

WILTSHIRE COUNCIL

WILTSHIRE LOCAL PENSION BOARD

18 February 2020

Administering Authorities Discretions Policy

Purpose of the Report

1. To propose the amendment of a number of the Fund's regulatory discretions.

Background

2. In various parts of the LGPS Regulations, the Fund is afforded discretion over how the rules of Scheme operate, allowing a degree of localised decision making.
3. In line with best practice, the Fund summarises its approach to all of these areas of discretion in an Administering Authority Discretions Policy. This full policy was last reviewed and approved by the Committee on 10 December 2015. However, changes were made and approved for some of these discretions in September 2020 to discretions related to the following:
 - a). **Acceptance of certain 'non-club' transfer in (Discretion 39)** (broadly speaking, private sector, defined contribution pensions)
 - b). **Death grants (Discretion 45)**: The Fund has discretion over to whom any death grants are paid.
 - c). **Child pensions (Discretion 47)**: The approach as to whether child pensions are suspended during a break in higher education.
 - d). **Medical certificate requirements for APCs (Discretion 14)**: The Fund has discretion over whether to ask for a medical certificate when someone takes out an APC.
4. Unfortunately, the Local Pension Board did not have the opportunity to review these changes before they occurred due to timing difficulties, however, this paper and its appendix now shows a review of all the discretions.
5. The finalised, full set of changes will go to next Committee on 30 March 2021 for approval (after taking into account any Board recommendations).
6. As with all key policies and strategies, it is good practice to review the contents periodically, normally every 2 to 3 years for documents of this nature and hence officers intend to follow this approach in future.

Considerations for the Board

7. The main points to note with this revised policy are as follows:
8. **Payment of AVC on death (Discretion 18)**: The wording for this now matches discretion 45 (this decoupling was an oversight when discretion 45 was changed in September 2020)

9. **Capitilising added years if made redundant (Discretion 27):** This discretion has been altered to not normally allow a extension unless exceptional circumstances apply.
10. Other miscelleaneous changes which seek to do one of the following: Make minor wording changes to add clarity, reference an approved, published policy, note as it is now non-applicable or to add some flexibility for exceptional circumstances.
11. Board is asked to note, that whilst it is common place to summarise all discretions into a single document, the discretions themselves are wide-ranging and are mostly independent of one another. Furthermore, some discretions are used and are of significance (for example, making decisions on AVCs) while some are relatively obscure, infrequent and/or insignificant.

Environmental Impact of the Proposal

12. Not applicable.

Financial Considerations & Risk Assessment

13. There are no specific financial and risk assessments resulting from this report.

Legal Implications

14. There are no material legal implications from this report although the discretions policy in itself seeks to indirectly reduce the risk of legal challenges to Fund decisions by providing transparency and trying to ensure consistency.

Safeguarding Considerations/Public Health Implications/Equalities Impact

15. There are no known implications at this time.

Reasons for Proposals

16. To rectify the issues relating to each discretion as outlined in the Appendix.

Proposals

17. The Board is asked to note the proposed amendments to the Administering Authority Discretions Policy and provide any recommendations it has for changes to officers and/or the Committee before the Committee is asked to approved the revised policy on 30 March 2021.

Andy Cunningham
Head of Pensions, Administration & Relations

Report Author: Andy Cunningham

Unpublished documents relied upon in the production of this report: NONE