

Rhondda Cynon Taf Pension Fund

Discretions Policy

(date last reviewed March 2017)

**Discretions applying where there is or was active membership after 31.3.2014
(except for Councillor members).**

Regulation: R – 2013 Regs TP – Transitional Regs 2014 A – Administration Regs B – Benefit Regs L – 1997 Regs T – Transitional Regs	Description of Discretion	RCT Fund Policy
R4(2)(b) Admission Body agreements	Whether to agree to an admission agreement with a Care Trust, NHS Scheme employing authority or care Quality Commission	All admission agreement proposals are presented to the Investment and Administration Advisory Panel and agreement delegated to the Section 151 Officer.
R5(5) & RSch 2, Part 3, para 1 Admission Body agreements	Whether to agree to an admission agreement with a body applying to be an admission body	All admission agreement proposals are presented to the Investment and Administration Advisory Panel and agreement delegated to the Section 151 Officer.
RSch 2, Part 3, para 9(d) Admission Body agreements	Whether to terminate a transferee admission agreement in the event of <ul style="list-style-type: none"> • insolvency, winding up or liquidation of the body • breach by that body of its obligations under the admission agreement • failure by that body to pay over sums due to the Fund within a reasonable period of being requested to do so 	Termination of an Admission Agreement will be in accordance with the terms of that agreement, each event/breach to be considered by the Section 151 Officer.
RSch 2, Part 3, para 9(d) Admission Body agreements	Define what the term “ in connection with ” means in the context of “only employees of the body who are employed in connection with the provision of the service or assets referred to in that sub-paragraph may be members of the Scheme”.	As defined within each individual Admission Agreement.
R16(1) Minimum Additional Pension Contributions / Shared Cost Additional Pension Contributions	Whether to turn down a request to pay an APC/SCAPC over a period of time where it would be impractical to allow such a request (e.g. where the sum being paid is very small and could be paid as a single payments)	There is no minimum monthly payment required for entering into an APC/SCAPC contract
R16(10) Proof of good health	Whether to require a satisfactory medical before agreeing to an application to pay an APC / SCAPC	A scheme member wishing to pay APC/SCAPC should be required to provide a report from a Registered Medical Practitioner , that they are in reasonably good health, prior to being permitted to commence payment, EXCEPT where the payments are to purchase pension no more than that which is to cover a period of absence, when no such declaration shall be required
R16(10) Proof of good health	Whether to turn down an application to pay an APC / SCAPC if not satisfied that the member is in reasonably good health.	Where a scheme member wishing to pay APC/SCAPC does not provide a report from a Registered Medical Practitioner, that they are in reasonably good health, their application to pay APC/SCAPC will be turned down, UNLESS the payments are to

		purchase pension no more than that which is to cover a period of absence, when no such declaration shall be required.
TP15(1)(d) and A28(2) Charging for estimates	Whether to charge member for provision of estimate of additional pension that would be provided by the Scheme in return for transfer of in house AVC/SCAVC funds where AVC/SCAVC arrangement was entered into before 1 April 2014.	No charge will be made for first time enquiries but subsequent enquiries on same fund may be charged. The power to determine this will be delegated to the Head of Pensions, Payroll & Payments .
R17(12) AVC/SCAVC payments on death	Decide to whom any AVC/SCAVC monies (including life assurance monies) are to be paid on death of the member	Where it is clear having taken account of all the circumstances: <ul style="list-style-type: none"> • payment will be in accordance with expression of wish, or • if no wish has been made, payment will be to the legal spouse, nominated cohabiting partner or civil partner. <p>Where there is any doubt, the decision will be made by the Fund's Discretion Panel, who may or may not decide to make payment in accordance with Grant of Probate/Letters of Administration.</p> <p>The Fund will ensure the details of current nominees will be included on annual benefit statements so that scheme members are given opportunity to revise nominations as part of the annual benefit statement exercise</p>
R22(3)(c) Pension Account	Pension account may be kept in such form as is considered appropriate	Pension accounts will be held electronically using the Heywood's Altair pension administration software.
TP10(9) Concurrent aggregation choice	Decide, in the absence of an election from the member within 12 months of ceasing a concurrent employment, which ongoing employment benefits from the concurrent employment which has ceased should be aggregated (where there is more than one ongoing employment)	The power to determine this is delegated to the Head of Pensions, Payroll & Payments . (The assessment will be based on which of the concurrent employments continuing immediately after leaving the employment in question is considered the main ongoing employment. This assessment being made based on which employment has the greatest annual rate of pensionable pay based on pay that would be pensionable under Regulation 20 of the LGPS Regulations 2013).
R30(8) Waiving reductions	Where the question arises of whether to waive, in whole or in part, actuarial reduction on benefits paid on flexible retirement, but the member's employer is no longer a 'scheme employer', the decision falls to the administering authority.	The waiving of any actuarial reduction will be made in line with Rhondda Cynon Taf County Borough Council's own employer policy in this area.
R30(8) Waiving reductions	Where the question arises of whether to waive, in whole or in part, actuarial reduction on benefits which a member voluntarily draws before normal pension age but the member's employer is no longer a 'scheme employer', the decision falls to the administering authority.	The waiving of any actuarial reduction will be made in line with Rhondda Cynon Taf County Borough Council's own employer policy in this area.
R68(2) Employer payments	Whether to require any strain on Fund costs to be paid "up front" by employing authority following payment of benefits under R30(6) (flexible retirement), R30(7) (redundancy / business efficiency),	The administering authority will recharge all strain on the fund costs. Payment should normally be made within 12 months of the effective date in the form of lump sum. This may be extended to up to three years if agreed by the Section 151

	or the waiver (in whole or in part) under R30(8) of any actuarial reduction that would otherwise have been applied to benefits which a member voluntarily draws before normal pension age or to benefits drawn on flexible retirement	Officer.
TPSch 2, paras 1(2) and 2(2) 'Switch on' the 85 Year Rule	Where the question arises of whether to "switch on" the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60 but the member's employer is no longer a 'scheme employer', the decision falls to the administering authority.	The decision on whether to 'switch on' the 85 year rule will be made in line with Rhondda Cynon Taf County Borough Council's own employer policy in this area.
TP3(1), TPSch 2, paras 2(1) and 2(2), B30(5) and B30A(5) Waiving reductions	Where the question arises of whether to waive any actuarial reduction on pre and/or post April 2014 benefits but the member's employer is no longer a 'scheme employer', the decision falls to the administering authority.	The waiving of any actuarial reduction will be made in line with Rhondda Cynon Taf County Borough Council's own employer policy in this area.
TPSch 2, para 2(3) Employer payments	Whether to require any strain on Fund costs to be paid "up front" by employing authority following flexible retirement under R30(6) or waiver of actuarial reduction under TPSch 2, para 2(1) or release of benefits before age 60 under B30 of B30A	The Fund will recharge all strain on the fund costs. Payment should normally be made within 12 months of the effective date in the form of lump sum. This may be extended to up to three years if the Section 151 Officer.
R32(7) Extension of time limits – notice for early payment or flexible retirement	Whether to extend the time limits within which a member must give notice of the wish to draw benefits before normal pension age or upon flexible retirement	The advance notice required for payment of benefits before normal pension age will be shortened from 3 months to 1 month. A notice that benefits are to be paid on flexible retirement should be given no more than 1 month after the reduction in hours and/or grade, i.e. the period will not be extended.
R34(1) Pension Commutation	Decide whether to commute small pension	Members and beneficiaries who meet the criteria for trivial commutation of a small pension will be commuted.
R36(3) Approved medical advisors for ill health retirements	Approve medical advisors used by employers (for ill health benefits)	Delegated powers have been given to the Head of Pensions, Payroll & Payments to determine in advance of a referral whether an employer can use an alternative Occupational Health Provider to Rhondda Cynon Taf County Borough Council's own provider, and where approval is granted whether it is reasonable to use the practitioner proposed as the Independent Registered Medical Practitioner (IRMP) for pension purposes.

<p>TP12(6)</p> <p>Ill health certificate</p>	<p>Where the question arises of whether to use a certificate produced by an IRMP under the 2008 Scheme for the purposes of making an ill health determination under the 2014 Scheme but the member's employer is no longer a 'scheme employer', the decision falls to the administering authority.</p>	<p>A 2008 Scheme ill health certificate will be accepted for making an ill health determination under the 2014 Scheme until 30 September 2014 only, thereafter a 2014 Scheme certificate must be obtained from the IRMP.</p>
<p>R38(3)</p> <p>Deferred Beneficiary – Payment on ill health grounds</p>	<p>Where the question arises of whether a deferred beneficiary meets criteria for being permanently incapable of former job because of ill health and is unlikely to be capable of undertaking gainful employment before normal pension age or for at least three years, whichever is the sooner but the member's employer is no longer a 'scheme employer', the decision falls to the administering authority.</p>	<p>Decision delegated to the Fund's Discretion Panel to consider each case on its own merits</p>
<p>R38(6)</p> <p>Suspended Tier 3 ill health pension – Payment on ill health grounds</p>	<p>Where the question arises of whether a suspended ill health tier 3 member is unlikely to be capable of undertaking gainful employment before normal pension age because of ill health but the member's employer is no longer a 'scheme employer', the decision falls to the administering authority.</p>	<p>Decision delegated to the Fund's Discretion Panel to consider each case on its own merits</p>
<p>TP17(5) to (8) & R40(2), R43(2) & R46(2)</p>	<p>Decide to whom death grant is paid</p>	<p>Where it is clear having taken account of all the circumstances:</p> <ul style="list-style-type: none"> • payment will be in accordance with expression of wish, or • if no wish has been made, payment will be to the legal spouse, nominated cohabiting partner or civil partner. <p>Where there is any doubt, the decision will be made by the Fund's Discretion Panel, who may or may not decide to make payment in accordance with Grant of Probate/Letters of Administration.</p> <p>The Fund will ensure the details of current nominees will be included on annual benefit statements so that scheme members are given opportunity to revise nominations as part of the annual benefit statement exercise</p>
<p>R49(1)(c)</p> <p>Double entitlement</p>	<p>Decide, in the absence of an election from the member, which benefit is to be paid where the member would be entitled to a benefit under 2 or more regulations in respect of the same period of Scheme membership</p>	<p>The power to determine and notify the member of the provision under which benefits are to be awarded will be delegated to the Head of Pensions, Payroll & Payments and will be considered on a case by case basis.</p>
<p>R54(1)</p> <p>Separate admission agreement fund</p>	<p>Whether to set up a separate admission agreement fund</p>	<p>Separate admission agreement funds will not be set up as normal practice. Any such decision would need to be agreed the Section 151 Officer and Advisory Panel taking into consideration guidance from the Fund Actuary.</p>

<p>R55</p> <p>Governance compliance statement</p>	<p>Governance policy must state whether the admin authority delegates their function of part of their function in relation to maintaining a pension fund to a committee, a sub-committee or an officer of the admin authority and, if they do so delegate, state the frequency of any committee or sub-committee meetings the terms, structure and operational procedures appertaining to the delegation whether representatives of employing authorities or members are included and, if so, whether they have voting rights The policy must also state the extent to which a delegation, or the absence of a delegation, complies with Secretary of State guidance and, to the extent it does not so comply, state the reasons for not complying, and the terms, structure and operational procedures appertaining to the local Pensions Board</p>	<p>See separate Governance Compliance Statement</p> <p>http://www.rctpensions.org.uk/EN/GovernanceInvestments/GovernanceandInvestment.aspx</p>
<p>R58</p> <p>Funding strategy</p>	<p>Decide on Funding Strategy for inclusion in funding strategy statement</p>	<p>The Funding Strategy was last reviewed in January 2016 (as approved by Committee) and is included in the Fund's Funding Strategy</p> <p>Statement available at: http://www.rctpensions.org.uk/EN/GovernanceInvestments/GovernanceandInvestment.aspx</p>
<p>R59(1) & (2)</p> <p>Pensions Administration Strategy</p>	<p>Whether to have a written pensions administration strategy and, if so, the matters it should include</p>	<p>The Fund has a Pension Administration Strategy which will be reviewed on a regular basis. Performance of the administering authority and the employers in the Fund will also be monitored against the targets and standards in the strategy and reported to the Pensions Advisory Panel and Pension Fund Board.</p> <p>The latest version is available at: http://www.rctpensions.org.uk/EN/GovernanceInvestments/GovernanceandInvestment.aspx</p>
<p>R61</p> <p>Communication Policy</p>	<p>Communication Policy must set out the policy on provision of information and publicity to, and communicating with, members, representatives of members, prospective members and Scheme employers; the format, frequency and method of communications; and the promotion of the Scheme to prospective members and their employers.</p>	<p>Devised in consultation with the Fund's Communication Forum, the Fund's Communications Policy is available at: http://www.rctpensions.org.uk/EN/GovernanceInvestments/GovernanceandInvestment.aspx</p>
<p>R64(4)</p> <p>Revised Rates and Adjustment Certificates</p>	<p>Whether to obtain revision of employer's contribution rate if there are circumstances which make it likely a Scheme employer will become an exiting employer</p>	<p>Delegated to the Section 151 Officer, and to be agreed in co-operation with the Fund Actuary</p>

R65 Revised Rates and Adjustment Certificates	Decide whether to obtain a new rates and adjustments certificate if the Secretary of State amends the Benefits	Regulations as part of the "cost sharing" under R63 delegated to the Section 151 Officer , and to be agreed in co-operation with the Fund Actuary
R69(1) Employer Payments	Decide frequency of payments to be made over to Fund by employers and whether to make an admin charge.	Payments must be made in accordance with Pensions Act (made monthly by 19th of the month following payroll). Any administration charge will be in accordance with the Fund's Administration Strategy . Any non compliance will be considered in accordance under the Fund's Breach Policy
R69(4) Employer Payments	Decide form and frequency of information to accompany payments to the Fund	Information should be provided on a monthly basis unless a less frequent basis is agreed with the Head of Pensions, Payroll & Payments.
R70 & TP22(2) Employer Payments	Whether to issue employer with notice to recover additional costs incurred as a result of the employer's level of performance	See Separate Administration Strategy .
R71(1) Employer Payments	Whether to charge interest on payments by employers which are overdue	The Fund will charge employers interest for persistently making late payments to the Fund. Delegated authority is given to the Deputy Section 151 Officer & Head of Pensions, Payroll & Payments to apply a charge on a case by case basis, taking into consideration the administrative cost involved in raising the charges
R74(4) Internal Dispute Resolution Procedure	Whether to extend six month period to lodge a stage one IDRP appeal	Decision delegated to the Director of Finance (Deputy Section 151 Officer) , as the Stage 1 adjudicator, to consider each case on its own merits.
R74(6) Internal Dispute Resolution Procedure	Decide procedure to be followed by adjudicator when exercising stage one IDRP functions and decide the manner in which those functions are to be exercised	Procedure set out in the Fund's Guide To Resolving Disputes and Governance Policy Stage 1 adjudicator is Director of Finance (Deputy Section 151 Officer)
R76(4) Internal Dispute Resolution Procedure	Decide procedure to be followed by admin authority when exercising its stage two IDRP functions and decide the manner in which those functions are to be exercised	Procedure set out in the Fund's Guide To Resolving Disputes and Governance Policy Stage 2 adjudicator is the Director of Legal Services (Monitoring Officer)
R79(2) Internal Dispute Resolution Procedure	Whether admin. authority should appeal against employer decision (or lack of a decision)	Decision delegated to the Head of Pensions, Payroll & Payments to consider each case on its own merits.
R80(1)(b) & TP22(1) Provision of Information by Employers	Specify information to be supplied by employers to enable admin. authority to discharge its functions	The Head of Pensions, Payroll & Payments will specify the information to be provided by employers. Some information requirements may also be contained within the Administration Strategy .
R82(2) Benefits due in respect of deceased persons	Whether to pay sums due to personal representatives or anyone appearing to be beneficially entitled to the estate without need for grant of probate / letters of administration where payment is less than amount specified in s6 of the Administration of Estates (Small Payments) Act 1965	Where the total of the sums payable falls below the amount specified in s6 of the Administration of Estates (Small Payments) Act 1965 (£5,000 since 1984) sight of grant of probate or letters of administration is not required for payment. The decision as to the beneficiary is made on a case by case basis by the Head of Pensions, Payroll & Payments .

R83 Member unable to deal with their own affairs	Whether, where a person (other than an eligible child) is incapable of managing their affairs, to pay the whole or part of that person's pension benefits to another person for their benefit.	This will be on a case by case basis with delegated authority given to the Head of Pensions, Payroll & Payments
R89(5) Annual benefit statement	Date to which benefits shown on annual benefit statement are calculated	Date used is 31 March each year
R98(1)(b) Bulk Transfer	Agree to bulk transfer payment	Referred to the Section 151 and Deputy Section 151 Officer for final agreement
R100(6) Transfer in time limit extension	Extend normal time limit for acceptance of a transfer value beyond 12 months from joining the LGPS	This will be on a case by case basis with delegated authority given to the Head of Pensions, Payroll & Payments
R100(7) Transfer of pension rights	Allow transfer of pension rights into the Fund	Transfers into the Fund will be permitted
TP3(6), TP4(6)(c), TP8(4), TP10(2)(a), TP17(2)(b) & B10(2) Final Pay	Where member to whom B10 applies (use of average of 3 years pay for final pay purposes) dies before making an election, whether to make that election on behalf of the deceased member	The pay figure that will provide the greatest benefit will be applied in all cases
TP3(6), TP4(6)(c), TP8(4), TP10(2)(a), TP17(2)(b) & TSch 1 & L23(9) Certificates of protection	Make election on behalf of deceased member with a certificate of protection of pension benefits i.e. determine best pay figure to use in the benefit calculations (pay cuts / restrictions occurring pre 1.4.08.)	The most advantageous final pay period for the member will be used in all cases.
RSch 1 & TP17(9) Child in education	Decide to treat child as being in continuous education or vocational training despite a break	A break of 1 academic year or less should be ignored. Authority is delegated to the Head of Pensions, Payroll & Payments to extend this period in exceptional circumstances
RSch 1 & TP17(9)(b) Cohabiting partner	Decide evidence required to determine financial dependence of cohabiting partner on scheme member or financial interdependence of cohabiting partner and scheme member	Where a member dies and a potential cohabiting partner is identified, delegated authority is given to the Head of Pensions, Payroll & Payments to decide on a case by case basis by taking account of the LGPS regulatory requirements, what evidence the partner will be asked to provide by the way of appropriate documents and paperwork to prove either dependency or interdependency
TP3(13) & A70(1)* & A71(4)(c) Abatement on re-employment	Decide policy on abatement of pre 1 April 2014 element of pensions in payment following re-employment	The Fund will not abate a pension on reemployment, but if the member was awarded an augmented pension or annual compensation by their former employer) due to early retirement on the grounds of redundancy or in the interests of efficiency that pension may be reduced or suspended on re-employment. The reduction or suspension will continue until the employment ends or there is a reassessment due to a material change
TP15(1)(c) & TSch1 & L83(5) Added years contributions	Extend time period for capitalisation of added years contract	This will be considered on a case by case basis with delegated authority given to the Head of Pensions, Payroll & Payments .

Discretions applying where scheme members (excluding Councillor members) ceased active membership on or after 1.4.2008 and before 1.4.2014

Regulation: A – Administration Regs B – Benefit Regs L – 1997 Regs T – Transitional Regs	Description of Discretion	RCT Fund Policy
A28(2) Charging for estimates	Whether to charge member for provision of estimate of additional pension that would be provided by the Scheme in return for transfer of in house AVC/SCAVC funds	No charge will be made for first time enquiries but subsequent enquiries on same fund may be charged. The power to determine this will be delegated to the Head of Pensions, Payroll & Payments .
A45(3) Member deductions	Deduct the outstanding contributions from any benefits that may become payable in respect of that person or by a simple contract debt in a court	Delegated power given to the Head of Pensions, Payroll & Payments to consider each case on its own merits and to seek to either recover from scheme benefits or invoice for the amount outstanding as appropriate
A49(1) Recovery by an employer from the pension fund of a Contributions Equivalent Premium (CEP)	Contributions Equivalent Premiums (CEPs) are payable to HM Revenue & Customs by an employer where a member leaves employment less than 3 months after commencement. These CEPs may be recovered from the pension fund. They relate to the difference in contracted in and contracted out national insurance contributions	CEPs will effectively be recovered from the pension fund by all employers in the fund in all cases by the CEP payments being made directly from the pension fund to HM Revenue & Customs
TSch1 & L83(5) Added years contributions	Extend time period for capitalisation of remaining contributions to an added years contract in cases of redundancy	This will be considered on a case by case basis with delegated authority given to the Head of Pensions, Payroll & Payments .
A52(2) Benefits due in respect of deceased persons	Can pay balance of pension or other benefits that were due to a deceased person to personal representatives or anyone appearing to be beneficially entitled to the estate without need for grant of probate / letters of administration	Where the total of the sums payable falls below £5,000, sight of grant of probate or letters of administration is not required for payment. The decision as to the beneficiary is made on a case by case basis by the Head of Pensions, Payroll & Payments .
A56(2) Approved medical advisors for ill health retirements	Approve medical advisors used by employers (for ill health benefits)	Delegated powers have been given to the Head of Pensions, Payroll & Payments to determine in advance of a referral whether an employer can use an alternative Occupational Health Provider to Rhondda Cynon Taf County Borough Council's own provider, and where approval is granted whether it is reasonable to use the practitioner proposed as the Independent Registered Medical Practitioner (IRMP) for pension purposes
A58(7)(b) Internal dispute resolution procedure	Whether to extend six month period to lodge a stage one IDRPA appeal against a decision taken by the administering authority	Decision delegated to the Director of Finance (Deputy Section 151 Officer) , as the Stage 1 appointed person, to consider each case on its own merits.
A60(8) Internal dispute resolution procedure	Decide procedure to be followed by administering authority when exercising stage two IDRPA functions and decide the manner in which those functions are to be exercised	Procedure set out in the Fund's Guide To Resolving Disputes and Governance Policy Stage 2 adjudicator Director of Legal Services (Monitoring Officer)

A63(2) Internal dispute resolution Procedure	Whether administering authority should appeal against employer decision (or lack of a decision)	Decision delegated to the Head of Pensions, Payroll & Payments to consider each case on its own merits.
A64(1)(b) Provision of Information by Employers	Specify information to be supplied by employers to enable administering authority to discharge its functions	The Head of Pensions, Payroll & Payments will specify the information to be provided by employers. Some information requirements may also be contained within the Administration Strategy .
TP3(13) & A70(1)* & A71(4)(c) & T12 Abatement	Decide policy on abatement of pensions following reemployment Members who are in receipt of an augmented pension or annual compensation (where additional pension, additional membership or a credited period has been awarded by their former employer) due to early retirement on the grounds of redundancy or in the interests of efficiency should have their pensions assessed for reduction or suspension on reemployment that offers membership of the LGPS.	The Fund will not abate a pension on reemployment, but if the member was awarded an augmented pension or annual compensation by their former employer due to early retirement on the grounds of redundancy or in the interests of efficiency that pension may be reduced or suspended on re-employment. The reduction or suspension will continue until the employment ends or there is a reassessment due to a material change
B10(2) Final Pay	Where member to whom B10 applies (use of average of 3 years pay for final pay purposes) dies before making an election, whether to make that election on behalf of the deceased member	The pay figure that will provide the greatest benefit will be applied in all cases
B27(5) Children's pensions	Whether to pay the whole or part of a child's pension to another person for the benefit of the child	Payment will be made to a parent or guardian where the child is aged below 18, with payment made direct to the child in all other circumstances. In these cases, the parent or guardian must sign a written statement confirming that the pension will be used for the benefit of the child.
A52A Member unable to deal with their own affairs	Whether, where a person (other than an eligible child) is incapable of managing their affairs, to pay the whole or part of that person's pension benefits to another person for their benefit.	This will be on a case by case basis with delegated authority given to the Head of Pensions, Payroll & Payments
B30(2) & B30A(3) Admin Auth consent retirement 55-60	Where the question arises of whether a deferred beneficiary or a deferred pensioner member can take payment of benefits between age 55 and 60 but the member's employer is no longer a 'scheme employer', the decision falls to the administering authority	The decision on whether payment is granted will be made in line with Rhondda Cynon Taf County Borough Council's own employer policy in this area.
B30(5) & B30A(5)	Waiving of actuarial reduction where former employer has ceased to exist.	The waiving of any actuarial reduction will be made in line with the Rhondda Cynon Taf County Borough Council's own employer policy in this area.
B31(4)	Where the question arises of whether a deferred beneficiary meets permanent ill health and reduced likelihood of gainful employment criteria but the member's employer is no longer a 'scheme employer', the decision falls to the administering authority.	Decision delegated to the Funds' Discretion Panel to consider each case on its own merits.

B31(7)	Where the question arises of whether a suspended ill health tier 3 member is permanently incapable of undertaking any gainful employment but the member's employer is no longer a 'scheme employer', the decision falls to the administering authority.	Decision delegated to the Funds' Discretion Panel to consider each case on its own merits
B23(2) & B32(2) & B35(2) & TSch1 & L155(4) Death Grants	Decide to whom death grant is paid	Where it is clear having taken account of all the circumstances: payment will be in accordance with expression of wish, or if no wish has been made, payment will be to the legal spouse, nominated cohabiting partner or civil partner. Where there is any doubt, the decision will be made by the Funds' Discretion Panel who may or may not decide to make payment in accordance with Grant of Probate/Letters of Administration. The Fund will ensure the details of current nominees will be included on annual benefit statements so that scheme members are given opportunity to revise nominations as part of the annual benefit statement exercise
B25 Meaning of Co-habitee	Decide evidence required to determine financial dependence of co-habitee of scheme member or financial interdependence of co-habitee and scheme member	Where a member dies and a potential cohabiting partner is identified, delegated authority is given to the Head of Pensions, Payroll & Payments to decide on a case by case basis by taking account of the LGPS regulatory requirements, what evidence the cohabiting partner will be asked to provide by the way of appropriate documents and paperwork to prove either dependency or interdependency
TP17(9) and definition in RSch 1 Child in Education	Decide to treat child as being in continuous education or training despite a break	A break of 1 academic year or less should be ignored. Authority is delegated to the Head of Pensions, Payroll & Payments to extend this period in exceptional circumstances.
B39 & T14(3) Pension Commutation	Decide whether to commute small pension	Members and beneficiaries who meet the criteria for trivial commutation will be commuted.
B42(1)(c) Double Entitlement	Decide, in the absence of an election from the member, which benefit is to be paid where the member would be entitled to a benefit under 2 or more regulations in respect of the same period of Scheme membership	The power to determine and notify the member of the provision under which benefits are to be awarded will be delegated to the Head of Pensions, Payroll & Payments and will be considered on a case by case basis.
TSch 1 & L23(9) Certificates of Protection	Make election on behalf of deceased member with a certificate of protection of pension benefits i.e. determine best pay figure to use in the benefit calculations (pay cuts/restrictions occurring pre 1.4.08)	The most advantageous final pay period for the member will be used in all cases

Discretions under the Local Government Pension Scheme Regulations 1997 (as amended) in relation to:

a) Active Councillor Members, b) Councillor Members who ceased active membership on or after 1/4/1998 and c) any other scheme members who ceased active membership on or after 1/4/1998 and before 1/4/2008

Regulation:	Description of Discretion	RCT Fund Policy
12(5) Employer payments	Frequency of payment of councillors' contributions	Payments must be made in accordance with Pensions Act (made monthly by 19th of the month following payroll).
17(4),(7),(8), & 89(4) & Sch 1 Reserve forces leave	Extend normal 12 month period following end of relevant reserve forces leave for "Cancelling notice" to be submitted by a councillor member requesting that the service should not be treated as relevant reserve forces service	This will be considered on a case by case basis with delegated authority given to the Head of Pensions, Payroll & Payments .
22(7) Final Pay	Select appropriate final pay period for deceased non-councillor member (leavers post 31.3.98. / pre 1.4.08.)	The most advantageous final pay period for the member will be used in all cases.
23(9) Certificates of protection	Make election on behalf of deceased non-councillor member with a certificate of protection of pension benefits i.e. determine best pay figure to use in the benefit calculations (pay cuts / restrictions occurring pre 1.4.08.)	The pay figure that will provide the greatest benefit will be applied in all cases
38(1) & 155(4) Death grant	Decide to whom death grant is paid in respect of councillor members and post 31.3.98. / pre 1.4.08. leavers	<p>Where it is clear having taken account of all the circumstances: payment will be in accordance with expression of wish, or if no wish has been made, payment will be to the legal spouse, nominated cohabiting partner or civil partner.</p> <p>Where there is any doubt, the decision will be made by the Funds' Discretion Panel, who may or may not decide to make payment in accordance with Grant of Probate/Letters of Administration.</p> <p>The Fund will ensure the details of current nominees will be included on annual benefit statements so that scheme members are given opportunity to revise nominations as part of the annual benefit statement exercise</p>
Reg 17(9) of the LGPS (Transitional Provisions and Savings) Regs 2014 and definition in Sch 1 of the LGPS Regulations 2013	Decide to treat child as being in continuous education or vocational training despite a break (children of councillor members and children of post 31.3.98. / pre 1.4.08. leavers)	<p>A break of 1 academic year or less should be ignored</p> <p>Authority is delegated to the Head of Pensions, Payroll & Payments to extend this period in exceptional circumstances</p>

47(1) Children's pensions	Apportionment of children's pension amongst eligible children (children of councillor members and children of post 31.3.98. / pre 1.4.08. leavers)	Payment will be apportioned equally amongst the eligible children unless there are exceptional circumstances, when authority is delegated to the Head of Pensions, Payroll & Payments to determine an appropriate apportionment.
47(2) Children's pensions	Pay child's pension to another person for the benefit of the child (children of councillor members and children of post 31.3.98. / pre 1.4.08. leavers)	Payment will be made to a parent or guardian where the child is aged below 18, with payment made direct to the child in all other circumstances. In these cases, the parent or guardian must sign a written statement confirming that the pension will be used for the benefit of the child.
49 & 156 Trivial commutation	Agree to commutation of small pension (pre 1.4.08. leavers or pre 1.4.08. Pension Credit members)	Members and beneficiaries who meet the criteria for trivial commutation of a small pension will be commuted.
50 and 157 Exceptional ill health commutation	Commute benefits due to exceptional ill-health (councillor members, pre 1.4.08. leavers and pre 1.4.08. Pension Credit members)	Members who meet the criteria for commutation on grounds of exceptional ill health will be commuted.
60(5) Additional Voluntary Contributions	Whether acceptance of AVC election is subject to a minimum payment (councillors only)	There is no minimum contribution specified
80(5) Employer payments	Whether to require any strain on Fund costs to be paid "up front" by employing authority following early voluntary retirement of a councillor (i.e. after age 50/55 and before age 60), or early payment of a deferred benefit on health grounds or from age 50 with employer consent (pre 1.4.08. leavers)	The Fund will recharge all strain on the fund costs in accordance with the Rates and Adjustment Certificate and guidance produced by the Fund Actuary. Payment should normally be made within 12 months of the effective date in the form of lump sum. This may be extended to up to three years by the Section 151 Officer.
81(1) Employer payments	Frequency of employer's payments to the fund (in respect of councillor members).	Payments must be made in accordance with Pensions Act (made monthly by 19th of the month following payroll). Any administration charge will be in accordance with the Fund's Administration Strategy.
81(5) Employer payments	Form and frequency of information to accompany payments to the Fund (in respect of councillor members)	Information should be provided on a monthly basis unless a less frequent basis is agreed with the Head of Pensions, Payroll & Payments.
82(1) Employer payments	Interest on payments by employers overdue by more than 1 month (in respect of councillor members)	The Fund will charge employers interest for persistently making late payments to the Fund. Delegated authority is given to the Deputy Section 151 Officer & Head of Pensions, Payroll & Payments to apply a charge on a case by case basis, taking into consideration the administrative cost involved in raising the charges.
89(3) Recovery of underpaid pension contributions	Outstanding employee contributions can be recovered as a simple debt or by deduction from benefits (councillors and pre 1.4.08. leavers)	This will be considered on a case by case basis with delegated authority given to the Head of Pensions, Payroll & Payments.
91(6) Employer payments	Timing of pension increase payments by employers to fund (pre 1.4.08. leavers)	Will generally be recharged monthly; however Head of Pensions, Payroll & Payments given delegated authority to agree alternative frequency.

95 Death grant	Pay death grant due to personal representatives without need for grant of probate / letters of administration (death of councillor or pre 1.4.08. leaver)	This will be considered on a case by case basis with delegated authority given to the Head of Pensions, Payroll & Payments .
97(10) Approved medical advisors for ill health retirements	Approve medical advisors used by employers (re ill health benefits for councillors and re pre 1.4.08. preserved benefits payable on health grounds)	Delegated powers have been given to the Head of Pensions, Payroll & Payments to determine in advance of a referral whether an employer can use an alternative Occupational Health Provider to Rhondda Cynon Taf County Borough Council's own provider, and where approval is granted whether it is reasonable to use the practitioner proposed as the approved medical adviser for pension purposes.
99 Internal Dispute Resolution Procedure	Decide procedure to be followed by admin authority when exercising its IDRP functions and decide the manner in which those functions are to be exercised (councillors and pre 1.4.08. leavers)	Procedure set out in the Fund's Guide To Resolving Disputes and Governance Policy Stage 1 adjudicator is the Director of Finance (Deputy Section 151 Officer)
105(1) Internal Dispute Resolution Procedure	Appeal against employer decision, or lack of a decision (councillors and pre 1.4.08. leavers)	Decision delegated to the Head of Pensions, Payroll & Payments to consider each case on its own merits.
106A(5) Annual Deferred Benefit Statement	Date to which benefits shown on annual deferred benefit statement are calculated	Calculated as at first Monday in each tax year so as to coincide with the effective date of the Pensions Increase Review Order
109* & 110(4)(b)	Abatement of pensions following re-employment (councillors and pre 1.4.08. leavers)	The Fund will not abate a pension on reemployment, but if the member was awarded an augmented pension or annual compensation by their former employer due to early retirement on the grounds of redundancy or in the interests of efficiency that pension may be reduced or suspended on re-employment. The reduction or suspension will continue until the employment ends or there is a reassessment due to a material change
118	Retention of CEP where member transfers out (councillors and pre 1.4.08. leavers)	Where HMRC will accept payment of the CEP, this should be made. If they will not for any reason the CEP should be retained
147	Discharge Pension Credit liability (in respect of Pension Sharing Orders for councillors and pre 1.4.08. Pension Sharing Orders for non-councillor members)	These cases will be considered on a case by case by the Head of Pensions, Payroll & Payments , taking consideration of the national LGPS guidance issued by LGE.

Discretions under the Local Government Pension Scheme Regulations 1995 (as amended) in relation to pre 1.4.98. Scheme leavers

Regulation: R – 2013 Regs TP – Transitional Regs 2014	Description of Discretion	RCT Fund Policy
E8 Death Grant	Decide to whom death grant is paid	<p>Where it is clear having taken account of all the circumstances: payment will be in accordance with expression of wish, or if no wish has been made, payment will be to the legal spouse, nominated cohabiting partner or civil partner.</p> <p>Where there is any doubt, the decision will be made by the Fund's Discretion Panel, who may or may not decide to make payment in accordance with Grant of Probate/Letters of Administration.</p> <p>The Fund will ensure the details of current nominees will be included on annual benefit statements so that scheme members are given opportunity to revise nominations as part of the annual benefit statement exercise</p>
F7(1) Survivors pension	Suspension of spouses' pensions during remarriage or cohabitation	Resolved that spouse's pensions are not ceased on remarriage or cohabitation that took place or commenced on or after 1st April 1998 but are payable for life. This brought equity with post 31.3.98 retirees/deferreds.
TP17(9) and definition in RSch 1 Child in Education	Decide to treat child as being in continuous education or training despite a break	A break of 1 academic year or less should be ignored. Authority is delegated to the Head of Pensions, Payroll & Payments to extend this period in exceptional circumstances.
G11(1) Children's pensions	Apportionment of children's pension amongst eligible children	Payment will be apportioned equally amongst the eligible children unless there are exceptional circumstances, when authority is delegated to the Head of Pensions, Payroll & Payments to determine an appropriate apportionment.
G11(2) Children's pensions	Whether to pay the whole or part of a child's pension to another person for the benefit of the child	Payment will be made to a parent or guardian where the child is aged below 17, with payment made direct to the child in all other circumstances. In these cases, the parent or guardian must sign a written statement confirming that the pension will be used for the benefit of the child

Discretions under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 (as amended) in relation to awards of compensation made to pre 1.4.07 leavers

Regulation:	Description of Discretion	RCT Fund Policy
31(2)	Decide whether to agree to pay annual compensation on behalf of fund employer and recharge payments to employer	Annual compensation payments already being paid on behalf of employers, and recharged, will continue to be paid, and in the event of new survivors' compensation becoming payable, these payments will similarly be paid on behalf of employers and recharged. The power to determine the frequency and terms of recharge for each employer is delegated to the Section 151 Officer , notwithstanding that in accordance with Regulation 31(4) payments must be recovered within 2 months of them being made