

# Clwyd Pension Fund

## Statement of Administering Authority Discretionary Policies

June 2024



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## 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 last updated and approved in November 2023 and therefore the stated policies apply from that point onwards, many of the policies were already in place and operational prior to that date.

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, capacity to exercise its discretionary powers, as administering authority to the Clwyd Pension Fund 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, Corporate Manager - People and Organisational Development or the Clwyd Pension Fund Committee. Discretions delegated to the Pensions Administration Manager, may alternatively be determined in their 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 Head of Clwyd Pension Fund and either the Corporate Finance Manager or the Corporate Manager – People and Organisational Development, having had regard to the advice of members of the Clwyd Pension Fund Advisory Panel in November 2023. A small number of further changes to this policy were subsequently approved by the Pension Fund Committee at its meeting on 19<sup>th</sup> June 2024. The policies within this statement will be reviewed as required in the light of future changes

to the LGPS legislation or other relevant legislation. This statement will also be reviewed at least every three years, although the policies may be amended at any time.

## 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://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>			
<b>1</b>	<b>R13 - 55</b>	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.
<b>2</b>	<b>R13 - 105(2)</b>	Decide whether to delegate any administering authority functions under the Regulations.	Flintshire County Council has delegated functions to the Pension Fund Committee, Head of Clwyd Pension Fund, the Corporate Finance Manager and the Corporate Manager - People and Organisational Development. It 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 Head of Clwyd Pension Fund.
<b>3</b>	<b>R13 - 58</b>	Decide on the Funding Strategy for inclusion in funding strategy statement.	Agreed in co-operation with the actuary. A copy of the current Funding Strategy can be found on the Pension Fund's website.

Ref	Regulation Reference (see key at end)	Description of Discretion	Clwyd Pension Fund Policy
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.
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>Pension Board</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.

Ref	Regulation Reference (see key at end)	Description of Discretion	Clwyd Pension Fund Policy
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>Disputes</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 adjudicator for Administering Authority disputes. This includes disputes from all members of the Fund regardless of their employer on the agreement with the employers.
10	R13 – 76(4) A60(8) R97 - 99	Decide the procedure to be followed by the Administering Authority when exercising its Stage Two IDRP functions 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 Monitoring Officer may choose to delegate this responsibility to another FCC employee. The process is outlined in the Fund's leaflet relating to IDRP which is available on the Pension Fund's website or on request. This includes disputes from all members of the Fund regardless of their employer.

Ref	Regulation Reference (see key at end)	Description of Discretion	Clwyd Pension Fund Policy
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>Admission Agreements and Employer Management</b>			
12	R13 – 3(1A) R13 – 3(5) Sch 2, Part 3, Para 1	Whether to agree to an admission agreement with an external employer applying to be an admission body.	In accordance with the Pension Fund Committee's delegation of functions, this is decided by the Head of Clwyd Pension Fund and either the Corporate Finance Manager or Corporate Manager - People and Organisational Development, 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 Head of Clwyd Pension Fund and either the Corporate Finance Manager or Corporate Manager - People and Organisational Development, after taking appropriate advice from the Fund's Actuary and legal advisor (where required).
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 Head of Clwyd Pension Fund and either the Corporate Finance Manager or Corporate Manager – People and Organisational Development, after taking appropriate advice from the Fund's Actuary and legal advisor (where required).



Ref	Regulation Reference (see key at end)	Description of Discretion	Clwyd Pension Fund Policy
15	R13 – Sch 2, Part 3, para 9(d)	<p>Whether to terminate a transferee admission agreement in the event of:</p> <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 Head of Clwyd Pension Fund and either the Corporate Finance Manager or Corporate Manager - People and Organisational Development, 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 (as shown in italics) 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.

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 Head of Clwyd Pension Fund and either the Corporate Finance Manager or Corporate Manager - People and Organisational Development, after taking appropriate advice from the Fund's Actuary.
19	R13 – 64(2ZA)	Whether to agree to pay an exit credit to an exiting employer more than six months after the employers exit date (or six months after completion of the cessation assessment by the Actuary (if later). 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 Head of Clwyd Pension Fund and either the Corporate Finance Manager or Corporate Manager - People and Organisational Development, after taking appropriate advice from the Fund's Actuary, and in consultation with the exiting employer.
20	R13 – 64(2ZC)	Determining the amount of any exit credit payable to an exiting employer having regard to the factors listed in the Regulations.	In accordance with the Pension Fund Committee's delegation of functions, this is determined by the Head of Clwyd Pension Fund and either the Corporate Finance Manager or Corporate Manager - People and Organisational Development in line with the Fund's policy as set out in the Funding Strategy Statement including considering representations from the exiting employer and scheme employer where relevant, and after taking appropriate advice from the Fund's Actuary.

Ref	Regulation Reference (see key at end)	Description of Discretion	Clwyd Pension Fund Policy
21	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 Head of Clwyd Pension Fund and either the Corporate Finance Manager or Corporate Manager - People and Organisational Development after taking appropriate advice from the Fund's Actuary.
22	R13 – 64(7A)	Whether to enter into a deferred debt agreement with an exiting Scheme employer to defer their obligation to make an exit payment and continue to contribute to the Fund.	In accordance with the Pension Fund Committee's delegation of functions, this is decided by the Head of Clwyd Pension Fund and either the Corporate Finance Manager or Corporate Manager - People and Organisational Development in line with the Fund's policy as set out in the Funding Strategy Statement and after taking appropriate advice from the Fund's Actuary.
23	R13 – 64A(1)	Whether to obtain a revision of the rates and adjustments certificate showing any resulting changes to the contributions of a scheme employer or employers.	In accordance with the Pension Fund Committee's delegation of functions, this is decided by the Head of Clwyd Pension Fund and either the Corporate Finance Manager or Corporate Manager - People and Organisational Development in line with the Fund's policy as set out in the Funding Strategy Statement and after taking appropriate advice from the Fund's Actuary.
24	R13 – 64B	Whether to obtain a revision of the rates and adjustments certificate to show the proportion of the exit payment to be paid by the exiting scheme employer in each year after the exit date (a debt spreading arrangement).	In accordance with the Pension Fund Committee's delegation of functions, this is decided by the Head of Clwyd Pension Fund and either the Corporate Finance Manager or Corporate Manager - People and Organisational Development in line with the Fund's policy as set out in the Funding Strategy Statement and after taking appropriate advice from the Fund's Actuary.

Ref	Regulation Reference (see key at end)	Description of Discretion	Clwyd Pension Fund Policy
25	<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.	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.  The same requirement will apply where an early retirement reduction is waived in other circumstances.
26	<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 the 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.
27	<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 22 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.
28	<b>R13 – 69(4)</b>	Decide the format and frequency of information from employers to accompany payments of contributions to the Fund.	The Pension Fund Accountant and/or the Pensions Administration Manager will determine the format and frequency of this information. Further information is provided within the Fund’s Administration Strategy.

Ref	Regulation Reference (see key at end)	Description of Discretion	Clwyd Pension Fund Policy
29	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.	This is subject to the process outlined in the Pensions Administration Strategy and the final decision if additional costs are to be recharged (including the amount to be recharged and how this will be calculated) will be made jointly by the Pensions Administration Manager and the Head of the Clwyd Pension Fund.
30	R13 – 71(1)	Whether to charge interest on payments by employers overdue.	The default is that interest will be charged in respect of late payments received from employing authorities, where the payment is overdue (with the overdue date being as specified in the relevant regulations). Interest will be calculated as per the relevant regulations. However, the Pension Fund Accountant can choose to waive the charge, following discussion with the Pensions Administration Manager and the Head of Clwyd Pension Fund. Waiving the amount will generally only be considered where the interest is considered de minimis.

Ref	Regulation Reference (see key at end)	Description of Discretion	Clwyd Pension Fund Policy
31	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 the approved list. If this further practitioner is then approved, they will then be added to the list held by the Administering Authority.
<b>Payments relating to Death</b>			
32	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.

Ref	Regulation Reference (see key at end)	Description of Discretion	Clwyd Pension Fund Policy
33	<b>R13 – 17(12), 40(2), 43(2) &amp; 46(2)</b> <b>TP14 – 17(5) to (8)</b> <b>B23(2), 32(2) &amp; 35(2)</b> <b>T08Sch1</b> <b>R97 - 38(1) &amp; 155(4)</b> <b>R95 - E8</b>	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 dependant of the member. This also relates to councillor members.	<p>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, subject to the receipt of appropriate information considered to evidence no doubt in this approach. If there is any doubt about the appropriateness of the intended recipient(s) the matter is referred to a Panel for a final decision, following consideration of the Fund's internal management of death benefits procedure. Payment will be made following agreement by any two of the Panel members (noting that one of the Head of Clwyd Pension Fund or Pensions Administration Manager must be involved). The Panel is made up of the following officers:</p> <ul style="list-style-type: none"> <li>• Head of Clwyd Pension Fund</li> <li>• Pensions Administration Manager</li> <li>• Corporate Finance Manager or Corporate Manager – People and Organisational Development.</li> </ul>
34	<b>R13 – Sch 1</b> <b>TP14 – 17(9)(b)</b> <b>B25</b>	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.

Ref	Regulation Reference (see key at end)	Description of Discretion	Clwyd Pension Fund Policy
35	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.	This discretion will automatically be used if it would result in higher benefits being paid.
36	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.	This discretion will automatically be used if it would result in higher benefits being paid.
37	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.



Ref	Regulation Reference (see key at end)	Description of Discretion	Clwyd Pension Fund Policy
38	R13 – Sch 1 "Eligible Child" TP17(9)	Whether to treat a child (including a child of a councillor member) as being in continuous education or vocational training, despite a break 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 two of the Panel members (noting that one of the Head of Clwyd Pension Fund or Pensions Administration Manager must be involved). The Panel is made up of the following officers : <ul style="list-style-type: none"> <li>• Head of Clwyd Pension Fund</li> <li>• Pensions Administration Manager</li> <li>• Corporate Finance Manager or Corporate Manager – People and Organisational Development.</li> </ul>
39	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.
40	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. The Fund's internal management of death benefits procedure contains further information on the practical steps that may need to be undertaken, including payments to a child trust fund/junior ISA, which may need to be considered.
41	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.

Ref	Regulation Reference (see key at end)	Description of Discretion	Clwyd Pension Fund Policy
<b>Transferring or Linking Benefits</b>			
<b>42</b>	<b>R13 – 98(1)(b)</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 Head of Clwyd Pension Fund and either the Corporate Finance Manager or Corporate Manager - People and Organisational Development, 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.
<b>43</b>	<b>R13 – 100(6)</b>	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.
<b>44</b>	<b>R13 – 100(7)</b>	Whether to allow transfers of pension rights into the Fund.	We will accept all transfer values (providing the request has been received within 12 months of joining the Fund) other than any cases where the Cash Equivalent Transfer Value (CETV) from the sending scheme is lower than £100.

Ref	Regulation Reference (see key at end)	Description of Discretion	Clwyd Pension Fund Policy
45	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.
46	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. The Administering Authority can decide this on the members behalf where the member does not make an election within 12 months of the date active membership in the concurrent employment ceased.	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.

Ref	Regulation Reference (see key at end)	Description of Discretion	Clwyd Pension Fund Policy
47	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>Other Miscellaneous Discretions</b>			
48	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.
49	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.

Ref	Regulation Reference (see key at end)	Description of Discretion	Clwyd Pension Fund Policy
50	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.
51	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.	<p>Delegated powers to decide how and to whom the benefits will be paid have been given to a Panel of officers. Prior to a case being referred to the Panel consideration will be given to the Fund's internal procedures. The decision will be made following agreement by two of the Panel members (noting that one of the Head of Clwyd Pension Fund or Pensions Administration Manager must be involved). The Panel is made up of the following officers:</p> <ul style="list-style-type: none"> <li>• Head of Clwyd Pension Fund</li> <li>• Pensions Administration Manager</li> <li>• Corporate Finance Manager or Corporate Manager – People and Organisational Development.</li> </ul>
52	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.

Ref	Regulation Reference (see key at end)	Description of Discretion	Clwyd Pension Fund Policy
53	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, by 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.
54	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.
55	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.

Ref	Regulation Reference (see key at end)	Description of Discretion	Clwyd Pension Fund Policy
56	<b>R13 – 34(1)</b> <b>B39</b> <b>T08 - 14(3)</b> <b>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.	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.  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).
57	<b>R13 – 49(1)(c)</b> <b>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.
58	<b>R97 - 147</b>	Whether to permit a Pension Credit to remain in the Fund or require a transfer out.	Pension Credit benefits will remain in the Fund, unless an election to transfer-out is received from the Pension Credit member.
59	<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.

Ref	Regulation Reference (see key at end)	Description of Discretion	Clwyd Pension Fund Policy
60	R97 - 91(6)	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.
61	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.	This will be determined in accordance with the requirements in the Fund's Anti-Fraud and Corruption Strategy and the Fund's Policy on the Overpayment and Underpayment of Pension Scheme Benefits. Where the circumstances are not covered by either of those or Flintshire County Council's Constitution, unless, in the Head of Clwyd Pension Fund's and Corporate Finance Manager's joint 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.



Ref	Regulation Reference (see key at end)	Description of Discretion	Clwyd Pension Fund Policy
<b>Discretions relating to employers that no longer exist</b>			
62	<b>R13 – 38(3) &amp; 38(6) B31(4) and 31(7)</b>	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.
63	<b>TP14 – 3(5A)(vi), TP97 – 4 L106(1) &amp; D11 (2)(c)</b>	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.

Ref	Regulation Reference (see key at end)	Description of Discretion	Clwyd Pension Fund Policy
64	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 from active status or in respect of a pensioner member with deferred benefits (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.

Ref	Regulation Reference (see key at end)	Description of Discretion	Clwyd Pension Fund Policy
65	<p><b>TP14 – 3(1), Sch 2, Paras 2(1) and 2(2)</b></p> <p><b>B30(5) and 30A(5)</b></p>	<p>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 (i.e. a pensioner member with deferred benefits). The Administering Authority may decide this if that employer no longer exists.</p>	<p>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.</p>
66	<p><b>R13 – 30(8)</b></p>	<p>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 1 April 2014 membership. The Administering Authority may decide this if that employer no longer exists.</p>	<p>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.</p>

Ref	Regulation Reference (see key at end)	Description of Discretion	Clwyd Pension Fund Policy
67	R13 – 30(8)	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.
68	TP14-12(6)	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.

Ref	Regulation Reference (see key at end)	Description of Discretion	Clwyd Pension Fund Policy
<b>Discretions relating to Councillors</b>			
69	R97 - 12(5)	The Administering Authority may determine the frequency of payment of councillors' contributions.	We determine that councillors' contributions should be deducted from pay in each pay period.
70	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.
71	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.

Ref	Regulation Reference (see key at end)	Description of Discretion	Clwyd Pension Fund Policy
72	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 in accordance with discretion 27.
73	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 in accordance with discretion 28.
74	R97 – 82(1)	The Administering Authority may decide whether to charge interest on payment of contributions to the Fund by employers that are overdue by more than 1 month (in respect of councillor members).	<p>The default is that interest will be charged in respect of late payments received from employing authorities, where the payment is overdue (with the overdue date being as specified in the relevant regulations). Interest will be calculated as per the relevant regulations. However, the Pension Fund Accountant can choose to waive the charge, following discussion with the Pensions Administration Manager and the Head of Clwyd Pension Fund. Waiving the amount will generally only be considered where the interest is considered de minimis.</p> <p>Note this discretion does not apply to payments that are due by Flintshire County Council as an employing authority. Regulation 82(1A) requires that interest <b>must</b> be paid in these circumstances. Interest will be calculated as per the relevant regulations.</p>

Ref	Regulation Reference (see key at end)	Description of Discretion	Clwyd Pension Fund Policy
75	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
76	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
77	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.
78	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.
79	Policy on the Overpayment and Underpayment of Pension Scheme Benefits – this policy outlines how over and underpayments of pension benefits are dealt with.	We will follow the approach outlined in our Policy when dealing with the overpayment or underpayment of benefits or contributions.
80	Anti-Fraud and Corruption Strategy - this strategy outlines: <ul style="list-style-type: none"> <li>• our commitment to the prevention and detection of fraud</li> <li>• our zero tolerance of acts of fraud and</li> <li>• our response to fraud.</li> </ul>	We will follow the approach outlined in our Strategy, which can be found on the Pension Fund's website, when dealing with fraud or suspected fraud or corruption.

There may be other areas of policy or strategy in relation to the management of the Fund. Most of these can be found on the Clwyd Pension Fund's website [here](#).





[clwydpensionfund.org.uk](http://clwydpensionfund.org.uk)

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Please note that Flintshire County Council is the administrative authority of the Clwyd Pension Fund and we use your personal data in accordance with Data Protection legislation to provide you with a pension administration service. For more information about how we use your data, who we share it with and what rights you have in relation to your data, please visit the Privacy Notice on our website.