

SUFFOLK COUNTY COUNCIL

OPERATION OF ADMINISTERING AUTHORITY DISCRETIONS

BENEFIT REGULATIONS

REGULATION	DISCRETION	OPERATION
3(11) - Intervals at which member's contributions are paid	The administering authority may decide the frequency of deduction of member's contributions.	Deductions of members' contributions should be made each time a member is paid.
23(2), 32(2) & 35(2) - Recipient of death grant	The administering authority at their absolute discretion may make payments to or for the benefit of the member's nominee, personal representatives or any person appearing to the authority to have been the member's relative or dependant at any time.	Payment will be made to the nominated individual or, if there is no nomination, to the personal representatives. Where there is a dispute over entitlement the case will be referred to the Pensions Committee for determination.
25(6)(b) - Nomination of a co-habiting partner for a survivors pension	<p>The facility to nominate a co-habiting partner for a survivor's pension is now available under the regulations. However there are some conditions that must be satisfied, before the nomination can be accepted. These conditions are:-</p> <ul style="list-style-type: none"> • The member is able to marry, or form a civil partnership, with their partner; • They are both living together as if they were husband and wife or as if they were civil partners; • Neither of them are living with a third person as if they were husband and wife or as if they were civil partners; 	<p>The nomination will be accepted if</p> <ul style="list-style-type: none"> i) the partner and member had, at the date of nomination, signed the declaration form to say they had satisfied all conditions for two years, and ii) The partner signs a declaration following the member's death to confirm that the original declaration remained relevant at the date of death.

	<ul style="list-style-type: none"> • Either the partner is financially dependant on the member or they are financially interdependent; and • The administering authority must be satisfied that the conditions required have been met for a continuous period of 2 years prior to the member's death. 	<p>Where there is a dispute over entitlement the case will be referred to the Pensions Committee for determination.</p>
<p>26(4) – Children entering full time education after reaching age 18</p> <p>26(5)(a) - Education treated as continuous despite a break</p> <p>26(5)(b) - Suspension of a child’s pension during break in education</p> <p>26(6) – Disabled child</p>	<p>The administering authority may treat a dependent child who commences full time education after the date of the member’s death as an eligible child after he reaches age 18 until age 23.</p> <p>In the case of a dependent child falling within Regulation 26(4), the administering authority may treat education as continuous despite a break.</p> <p>In the case of a dependent child falling within Regulation 26(4), the administering authority may suspend payment of benefits during any break in full time education.</p> <p>The administering authority may treat a dependent child who is disabled within the meaning of the Disability Discrimination Act (1995) as an eligible child.</p>	<p>A dependent child who commences full time education after the date of the member’s death will be treated as an eligible child after they reach age 18 (paid until the latest of age 23).</p> <p>Where prior notice of a break of no more than 1 year is given and a firm offer of education or training is held, the education or training will be treated as continuous.</p> <p>Payment of a child’s pension will be suspended during such a break.</p> <p>If the child was financially dependent on the member at the date of death and is disabled within the meaning of the Disability Discrimination Act (1995) they will treated as an eligible child for so long as they are incapable of supporting themselves financially.</p>

		Any child's pension due will be paid into an account in the name of the child.
39 – Commutation: small pensions	Very small annual pensions may be commuted for a one off lump sum	Small annual pensions within the limits defined in legislation will be commuted and paid as a one off lump sum.
42(c) - No double entitlement in respect of the same period of membership	Where a member would be entitled to a pension or retirement grant under two or more regulations by reason of the same period of membership he/she shall be entitled to benefits under only one regulation and may choose which provision he/she is to be paid those benefits. The member cannot receive double entitlement. Regulation 42(c) provides that if the member does not choose, the administering authority may notify the member of the provision to be applied.	The provision will be applied which, prima facia, appears to be the most beneficial to the member or the member's dependents.

ADMINISTRATION REGULATIONS

REGULATION	DISCRETION	OPERATION
5(1) - Community Admission Bodies	<p>The administering authority may make an admission agreement with any community admission body.</p> <p>[A Community admission body has very close links with local government, whether there is a community of interest, the body is representative of local authorities, or it is a body which receives</p>	<p>Requests for admission agreements with community admission bodies will be considered providing:</p> <ul style="list-style-type: none"> • The criteria under the regulations are met, and • The Head of Legal Services has been consulted and agrees. <p>Approval for such requests will be submitted</p>

	funding from a local authority.]	to the Pensions Committee.
6(1) - Transferee Admission Bodies	<p>The administering authority may make an admission agreement with any transferee admission body.</p> <p>[A Transferee admission body is a body that provides a service in connection with the exercise of a function of a local authority as a result of the transfer of the service by means of a contract.]</p>	<p>Requests for admission agreements with transferee admission bodies will be considered providing:</p> <ul style="list-style-type: none"> • The criteria under the regulations are met, and • The Head of Legal Services has been consulted and agrees. <p>Approval for such requests will be submitted to the Pensions Committee.</p>
7(4) - Admission Agreements where there is no service, function or asset overlap	An administering authority and an admission body may make an admission agreement despite the fact that they do not exercise their functions or provide services or assets in areas that overlap or adjoin each other.	<p>Requests for admission agreements in these cases will be considered providing the criteria under 6(1) above are met.</p> <p>Approval for such requests will be submitted to the Pensions Committee.</p>
19(8)(b) - Reserve forces service	A person on Reserve Forces Service may elect that the service should not be treated as Reserve Forces Service. Such an election must be made in writing not later than 12 months after the end of the period of service to which the notice relates, or such longer period as the administering authority may allow.	The period will be extended to 12 months from the date the member knew of the entitlement.
19(8)(c) - Reserve forces service leave	A person on Reserve Forces Service Leave may elect that the absence should not count as Reserve Forces Leave. Such an election must be made in writing not later than 12 months after the end of the period of service to which the notice relates, or such longer period as the	The period will be extended to 12 months from the date the member knew of the entitlement.

	administering authority may allow.	
23(3) – Payment of additional regular contributions	In order to pay additional regular contributions, the administering authority may pass a resolution requiring the member to satisfy that he is in reasonable good health by producing a report by a registered medical practitioner, undertaken at the members own expense.	A statement is required from a registered medical practitioner, to say that the member is in good health having regard to their age and has a reasonable life expectancy.
28(2) - Charging member for provision of estimate of membership credit for AVC/SCAVC transfer	A member may request information concerning the amount of additional pension which would be payable if they were to convert their accumulated AVC fund into additional pension. If the member does not go ahead with the conversion within three months from the day the information was supplied, the administering authority can deduct the cost of calculating that amount from the accumulated value of the additional contributions.	The member will be charged a £50 administration fee per estimate, but only if the member is notified accordingly when the information is first provided and subsequently requests a second estimate.
31 – Governance compliance statement	An administering authority must prepare a written statement setting out whether they delegate their function, in relation to maintaining a pension fund to a committee, a sub-committee or an officer of the authority.	The governance compliance statement will be published within 30 working days of policy being agreed by the Pensions Committee, and kept under review.
32(1) – Admission agreement funds	An administering authority which has made an admission agreement may establish a further pension fund (an admission agreement fund) in addition to the main fund.	Where this is considered necessary or appropriate a report will be presented to the Pensions Committee for determination.
35 – Funding strategy statement	An administering authority must prepare, maintain and publish a written statement setting out their funding strategy.	The funding strategy statement will be reviewed at each triennial valuation, following consultation with scheme employers and the fund’s actuary. Revised statements will be

		issued with the final valuation report.
38(3) - Rates and adjustments certificate	Where an admission agreement ceases to have effect and it is not possible to obtain contributions from the admission body, the administering authority may obtain a revision of any rates and adjustments certificate for the fund, showing either the revised contributions due from the Scheme employer relating to the transferee admission body or those due from each employing authority which contributes to the fund.	In such a situation a revised rates and adjustment certificate will be obtained.
38(4) - Admission body certificate specifying adjustments	An administering authority may obtain a certificate from the actuary specifying the percentage or amount by which an admission body's common contribution rate should be adjusted, or where any individual adjustment should be increased or reduced. This is to ensure the value of the assets in relation to that admission body is neither materially more or less than the anticipated liabilities at the date the admission agreement is to end.	In such a situation certificate will be obtained.
41(2) - Employer's further payments	An employing authority may be required to make additional payments to the fund in respect of any extra charge on the fund as a result of the member being allowed to take flexible retirement or being retired on redundancy or business efficiency grounds.	In these circumstances the employing authority will be required to make additional payments as calculated by the fund actuary.
42(1) - Payment by Employing authorities	The administering authority may determine the intervals at which every employing authority must pay to them the employee and employer	Payment will be made to the fund by the 5th working day of the month after the month in which the contributions were deducted from

	contributions.	the employees pay.
42(4) - Employing authority payment statements	The administering authority may direct that information relating to employee contributions shall be given in such form and at such intervals as it specifies.	Information will be required at each year end, and will be requested in the format most suited to enable upload to the pension administration software.
43(2) – Additional costs arising from employing authority’s level of performance	Where an administering authority has incurred additional costs which should be recovered from the employing authority because of that authority’s level of performance, the administering authority may give written notice to the employing authority that the employer contribution should include an amount equal to the costs attributable to that authority’s level of performance.	Such costs will be recovered after approval by the Pensions Committee.
44 - Interest	Where a payment by an employing authority is overdue, interest may be charged on the outstanding amount.	Interest will be charged at the prescribed rates in such circumstances.
45(3) – Recovery of member’s contributions	Where a member owes pension contributions to the fund which cannot be deducted from pay, the administering authority may recover the amount by deducting it from any benefit due or by recovery as a simple contract debt.	Outstanding contributions will be deducted from benefits, or recovered as a simple contract debt.
52(2) – Payments due in respect of deceased persons	Where a person dies and the total amount due to the personal representatives does not exceed the amount specified under the Administration of Estates (Small Payments) Act 1965 (currently £5,000) the administering authority may make payment without the production of Grant of	Payment will be made without Grant of Probate or Letters of Administration in such cases. Payment will only be made on completion of an indemnity form by the beneficiary.

	Probate or Letters of Administration.	
56(2) – First instance determinations: ill health	An employing authority must obtain the administering authority’s approval to the choice of registered medical practitioner.	Approval will be given to the employers choice providing the registered medical practitioner meets the criteria under the legislation and is notified to the administering authority in advance of a decision being required.
60(8) – Reference of disagreement for reconsideration by appropriate administering authority	Where a member (or their beneficiary) disputes any decision of the employing authority they may ask for that decision to be reconsidered. This reconsideration is to be made by the employing authority. If the member, after receiving the outcome of that reconsideration, is still unsatisfied they may apply to the administering authority for reconsideration of the disagreement.	The Head of Legal Services will consider and make determination on any such disputes received by the administering authority.
63(2) – Appeals by administering authorities	Where an employing authority has either made, or failed to make, a decision under these regulations the administering authority may appeal to the Secretary of State to decide the question.	The administering authority will appeal to the Secretary of State in such circumstances.
65 – Pension administration strategy	The administering authority may make an administration strategy setting out the authority’s policies on communication and levels of performance.	An administration strategy will be made and implemented.
83(9) – Inward transfer of pension rights	The administering authority may accept a transfer value in respect of a scheme member and credit it to the pension fund.	All transfer values will be accepted providing they cover the amount of any Guaranteed Minimum Pension. Where the transfer value

		<p>(from a scheme other than another local authority pension scheme) will buy more than 30 years service the transfer value will only be accepted on the advice of the pension fund actuary.</p>
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