related legislation, and these are outlined in this statement. These policies apply to all current members in the Pension Fund, regardless of who their employer is. Where relevant, these policies equally apply to members who left pensionable service prior to 1 April 2014 (albeit only in relation to discretions exercised since the effective date of these policies), to councillor members and to pension credit members.

The Fund's discretionary policies have been reviewed in line with legislation changes effective since 1 April 2014 and these policies have been amalgamated into this statement. Although this statement of policies was approved in April 2019 and therefore the stated policies apply from that point onwards, many of the policies were already in place and operational prior to that date.

We retain the right to change these policies at any time and will aim to republish the amended statement within one month of when the change(s) we are introducing come(s) into effect.

These policies do not give, nor shall they be deemed to give, any contractual rights to any member of the Pension Fund, or to any other person whatsoever. Nothing in this document will cause Flintshire County Council's, as administering authority to the Clwyd Pension Fund, capacity to exercise its discretionary powers to be unlawfully fettered or restricted in any way. Where a policy states that it is subject to an officer's approval and that officer is unavailable, that delegation may be exercised by an alternative officer of equal or higher seniority within the Clwyd Pension Fund Management Team or by the Corporate Finance Manager, the Chief Executive or the Clwyd Pension Fund Committee. In relation to discretions that are delegated to the Pensions Administration Manager, those discretions may alternatively be determined in his/her absence if agreed by two Principal Pensions Officers even though they are not of an equal or higher seniority.

These discretions will be exercised in line with the provisions of the various LGPS Regulations and other legislation. Nothing within this statement can overwrite the legal requirements within those provisions.

### Approval, Review and Consultation

These policies were approved, as permitted by delegated functions, by the Corporate Finance Manager and Chief Executive, having had regard to the advice of the Clwyd Pension Fund Advisory Panel in April 2019. The policies within this statement will be reviewed as required in the light of future changes to the LGPS legislation or other relevant legislation. It will also be reviewed at least every three years.

### Further Information

If you require further information about anything in or related to this Statement of Discretionary Policies, please contact:

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Further information including the separate policies referred to in this statement can be found on the Clwyd Pension Fund's website at:

<https://mss.clwydpensionfund.org.uk/>

### \*Key to Regulation References:

- R13 – The Local Government Pension Scheme Regulations 2013
- TP14 – The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014
- A – The Local Government Pension Scheme (Administration) Regulations 2008
- B – The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007
- T08 – The Local Government Pension Scheme (Transitional Provisions) Regulations 2008
- R97 – The Local Government Pension Scheme Regulations 1997
- TP97 – The Local Government Pension Scheme (Transitional Provisions) Regulations 1997
- R95 - The Local Government Pension Scheme Regulations 1995

\*Note that references to old provisions (e.g. R97) generally apply in relation to scheme members who left under those provisions.

## Administering Authority Discretions under the Local Government Pension Scheme

Ref	Regulation Reference (see key at end)	Description of Discretion	Clwyd Pension Fund Policy
<b>Key Strategies and Policies</b>			
1	R13 - 55	Publish a Governance Policy stating how functions are delegated and whether the Administering Authority complies with guidance given by the Secretary of State.	A copy of the current Governance Policy can be found on the Pension Fund's website.
2	R13 - 105(2)	Decide whether to delegate any administering authority functions under the Regulations.	Flintshire County Council has delegated functions to the Pension Fund Committee, Chief Executive and the Corporate Finance Manager, and has also provided the Pension Fund Committee with powers to further delegate a limited number of functions to one or more officers of the Council. Information on the Flintshire County Council delegations can be found in the Council's Constitution as well as being summarised in the Fund's Governance Policy (see discretion number 1). Information on the latest officer delegations can be provided on request to the Clwyd Pension Fund Manager.
3	R13 - 58	Decide on the Funding Strategy for inclusion in funding strategy statement.	Agreed in co-operation with actuary. A copy of the current Funding Strategy can be found on the Pension Fund's website.
4	R13 - 61	Develop a Communication Policy setting out how the Administering Authority communicates with members, representatives of members, prospective members and employing authorities and the format, frequency and method of communications.	A copy of the current Communications Strategy can be found on the Pension Fund's website.

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Ref	Regulation Reference (see key at end)	Description of Discretion	Clwyd Pension Fund Policy
5	R13 – 59(1) and (2)	Decide whether to have a written Pensions Administration Strategy and, if so, the matters it should include.	A copy of the current Administration Strategy can be found on the Pension Fund's website.
<b><i>Pension Board</i></b>			
6	R13 - 106(3)	Decide whether to establish a joint local pensions board (if approval has been granted by the Secretary of State).	Flintshire County Council has decided not to establish a joint local pensions board but instead has established a single pension board which is purely dedicated to the Clwyd Pension Fund.
7	R13 - 106(6)	Decide procedures applicable to the local pensions board.	Flintshire County Council has approved a Pension Board Protocol which outlines the procedures applicable to the Pension Board. This has been further adopted by the Pension Board. The Protocol is included within the Council's Constitution and also available on the Pension Fund's website.
8	R13 - 107(1)	Decide appointment procedures, terms of appointment and membership of local pension board.	This information is included within the Pension Board Protocol (see discretion number 7).
<b><i>Disputes</i></b>			
9	R13 – 74(1) A58 R97 - 100	Appoint a person for dealing with applications under Stage One of the dispute resolution procedures (IDRP) in relation to any disputes relating to the role as Administering Authority (includes in relation to councillor members).	The Business Development Manager for West Yorkshire Pension Fund acts as the Stage One IDRP assessor for Administering Authority disputes.

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Ref	Regulation Reference (see key at end)	Description of Discretion	Clwyd Pension Fund Policy
10	R13 – 76(4) A60(8) R97 - 99	Decide the procedure to be followed by the Administering Authority when exercising its Stage Two IDRPs and the manner in which those functions will be exercised (includes in relation to councillor members).	Stage 2 determinations are dealt with by the Monitoring Officer of Flintshire County Council, after obtaining relevant advice and guidance. The process is outlined in the Fund's leaflet relating to IDRPs which is available on the Pension Fund's website or on request.
11	R13 – 79(2) A63(2) R97 – 105(1)	Whether Administering Authority should appeal to the Secretary of State against an employer decision (or lack of a decision) – includes in relation to councillor members.	The Fund will appeal to the Secretary of State when there is sufficient evidence that an employer has made a decision or committed an act (or failed to act) that is both wrong in law and material, where we have been unable to persuade the employer to alter its actions (or inactions). Such matters will be decided by the Pension Fund Committee.
<b><i>Admission Agreements and Employer Management</i></b>			
12	R13 – 3(5) Sch 2, Part 3, Para 1	Whether to agree to an admission agreement with an external employer.	In accordance with the Pension Fund Committee's delegation of functions, this is decided by the Clwyd Pension Fund Manager and either the Corporate Finance Manager or Chief Executive, after taking appropriate advice from the Fund's Actuary and legal advisor (where required).
13	R13 – Sch2, Part 3, Para 14	Whether to backdate the effective date of an admission agreement with an external employer.	In accordance with the Pension Fund Committee's delegation of functions, this is decided by the Clwyd Pension Fund Manager and either the Corporate Finance Manager or Chief Executive, after taking appropriate advice from the Fund's Actuary and legal advisor (where required).

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Ref	Regulation Reference (see key at end)	Description of Discretion	Clwyd Pension Fund Policy
14	R13 – 4(2)(b)	Whether to agree to an admission agreement with a Care Trust, NHS Scheme employing authority or Care Quality Commission.	In accordance with the Pension Fund Committee's delegation of functions, this is decided by the Clwyd Pension Fund Manager and either the Corporate Finance Manager or Chief Executive, after taking appropriate advice from the Fund's Actuary and legal advisor (where required).
15	R13 – Sch 2, Part 3, para 9(d)	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>	In accordance with the Pension Fund Committee's delegation of functions, this is decided by the Clwyd Pension Fund Manager and either the Corporate Finance Manager or Chief Executive, after taking appropriate advice from the Fund's Actuary with consideration to the covenant of the employer concerned.
16	R13 – Sch 2, Part 3, para 12(a)	Employees of a contractor are only entitled to remain in the LGPS whilst they continue to be employed in connection with the original services that were transferred. This expression should be defined by the Administering Authority.	Unless otherwise agreed with the outsourcing employer this is defined as meaning an employee will be expected to work at least 50% of their time on the services covered by the contract to remain in the LGPS.
17	R13 - 54(1)	Whether to set up a separate admission agreement fund.	A separate admission agreement fund will generally not be set up. In exceptional circumstances the Pension Fund Committee may consider this having regard to the advice of the Fund's Actuary.

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Ref	Regulation Reference (see key at end)	Description of Discretion	Clwyd Pension Fund Policy
18	R13 – 64(2A)	Whether to suspend, for up to three years, an employer's obligation to pay an exit payment where the employer is again likely to have active members within that suspended period.	In accordance with the Pension Fund Committee's delegation of functions, this is decided by the Clwyd Pension Fund Manager and either the Corporate Finance Manager or Chief Executive, after taking appropriate advice from the Fund's Actuary.
19	R13 – 64(2ZA)	Whether to agree to pay an exit credit which is payable to an exiting employer, beyond three months of the date on which that employer ceases to be a Scheme employer. This would be an extension of the usual timescale and would only be permitted if agreement is also received from the exiting employer.	In accordance with the Pension Fund Committee's delegation of functions, this is decided by the Clwyd Pension Fund Manager and either the Corporate Finance Manager or Chief Executive, after taking appropriate advice from the Fund's Actuary, and in consultation with the exiting employer.
20	R13 – 64(4)	Whether to obtain a revision of the rates and adjustments certificate if there are circumstances that make it likely that a Scheme Employer will be ceasing.	In accordance with the Pension Fund Committee's delegation of functions, this is decided by the Clwyd Pension Fund Manager and either the Corporate Finance Manager or Chief Executive, after taking appropriate advice from the Fund's Actuary.
21	R13 - 65	Whether to obtain a new rates and adjustments certificate if the Secretary of State amends the Regulations as part of the "cost sharing" valuation.	This will be decided by the Pension Fund Committee taking into consideration the advice of the Fund Actuary.

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Ref	Regulation Reference (see key at end)	Description of Discretion	Clwyd Pension Fund Policy
22	<b>R13 – 68(2)</b> <b>TP14 – Sch 2, Para 2(3)</b> <b>R97 – 80(5)</b>	Whether to require any strain on Fund costs to be paid “up front” by an employer following redundancy / business efficiency, flexible retirement, or the waiver (in whole or in part) of any actuarial reduction on voluntary or flexible retirement.	<p>Where costs arise from an employer’s decision to allow early retirement, these costs will be met by an internal recharge or invoice, as appropriate. The council and external employers (including schools) will be required to meet any strain cost by payment of a one-off lump sum which will be due at the point of the scheme member’s early retirement.</p> <p>The same requirement will apply where an early retirement is waived in other circumstances.</p>
23	<b>R13 – 80(1)(b)</b> <b>TP14 – 22(1)</b> <b>A64(1)(b)</b>	What information should be supplied by employers to enable administering authority to discharge its functions.	The Pensions Administration Manager will determine the format and frequency of information in accordance with the Fund’s Pensions Administration Strategy. Further information will also be included within Service Level Agreement with each employer.
24	<b>R13 – 69(1)</b>	Decide frequency of payment of contributions to the Fund by employers and whether to make an administration charge for late receipt.	In the normal course of events, contributions should be paid on a monthly basis (generally with the exception of those under discretion 20 above and any prepaid deficit contributions). Information relating to those monthly contributions should be provided on a monthly basis. Contributions should be paid at the latest within 19 days of the end of the month in which they were deducted. Further information is provided within the Fund’s Administration Strategy and the Service Level Agreement with each employer.

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Ref	Regulation Reference (see key at end)	Description of Discretion	Clwyd Pension Fund Policy
25	R13 – 69(4)	Decide the format and frequency of information from employers to accompany payments of contributions to the Fund.	The Pensions Finance Manager and/or the Pensions Administration Manager will determine the format and this frequency of information. Further information is provided within the Service Level Agreement with each employer.
26	R13 – 70 TP14 – 22(2)	Whether to issue an employer with a notice to recover additional costs incurred as a result of the employer's level of performance.	Whether or not additional costs will be recovered is outlined in the Fund's Administration Strategy.
27	R13 – 71(1)	Whether to charge interest on payments by employers overdue.	Whether or not interest will be charged is outlined in the Service Level Agreement with employers.
28	R13 – 36(3) A56(2) R97 – 97(10)	The Administering Authority is required to approve medical advisors used by employers (for the determination of ill health benefits) – including in relation to councillor members.	A list of approved practitioners is agreed with Gwynedd Council for use by both the Clwyd and Gwynedd Pension Funds. The Pensions Administration Manager will determine whether an employer can use an alternative Occupational Health Provider to those on this list.
<b><i>Payments relating to Death</i></b>			
29	R13 – 82(2) A52(2) R97 - 95	A death grant due to a scheme member's estate, can be paid to the personal representative(s), or anyone appearing to be, without the need for grant of probate / letters of administration if the death grant is less than the amount specified in any order under Section 6 of the Administration of the Estates (Small Payments) Act 1965 (£5,000 at the time of the making of this policy). This also relates to councillor members.	The Fund will normally pay the death grant without production of grant of probate / letters of administration in such cases subject to an indemnity declaration being completed by the recipient.

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Ref	Regulation Reference (see key at end)	Description of Discretion	Clwyd Pension Fund Policy
30	R13 – 17(12), 40(2), 43(2) & 46(2) TP14 – 17(5) to (8) B23(2), 32(2) & 35(2) T08Sch1 R97 - 38(1) & 155(4) R95 - E8	The Administering Authority may, at its absolute discretion, pay any death grant due (including AVCs, SCAVCs and life assurance relating to AVCs) to or for the benefit of the member's nominee, personal representatives or any person appearing to the authority to have been a relative or dependent of the member. This also relates to councillor members.	A death grant will generally be paid to the individual(s) who have been nominated by the scheme member or, if no nomination and a Will is produced, to the individual(s) entitled to the Estate as per that Will. If there is any doubt about the appropriateness of the intended recipient(s) the matter is referred to a Panel for a final decision. The payment will be made following agreement by any two of the Panel members and the Panel is made up of the following officers: <ul style="list-style-type: none"> <li>• Pension Fund Manager</li> <li>• Corporate Finance Manager</li> <li>• Pensions Administration Manager</li> </ul>
31	R13 – Sch 1 TP14 – 17(9)(b) B25	The Administering Authority must decide the evidence required to determine financial dependence of a co-habitee on a scheme member or financial interdependence between the co-habitee and the scheme member.	The Pensions Administration Manager will decide the evidence required to determine financial dependence or interdependence, and the final decision about any cases will be made by the Pensions Administration Manager based on the evidence provided.
32	TP14 – 3(6), 4(6)(c), 8(4), 10(2)(a), 17(2)(b) B10(2)	Where member to whom B10 applies (use of average of 3 years pay for final pay purposes) dies before making an election, the Administering Authority can decide whether to make that election on behalf of the deceased member.	The Pensions Administration Manager will determine whether this discretion will be applied.

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Ref	Regulation Reference (see key at end)	Description of Discretion	Clwyd Pension Fund Policy
33	TP14 – 3(6), 4(6)(c), 8(4), 10(2)(a) & 17(2)(b)  T08 - Sch 1  R97 - 23(9)	Whether to make an election on behalf of a deceased member who had a certificate of protection of pension benefits so their benefits may be calculated using the best pay figure.	The Pensions Administration Manager will determine whether this discretion will be applied.
34	R97 - 22(7)	Whether to select an alternative final pay period for deceased non-councillor member (applies to leavers between 31st March 1998 and 1st April 2008).	This discretion will automatically be used if it would result in higher benefits being paid.
35	R13 – Sch 1 "Eligible Child"  TP17(9)	Whether to treat a child as being in continuous education or vocational training, despite a break (including a child of a councillor member) so that the child's pension resumes after the break.	Delegated powers to decide whether to treat a child in this way have been given to a Panel of officers. The decision will be made following agreement by any two of the Panel members and the Panel is made up of the following officers: <ul style="list-style-type: none"> <li>• Pension Fund Manager</li> <li>• Corporate Finance Manager</li> <li>• Pensions Administration Manager.</li> </ul>
36	R97 - 47(1)  R95 – G11(1)	How to apportion children's pension amongst eligible children (children of councillor members and children of leavers between 31 <sup>st</sup> March 1998 and 1 <sup>st</sup> April 2008).	Where there is more than one eligible child, the Fund will normally divide a children's pension equally between the eligible children, with delegated authority given to the Pensions Administration Manager to determine what is appropriate.
37	B27(5)  R97 – 47(2)  R95 – G11(2)	Whether to pay the whole or part of a child's pension to another person for the benefit of the child (includes children of councillor members). This applies to pre 1 <sup>st</sup> April 2014 leavers only.	Where a child is below the age of 17, we will normally pay directly to a bank account in the child's name. Any change to this approach must be agreed by the Pensions Administration Manager.

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Ref	Regulation Reference (see key at end)	Description of Discretion	Clwyd Pension Fund Policy
38	R95 - F7	Whether or not to suspend spouses' pensions during remarriage or cohabitation.	We will not suspend spouse's pensions and therefore they will be paid for life.
<b><i>Transferring or Linking Benefits</i></b>			
39	R13 – 98(1)(b)	Whether to agree to the payment of a bulk transfer.	In accordance with the Pension Fund Committee's delegation of functions, this is decided by the Clwyd Pension Fund Manager and either the Corporate Finance Manager or Chief Executive, after taking appropriate advice from the Fund's Actuary. Exceptions to this would be where there is a dispute over the transfer amount or it relates to significant assets transfers relating to one employer or the Fund as a whole.
40	R13 – 100(6)	The Administering Authority (with the agreement of the employer) may extend the 12 month time limit for a scheme member to elect to transfer in benefits from a non-local government pension scheme or personal pension plan.	We expect scheme members to request all transfers within 12 months, and will only extend the 12-month time limit in exceptional circumstances where the scheme member can demonstrate the reason for their late request was outside of their control. The Pensions Administration Manager will determine any such requests in consultation with the employer.
41	R13 – 100(7)	Whether to allow transfers of pension rights into the Fund.	We will accept all transfer values (subject to meeting the appropriate timescales) other than any cases lower than a level set by the Pensions Administration Manager from time to time.

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Ref	Regulation Reference (see key at end)	Description of Discretion	Clwyd Pension Fund Policy
42	TP14 – 15(1)(d) & A28(2)	Whether to charge a scheme member for the provision of an estimate of the additional pension that would be provided in the Fund in return for a transfer in of in house AVC/SCAVC funds (only applies where the arrangement was entered into before 1 <sup>st</sup> April 2014).	We will not charge for the provision of these estimates.
43	TP14 – 10(9)	Where a deferred member also has ongoing multiple concurrent employments, the member may be able to choose which employment the deferred benefits are aggregated with. We can decide this where the member does not make their own election within 12 months.	The Pensions Administration Manager will decide this based on what appears to be the most beneficial approach at the point 12 months after the person became a deferred member for that employment.
44	R97 - 118	Whether the Fund will retain the Contributions Equivalent Premium (CEP) where a scheme member transfers out to a contracted in pension scheme (for councillor members and pre 1 <sup>st</sup> April 2008 leavers)	The CEP amount will be retained by the Fund and used towards providing the balance of benefits due to the scheme member.
<b><i>Other Miscellaneous Discretions</i></b>			
45	R97 – 106A(5)	The date to which benefits shown on the Annual Benefit Statements are calculated for deferred members.	All annual benefit statements for deferred members will be calculated as at the effective date of the Pensions Increase Order each year.

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Ref	Regulation Reference (see key at end)	Description of Discretion	Clwyd Pension Fund Policy
46	TP14 – 3(13) A70(1) & A71(4(c)) T08 – 12 R97 – 109 & 110(4)(b)	Abatement of pensions on re-employment (applies to pre 1 <sup>st</sup> April 2014 retirees only including councillor members).	Retirement benefits are not abated. However it should be noted that Compensatory Added Years annual payments continue to be subject to abatement on re-employment as required by legislation.
47	R13 – 22(3)(c)	The pension account may be kept in such form as is considered appropriate.	The Pensions Administration Manager will determine the form a pension account should be kept in.
48	R13 – 83 A52A	An Administering Authority may determine how and to whom benefits may be paid if the recipient is incapable of managing their affairs by reason of mental disorder or otherwise.	Delegated powers to decide how and to whom the benefits will be paid have been given to a Panel of officers. The decision will be made following agreement by any two of the Panel members and the Panel is made up of the following officers: <ul style="list-style-type: none"> <li>• Pension Fund Manager</li> <li>• Corporate Finance Manager</li> <li>• Pensions Administration Manager.</li> </ul>
49	R13 – 16(1)	Whether to turn down a request to pay an APC/SCAPC by regular contributions over a period of time where it would be impractical to allow such a request, for example, due to the pension being bought resulting in very small payments.	We will not decline a request. However, where the amount to be paid is less than £50 in total, we will not permit regular contributions paid over a period of time and we therefore require that to be paid by lump sum.

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Ref	Regulation Reference (see key at end)	Description of Discretion	Clwyd Pension Fund Policy
50	R13 – 16(10)	Whether to require a satisfactory medical before agreeing to an application to pay an APC or SCAPC and whether to turn down the application if the administering authority is not satisfied that the member is in reasonably good health.	Any scheme member wishing to purchase additional pension via an APC/SCAPC, whether by lump sum or ongoing periodic payments, will be required to undergo a medical examination and to be found to be in reasonable health (using their own doctor and at their own cost) prior to being permitted to commence payment of additional contributions. A medical examination will not be required where the member is purchasing lost pension following a period of absence.
51	R13 – 32(7)	A scheme member wishing to receive benefits other than at normal pension age, or on flexible retirement, must elect to do so within certain time limits. The Administering Authority may extend these time limits.	We expect any elections to be made within the time limits in the regulations. However, the time limit may be extended by the Pensions Administration Manager in exceptional circumstances.
52	TP14 – 15(1)(c) T08 - Sch1 & R97 - 83(5)	Whether to extend the time period for a scheme member electing to capitalise remaining contributions to an added years contract in cases of redundancy.	We will normally apply the prescribed 3 month time limit, however the Pensions Administration Manager may extend this in exceptional circumstances.

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53	<b>R13 – 34(1) B39 T08 - 14(3) R97 – 49 &amp; 156</b>	The Administering Authority may commute small pensions into a lump sum where they are below nationally prescribed limits and subject to the scheme member satisfying certain criteria.	<p>Where permitted to do so, we will aim to pay a lump sum in lieu of a pension for all pensions that are less than £100 per year, subject to being able to adhere to the associated administrative processes and legal requirements, and acknowledging this may not be possible where other pension benefits exist.</p> <p>Where a pension is £100 or more per year but below the nationally defined limits, we will pay a lump sum in lieu of a pension where the member elects to receive the lump sum payment (again, subject to being able to adhere to the associated administrative processes and legal requirements).</p>
54	<b>R13 – 49(1)(c) B42(1)(c)</b>	Decide, in the absence of an election from the scheme member, which benefit is to be paid where the member would be entitled to a benefit under two or more regulations in respect of the same period of Scheme membership.	These will be decided on a case by case basis by the Pensions Administration Manager.
55	<b>R97 - 147</b>	Whether to permit a Pension Credit to remain in the Fund or require a transfer out.	The Pension Credit member's wishes will be permitted unless the Pensions Administration Manager decides otherwise based on the circumstances of the case.
56	<b>R97 - 50 and 157</b>	Whether to commute benefits due to exceptional ill-health (applies to councillor members and pre 1 <sup>st</sup> April 2008 leavers only).	In these circumstances, we will pay a lump sum in lieu of a pension unless the member elects for it not to be paid.
57	<b>R97 - 91(6)</b>	The Administering Authority may determine the timing of pension increase payments by employers to Fund (applies to pre 1 <sup>st</sup> April 2008 leavers only).	Any such payments must be made monthly.

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Ref	Regulation Reference (see key at end)	Description of Discretion	Clwyd Pension Fund Policy
58	R13 – 85(3) A45(3)	The Administering Authority may recover any contributions or sum due from an employee as a simple contract debt in any court of competent jurisdiction or by way of deducting it from any payment by way of benefits to or in respect of the person.	Unless, in Flintshire County Council's opinion, the circumstances of a particular case are such that it would not be appropriate to recover any contributions or sum due as a simple contract debt, recovery will be pursued as a simple contract debt in any court of competent jurisdiction.
<b><i>Discretions relating to employers that no longer exist</i></b>			
59	R13 – 38(3) & 38(6) B31(4) and 31(7)	A former employer must decide whether a deferred member meets the criteria for permanent ill health. This also applies to a scheme member who was formerly in receipt of Tier 3 ill-health benefits. The Administering Authority may decide this if that employer no longer exists.	We will follow the policy of the employer immediately before it ceased to be a Scheme employer where possible. If this is not known, we will follow the policy of Flintshire County Council.
60	TP14 – 3(5A)(vi), TP97 – 4 L106(1) & D11 (2)(c)	A former employer may grant early payment of deferred benefits on or after age 50 on compassionate grounds. This only applies to members who left before 1 April 1998. The Administering Authority may decide this if that employer no longer exists.	We will follow the policy of the employer immediately before it ceased to be a Scheme employer where possible. If this is not known, we will follow the policy of Flintshire County Council. It should be noted that payment of benefits before age 55 will incur additional tax charges for both the member and the Fund.
61	TP14 – Sch 2, Paras 1(2) and 2(2)	An employer can choose to allow rule of 85 protections to apply to a scheme member's benefits on voluntary retirement (and not on the grounds of flexible retirement). In doing this some or all of the early retirement reduction would not apply. This provision can only apply to scheme members who have reached age 55 and who have not reached the age 60. The Administering Authority may decide this if that employer no longer exists.	We will follow the policy of the employer immediately before it ceased to be a Scheme employer where possible. If this is not known, we will follow the policy of Flintshire County Council.

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Ref	Regulation Reference (see key at end)	Description of Discretion	Clwyd Pension Fund Policy
62	<b>TP14 – 3(1), Sch 2, Paras 2(1) and 2(2) B30(5) and 30A(5)</b>	In certain circumstances (including on compassionate grounds) and relating to some periods of membership, an employer can choose whether to waive any reduction to benefits that might otherwise apply. This can also apply to former Tier 3 Ill-Health members. The Administering Authority may decide this if that employer no longer exists.	We will follow the policy of the employer immediately before it ceased to be a Scheme employer where possible. If not, we will follow the policy of Flintshire County Council.
63	<b>R13 – 30(8)</b>	An employer can choose to waive, in whole or in part, any reduction that might otherwise apply to that scheme member's benefits on flexible retirement or on voluntary retirement before normal pension age where the member has only post 31 April 2014 membership. The Administering Authority may decide this if that employer no longer exists.	We will follow the policy of the employer immediately before it ceased to be a Scheme employer where possible. If this is not known, we will follow the policy of Flintshire County Council.
64	<b>R13 – 30(8)</b>	An employer can choose to waive, in whole or in part, any early retirement reduction that might otherwise apply to a scheme member's benefits on voluntary retirement. These provisions only apply to scheme members who have reached age 55. The Administering Authority may decide this if that employer no longer exists.	We will follow the policy of the employer immediately before it ceased to be a Scheme employer where possible. If this is not known, we will follow the policy of Flintshire County Council.
65	<b>TP14-12(6)</b>	The Administering Authority may decide to allow a certificate, produced by an Independent Registered Medical Practitioner under the 2008 Scheme, for the purposes of making an ill-health determination under the 2014 Scheme, where the member has no current employing authority and the member's former employing authority has ceased to be a Scheme employer.	The certificate will be allowed except where, in the circumstances of the particular case, the certificate is not compliant with the requirements of the 2014 Scheme.
<b><i>Discretions relating to Councillors</i></b>			

## CLWYD PENSION FUND

Ref	Regulation Reference (see key at end)	Description of Discretion	Clwyd Pension Fund Policy
66	R97 - 12(5)	The Administering Authority may determine the frequency of payment of councillors' contributions.	We will determine the frequency of employer contributions from pay in each pay period.
67	R97 – 17(4), 17(7), 17(8), 89(4) & Sch 1	The Administering Authority may extend the 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.	Delegated authority is given to the Pensions Administration Manager to determine what is appropriate on a case by case basis.
68	R97 – 60(5)	The Administering Authority may decide whether their acceptance of an AVC election is subject to a minimum payment (councillors only).	We have decided that no minimum payment will apply in such cases.
69	R97 – 81(1)	The Administering Authority may determine the frequency of employer's payment of contributions to the Fund (in respect of councillor members).	We have decided that employer's payment will be monthly and will be included in the Council's arrangements.
70	R97 – 81(5)	The Administering Authority may decide the form and frequency of information to accompany payment of contributions to the Fund (in respect of councillor members).	We have decided that this will be included in the Council's arrangements.
71	R97 – 82(1)	The Administering Authority may decide whether to pay interest on payment of contributions to the Fund by employers that are overdue by more than 1 month (in respect of councillor members).	We have decided that interest will be charged in respect of late payments received from employing authorities, where the payment is overdue by more than one month. Interest will be calculated at 1% above base rates on a daily basis.

## CLWYD PENSION FUND

Ref	Regulation Reference (see key at end)	Description of Discretion	Clwyd Pension Fund Policy
72	R97 – 105(1)	The Administering Authority may decide whether to appeal to the Secretary of State against an employer decision, or lack of a decision (councillors and pre 1 <sup>st</sup> April 2008 leavers).	<p>We will appeal to the Secretary of State when we believe an employer has made a decision or committed an act (or failed to act) that is both wrong in law and material, where we have been unable to persuade the employer to alter its actions (or inactions).</p> <p>Such matters will be decided by the Pension Fund Committee.</p>

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

Ref	Regulation Reference	Description of Discretion	Clwyd Pension Fund Policy
73	31(2)	Where an employer terminates employment early, the Administering Authority may agree to pay compensation on behalf of employer from the Fund and recharge payments to employer.	The Administering Authority will pay compensation on behalf of employer from the Fund and recharge payments to employer.

### Other Administration Related Policies

Ref	Description of Policy Area	Clwyd Pension Fund Policy
74	Where a Court Order requires a deduction be made from a member's pension payment, the cost to a Pension Fund of administering that deduction and of paying the deducted amount to the recipient named in the order may be recovered. Each time a deduction is made, one pound can also be deducted from the amount due to the member towards administration costs.	In cases where a Court Order requires that a deduction be made from a member's pension, we will not make a deduction from the amount due to the member towards administration costs.
75	The Administering Authority may permit a scheme member to pay a tax charge due to exceeding Annual or Lifetime Allowance in certain situations as provided by the Finance Act 2004 (as amended). This is known as Voluntary Scheme Pays.	We will permit Voluntary Scheme Pays in some situations. A copy of the Voluntary Scheme Pays Policy can be found on the Pension Fund's website.
76	Overpayments and Underpayments Policy – this policy outlines how over and underpayments of pension benefits are dealt with.	[Being developed]