

Northumberland County Council Pension Fund Administering Authority Discretions

With effect from 29 January 2018

Where a decision or action is delegated to South Tyneside Council, this is in its capacity as administrator for the Northumberland County Council Pension Fund (“the Fund”) under the shared service arrangement.

NCC = Northumberland County Council

STC = South Tyneside Council

***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
- R95 - The Local Government Pension Scheme Regulations 1995
- DC – The Local Government (Early Termination Of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 (as amended)

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

Part 1 – Pre-existing discretions that were continued by the Local Government Pension Scheme Regulations 2013 (2013 Regulations) or the Local Government (Transitional Provisions) Regulations 2014 (TP Regulations), or were unaffected by the regulatory changes.

No.	Regulation Reference	Discretion	Current Policy	Decision Maker
1.	<p>R13-40(2), 43(2) & 46(2)</p> <p>TP14-17(5) to (8)</p> <p>B23(2), 32(2) 35(2)</p> <p>T08Sch1</p> <p>R97-38(1) & 155(4)</p> <p>R95-E8</p>	<p>The Administering Authority shall exercise absolute discretion in determining the recipient(s) of any death grant payable from the Scheme.</p>	<p>Responsibility for this decision is delegated by NCC to STC. The decision will be made according to STC's Death Grant Protocol.</p>	<p>STC Head of Pensions</p>
2.	<p>R13-Sch1 "Eligible Child"</p> <p>TP17(9)</p>	<p>The Administering Authority may, for the purpose of determining eligibility for a child's pension, treat education or training as continuous despite a break.</p>	<p>Education or training shall be treated as continuous for the purpose of determining eligibility to receive a child's pension so long as STC has been advised that there is prior intention to return to education or training following the break. In cases where there is</p>	<p>STC Head of Pensions</p>

			uncertainty about whether or not the child intended to return to education or training following the break, each case shall be decided upon its merits and this decision is delegated by NCC to STC.	
3.	R13-30(8) TP14-3(1), Sch 2, Paras 2(1) and 2(2) B30(5) and 30A(5)	The Administering Authority may consent to waive, in whole or in part, the actuarial reduction on benefits paid where a member voluntarily draws their pension before normal pension age and in cases where the member has no current employing authority and the member's former employing authority has ceased to be a Scheme employer.	NCC will only consent to waive the actuarial reduction where the member's former employing authority has, prior to it ceasing to be an employing authority, provided NCC with a copy of its policy on waiving the actuarial reduction on benefits paid where the member voluntarily draws their pension before normal pension age <u>and</u> that policy allows, in some or all cases, for the waiving, in whole or in part, of the actuarial reduction. In such cases NCC will exercise its discretion in accordance with, and to the extent of, the policy and practice of the former employer.	NCC's Chief Financial Officer
4.	R13-34(1) B39 T08-14(3) R97-49 & 156	The Administering Authority may commute a small pension into a single lump sum.	Small pensions are not commuted. This is because HMRC rules require that commutation payments are made through the payroll, and the payroll system has not yet been configured to allow such payments.	
5.	R13-49(1)c	Where a member is entitled to a benefit under	The benefits entitlement that yields the highest	STC Head of Pensions

	B42(1)c	two or more regulations in respect of the same period of Scheme membership the member may elect which benefit shall apply. In the absence of an election by the member, the Administering Authority shall decide which benefit is to be paid.	overall level of benefits for the member will be selected. This decision is delegated by NCC to STC.	
6.	R13-4(2)b R13-3(5) & Sch 2, Part 3, Para 1	The Administering Authority may make admission agreements with any admission body. The Administering Authority can also make admission agreements with a Care Trust, NHS Scheme employing authority or the Care Quality Commission.	NCC will enter into an admission agreement with an admission body, Care Trust, NHS Scheme employing authority or the Care Quality Commission only where any requirements it has set down from time to time and which are issued in guidance to such prospective bodies are met.	NCC's Chief Financial Officer
7.	R13-16(10)	The Administering Authority must determine whether any members wishing to take out a contract to purchase additional pension in the Scheme shall first undergo a medical at their own expense.	Any member wishing to take out a contract to purchase additional pension by payment of regular contributions shall first undergo a medical at their own expense. No medical shall be required if the member is paying for the additional pension by means of a lump sum payment.	
8.	TP14-15(1)d A28(2)	The Administering Authority may deduct the cost of calculating the transfer credit arising from the conversion of an AVC fund into scheme service/scheme pension.	No charge will be made for work associated with the calculation of the membership credit/additional pension for an Additional Voluntary Contributions / Shared Cost Additional Voluntary Contributions transfer into	

			<p>the Fund if that work is performed in house. However, any external charges incurred by the Fund in performing those calculations will be passed on to the member.</p>	
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No.	Regulation Reference	Discretion	Current Policy	Decision Maker
9.	R13-54(1)	The Administering Authority may establish a further pension fund (an “admission agreement fund”) in addition to the main fund.	NCC has decided not to establish an “admission agreement” fund.	<i>NCC’s Pension Fund Panel</i>
10.	R13-58	The Administering Authority must, after consultation with such persons as it considers appropriate, prepare, maintain and publish its funding strategy.	The funding strategy will be prepared, maintained and published in accordance with the Regulations and having regard to advice received from the Fund’s advisers. A copy of the Fund's current strategy is available on the NCC Pension Fund's website.	<i>NCC’s Pension Fund Panel</i>
11.	R13-64(4)	The Administering Authority may obtain from the actuary a certificate specifying the percentage or amount by which the common rate contribution should be adjusted, or any individual adjustment should be increased or reduced, with a view to providing that the value of assets in respect of current and former employees is neither materially more nor materially less than the anticipated liabilities at the date the admission of the employer is due to end.	A certificate specifying the percentage or amount by which the common rate contribution should be adjusted, or any individual adjustment should be increased or reduced, shall be obtained where it appears to NCC to be justified, taking account of: <ul style="list-style-type: none"> ● actuarial advice ● all the relevant circumstances relating to that employer , and ● any conditions contained in the rates and adjustments certificate issued at the last valuation of the Fund. 	NCC’s Chief Financial Officer
12.	R13-65	The Administering Authority must decide	A new rates and adjustments certificate shall	NCC’s Chief Financial Officer

		whether to obtain a new rates and adjustments certificate if the Secretary of State amends the Benefits Regulations as part of the “cost sharing” arrangements.	be obtained where it <ul style="list-style-type: none"> ● appears to NCC to be justified, taking account of actuarial and any other relevant advice ● all the relevant circumstances 	
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No.	Regulation Reference	Discretion	Current Policy	Decision Maker
13.	R13-68(2) TP14-Sch2 Para 2(3) R97- 80(5)	The Administering Authority may require an employer who allows a member to retire early through flexible retirement or due to redundancy or efficiency to pay the additional charge on the fund resulting from that decision. This requirement also applies where the employer also exercises its discretion to waive a reduction that would otherwise apply to the member’s benefits.	Where an employer has allowed a member to retire early through flexible retirement or due to redundancy or efficiency, the employer must meet the additional charge on the Fund resulting from that decision. Where an employer has exercised its discretion to waive a reduction that would otherwise apply to a member’s benefits, the employer must meet the additional charge on the Fund resulting from that decision. Payment is required within one month of the member’s retirement.	
14.	R13-69(1) & (4)	The Administering Authority shall determine the dates on which contributions are to be paid by the employer. The Administering Authority shall determine the form and intervals when the employer shall supply	Employers are required to pay contributions to the Fund on or before the 14th of the month following the month in which deduction of the	NCC’s Chief Financial Officer

		them with information concerning contributions payments.	contributions fell due. If the 14th of a particular month is a non- banking day then payment should be made by the last banking day preceding the 14 th . Employers are required to supply a Monthly Remittance of Pensions Contributions and a Contributions Posting Return at the end of each financial year in the format and within the timescales determined by NCC.	
15.	R13-70 TP14-22(2)	The Administering Authority may, where it is of the opinion that it has incurred additional costs because of an employer's level of performance in carrying out its LGPS functions, recover those additional costs from that employer.	Where additional costs have been incurred and where it appears to NCC to be justified, taking account of all the relevant circumstances relating to that Employer, the additional costs incurred shall be recovered.	NCC's Chief Financial Officer
16.	R13 -71(1)	The Administering Authority may levy interest on any overdue payments from an employer.	Unless, in NCC's opinion, the circumstances of a particular overdue payment are such that it would not be appropriate to levy interest, interest will be levied in all cases where payment is made one month or more after the due date, or, in the case of contributions income, after the 14th of the month following the month in which deduction of the	NCC's Chief Financial Officer

			contributions fell due. Interest will be calculated at one per cent above base rate on a day for day basis, from the date due to the date of payment and compounded with three-monthly rests.	
17.	R13-82(2) A52(2) R97-95	The Administering Authority may pay the whole or part of the total amount due from the Pension Fund in respect of a deceased member to either their personal representatives or any person or persons appearing to the Administering Authority to be beneficially entitled to their estate, without the production of probate or letters of administration.	NCC's policy is that where, in STC's opinion, circumstances are such that the production of probate or letters of administration are not required, this discretion will be exercised and is delegated to STC. The decision will be made according to STC's Death Grant Protocol.	STC Head of Pensions

No.	Regulation Reference	Discretion	Current Policy	Decision Maker
18.	R13- 83 A52A	Where a person is entitled to receive benefits from the Fund but is incapable of managing their own affairs then the	NCC's policy is that where, in STC's opinion, a member is unable to manage their own affairs then STC will decide, based on the	STC Head of Pensions

		<p>Administering Authority may pay the benefits, or any part of them, to a person having the care of the person who is entitled to the benefits, or such other person as the authority may determine, to be applied for the benefit of the person entitled as the authority may direct; and in so far as the authority does not pay the benefits in that manner, the authority may apply them in such a manner as the authority may determine, for the benefit of the person entitled or his or her beneficiaries.</p>	<p>circumstances of the individual case, who should receive payment of the member's benefits, having full regard for the fact that they must be applied for the benefit of the member or their beneficiaries. This decision is delegated to STC.</p>	
19.	<p>R13-36(3) A56(2) R97-97(10)</p>	<p>The Administering Authority shall approve the choice of medical practitioner making a decision regarding ill-health.</p>	<p>An appropriately qualified medical practitioner who confirms in writing that he is appropriately qualified and who has been approved for that purpose by the Employer to make any decision made regarding ill-health will be approved. The responsibility for determining this is delegated by NCC to STC.</p>	<p>STC Head of Pensions</p>

No.	Regulation Reference	Discretion	Current Policy	Decision Maker
20.	R13-74(1) A58 R97-100	The Administering Authority must appoint a person for dealing with applications under Stage One of the Independent Dispute Resolution Procedures (IDRP) in relation to any disputes relating to the role as Administering Authority (includes in relation to councillor members).	NCC has appointed Yunus Gajra, Development Manager, West Yorkshire Pension Fund, P.O. Box 67, Bradford BD1 1UP to deal with disputes referred to it under Stage One of the Independent Disputes Resolution Procedure. NCC will ensure that suitable procedures are in place.	NCC's Chief Financial Officer
21.	R13-76(4) A60(8) R97- 99	The Administering Authority will decide how it will exercise its Stage Two Independent Disputes Resolution Procedure function and the procedures to be followed.	NCC has appointed Liam Henry (NCC's Monitoring Officer) to deal with disputes referred to it under Stage Two of the Independent Disputes Resolution Procedure, with advice from STC's Panel of Appointed Persons or others as he considers appropriate. NCC will ensure that suitable procedures are in place.	NCC's Chief Financial Officer
22.	R13-79(2) A63(2) R97-105(1)	Whether the Administering Authority should appeal to the Secretary of State against an employer decision (or lack of a decision), including 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 NCC have been unable to persuade the employer to alter its actions (or inactions).	NCC's Chief Financial Officer or Head of Paid Service) if the Chief Financial Officer was involved in the original decision

No.	Regulation Reference	Discretion	Current Policy	Decision Maker
23.	R13-59(1) and (2)	The Administering Authority may prepare and publish a Pensions Administration Strategy in relation to procedures for liaison and communication with employers, administrative procedures, the publication of the annual report, levels of performance in carrying out Scheme functions and penalties for failure to meet those levels of performance, and other matters.	NCC has prepared a Pensions Administration Strategy to improve existing arrangements with employers and to assist in the efficient and effective administration of the Fund. A copy of the Strategy is available on the NCC Pension Fund's website.	<i>NCC's Pension Fund Panel</i>
24.	TP14-3(13) A70(1) & A71(4)(c) T08 – 12 R97-109 & 110(4)b	The Administering Authority shall determine whether, and how, the re-employment of a scheme pensioner by a local government employer will affect the pre 1 April 2014 element of the scheme pension in payment.	In the event of a scheme pensioner obtaining further employment with a scheme employer the pension will not be abated.	
25.	R13-98(1)(b)	The Administering Authority must agree any bulk transfer payment.	The terms of the bulk transfer will be discussed with the Fund's actuary and with the employer, as it will impact the employer's funding position. If both NCC and the employer are comfortable with the terms and methodology then the payment will be agreed.	NCC's Chief Financial Officer
26.	R13-100(7)	The Administering Authority has discretion	Subject only to all legislative requirements	NCC's Chief Financial Officer

		to accept transfer values into the Fund.	being met and there being no actuarial advice cautioning against the acceptance, then transfer values in respect of a current member shall be accepted.	
No.	Regulation Reference	Discretion	Current Policy	Decision Maker
27.	R13-64(6)(b)	The Administering Authority must obtain a revision to the rates and adjustments certificate where it appears to them that the amount of the liabilities arising, or likely to arise, in respect of members with an Employer exceeds the amount specified in that rates and adjustments certificate.	An adjustment to an employer's contribution rate, requiring an increase in payment, shall be required where it appears to NCC to be justified, taking account of:- <ul style="list-style-type: none"> ● actuarial advice ● all the relevant circumstances relating to that employer , and ● any conditions contained in the rates and adjustments certificate issued at the last valuation of the Fund. 	NCC's Chief Financial Officer
28.	DC31(2)	The Administering Authority may agree to pay annual compensation for and on behalf of the Employer.	Subject to an agreement between NCC, STC and the Employer that STC should carry out this function and to acceptable recharge arrangements, STC will pay annual compensation for and on behalf of the Employer and NCC.	NCC's Chief Financial Officer and STC Head of Pensions
29.		Where a Court Order requires a deduction be made from a member's pension payment, the cost to a Pension Fund of	In cases where a Court Order requires that a deduction be made from a member's pension, each time such a deduction is made, an	

		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.	amount of one pound shall also be deducted from the member to offset administration costs.	
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No.	Regulation Reference	Discretion	Current Policy	Decision Maker
30.	R13-85(3) A45(3)	The Administering Authority may recover any contributions or sum due from an employee as a simple contract debt in any court of competent jurisdiction or by way of deducting it from any payment by way of benefits to or in respect of the person.	Unless, in NCC's opinion, the circumstances of a particular case are such that it would not be appropriate to recover any contributions or sum due as a simple contract debt, recovery will be pursued as a simple contract debt in any court of competent jurisdiction.	NCC's Chief Financial Officer
31.	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.	NCC has developed a Communication Policy, a copy of which can be found on the NCC Pension Fund's website.	<i>NCC's Pension Fund Panel</i>

32.	R13-105(2)	Whether to delegate any Administering Authority functions under the Regulations.	NCC does delegate certain functions to NCC and STC senior officers and to the Pension Fund Panel as appropriate. Details of these are set out in the Governance Policy which can be found on NCC's website.	<i>NCC (i.e. full Council) and NCC's Pension Fund Panel</i>
33.	R13-Sch 2 Part 3, para 12(a)	Employees of a contractor are only entitled to remain in the LGPS whilst they continue to be employed in connection with the original services that were transferred. This expression should be defined by the Administering Authority.	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.	

No.	Regulation Reference	Discretion	Current Policy	Decision Maker
34.	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"> • 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. 	NCC will make this decision based on the circumstances of the case.	NCC's Chief Financial Officer

Part 2 – Pre-existing discretions that were not continued by the Local Government Pension Scheme Regulations 2013 (2013 Regulations) or the Local Government (Transitional Provisions) Regulations 2014 (TP Regulations). Policy decisions will, however, be needed to deal with current casework or, in some cases, retrospective applications.

No.	Regulation Reference	Discretion	Current Policy	Decision Maker
35.	<p>B30(5) and 30A(5)</p> <p>TP14-3(1) Sch 2, Paras 2(1) and 2(2)</p>	<p>The Administering Authority may consent to the early payment of pension to a member who left service on or before 31st March 2014 and is now aged between 55 and 60 where the member has no current employing authority and the member's former employing authority has ceased to be a Scheme employer, and may also, in such cases, consent to waive on compassionate grounds any actuarial reduction otherwise applicable.</p>	<p>Applications for early payment of pension from members who have left service and are now aged between 55 and 60 and where the member has no current employing authority and the member's former employing authority has ceased to be a Scheme employer will be considered individually and a decision made on the merits of each case. Normally applications will only be approved where there will be no cost falling upon the other employers in the Fund, unless there are special factors that justify a departure from this policy.</p>	NCC's Chief Financial Officer
36.	<p>B30(5) and 30A(5)</p>	<p>The Administering Authority may consent to the early payment of pension to a member who has</p> <ul style="list-style-type: none"> • left service on or before 31 March 2014 under tier three of the ill-health retirement provisions, and • subsequently had their pension suspended under the provisions of 	<p>Applications for early payment of pension from members who have</p> <ul style="list-style-type: none"> • left service under tier three of the ill-health retirement provision • subsequently had their pension suspended under the provisions of Regulation 20(9), • are now aged between 55 and 60, and 	NCC's Chief Financial Officer

		<p>Regulation 20(9), and</p> <ul style="list-style-type: none"> has attained the age of 55 and is requesting payment of their pension where the member has no current employing authority and the member's former employing authority has ceased to be a Scheme employer. 	<ul style="list-style-type: none"> where the member has no current employing authority and the member's former employing authority has ceased to be a Scheme employer <p>will be considered individually and a decision made on the merits of each case. Normally applications will only be approved where there will be no cost falling upon the other employers in the Fund, unless there are special factors that justify a departure from this policy.</p>	
37.	R97-22(7)	Whether to select an alternative final pay period for deceased non-councillor member (applies to leavers between 31 March 1998 and 1 April 2008).	This discretion will automatically be used if it would result in higher benefits being paid and there are no countervailing considerations.	STC Head of Pensions
38.	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 March 1998 and 1 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 STC Head of Pensions to determine what is appropriate.	STC Head of Pensions
39.	B27(5) R97-47(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 April 2014	Where a child is below the age of 18, STC will normally pay his/her pension to the person who has the care of the child, to be applied for the benefit of that child. This decision is	STC Head of Pensions

	R95-G11(2)	leavers only.	delegated to STC.	
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No.	Regulation Reference	Discretion	Current Policy	Decision Maker
40.	R95-F7	Whether or not to suspend spouse's pensions during remarriage or cohabitation.	NCC will not suspend spouse's pensions following remarriage or cohabitation.	
41.	R97-147	Whether to permit a Pension Credit to remain in the Fund or require a transfer out.	These cases will be dealt with in accordance with the Pension Credit member's wishes unless NCC (or STC acting on NCC's behalf) has received legal or actuarial advice cautioning against how the Pension Credit member wishes to proceed.	STC Head of Pensions
42.	R97-50 and 157	Whether to commute benefits due to exceptional ill-health (applies to councillor members and pre 1 April 2008 leavers only).	In these circumstances, the Fund will pay a lump sum in lieu of a pension unless the member (or the person dealing with the member's affairs) elects for it not to be paid.	STC Head of Pensions
43.	R97-91(6)	The Administering Authority may determine the timing of pension increase payments by employers to the Fund (applies to pre 1 April 2008 leavers only).	Any such payments must be made monthly.	

Part 3 – New discretions contained in the Local Government Pension Scheme Regulations 2013 (2013 Regulations) or the Local Government (Transitional Provisions) Regulations 2014 (TP Regulations)

No.	Regulation Reference	Discretion	Current Policy	Decision Maker
44.	R13 -16(1)	The Administering Authority may turn down a request to pay Additional Pension Contributions or Shared Cost Additional Pension Contributions over a period of time where it would be impractical to allow such a request. In such cases the member can still proceed but would need to pay via a single lump sum payment.	In view of the administration costs involved for both the Administering Authority and the employer's payroll service, requests to pay Additional Pension Contributions or Shared Cost Additional Pension Contributions over a period of time in order to address an absence from work of less than ten working days will be refused.	
45.	R13-17(12)	The Administering Authority shall decide to whom any Additional Pension Contributions or Shared Cost Additional Pension Contributions monies (including life assurance monies) are to be paid on the death of the member.	NCC's policy is that STC will decide, based on the circumstances of the individual case, who should receive payment of the member's monies, having full regard for the fact that they must be applied for the benefit of the member's nominee, personal representative or a relative or dependent of the member. This decision is delegated to STC and will be made according to its Death Grant Protocol.	STC Head of Pensions
46.	R13-22(3)C	A pension account may be kept in such form as the Administering Authority considers appropriate.	NCC's policy is that STC will decide the form in which pension accounts are kept based upon any published advice or best practice and in the most efficient manner that can be devised.	STC Head of Pensions

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No.	Regulation Reference	Discretion	Current Policy	Decision Maker
47.	R13-30(8)	The Administering Authority may consent to waive, in whole or in part, the actuarial reduction on benefits paid on flexible retirement in cases where the member has no current employing authority and the member's former employing authority has ceased to be a Scheme employer.	NCC will only consent to waive the actuarial reduction where the member's former employing authority has, prior to it ceasing to be an employing authority, provided NCC with a copy of its policy on waiving the actuarial reduction on benefits paid on flexible retirement <u>and</u> that policy allowed, in some or all cases, for the waiving, in whole or in part, of the actuarial reduction. In such cases NCC will exercise its discretion in accordance with, and to the extent of, the policy and practice of the former employer.	NCC's Chief Financial Officer
48.	R13-32(7)	The Administering Authority shall decide whether to extend the time limits in which a member must give notice of their wish to draw benefits before normal retirement age or upon flexible retirement.	Unless, in NCC's opinion, the circumstances of a particular case are such that it would be appropriate to extend the time limits in which a member must give notice of their wish to draw benefits before normal retirement age or upon flexible retirement, no extension will be granted.	NCC's Chief Financial Officer
49.	R13-38(3)	The Administering Authority shall decide whether a deferred beneficiary meets the	Applications for early payment of pension from deferred beneficiaries who believe they now	STC Head of Pensions

	B31(4) and 31(7)	criteria of being permanently incapable of carrying out their former job because of ill-health and are also unlikely to be capable of undertaking gainful employment before NPA or for at least three years, whichever is sooner, where the member has no current employing authority and the member's former employing authority has ceased to be a Scheme employer.	meet the criteria for payment of their deferred benefits on ill-health grounds will be considered individually and a decision made based upon the medical evidence provided by an Independent Registered Medical Practitioner and on the merits of each case. This decision is delegated to STC.	
No.	Regulation Reference	Discretion	Current Policy	Decision Maker
50.	R13-38(6) B31(4) and 31(7)	The Administering Authority shall decide 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.	Applications for early payment of pension from suspended ill-health Tier 3 members who believe they now meet the criteria for payment of their ill-health benefits on Tier 2 ill-health grounds will be considered individually and a decision made based upon the medical evidence provided by an Independent Registered Medical Practitioner and on the merits of each case. This decision is delegated to STC.	STC Head of Pensions

51.	R13-55	<p>An Administering Authority must prepare a governance policy stating whether the Administering Authority delegates their function, or part of their function, in relation to maintaining the Pension Fund to a committee, a sub-committee or an officer of the Administering Authority and, if they do so delegate, state</p> <ul style="list-style-type: none"> • 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 <p>The policy must also state</p> <ul style="list-style-type: none"> • the extent to which a delegation, or the absence of a delegation, complies with any Secretary of State guidance and, to the extent it does not comply, state the reasons for not complying, and 	<p>The policy is prepared and published on NCC Pension Fund's website</p>	
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		<ul style="list-style-type: none"> the terms, structure and operational procedures appertaining to the local Pensions Board 		
52.	R13 – 80(1)(b) TP14-22(1) A64(1)(b)	The Administering Authority shall specify the information to be supplied by employers to enable the Administering Authority to discharge its functions.	NCC's policy is that STC will specify the information that is to be supplied by employers, having regard to the regulatory requirements, best practice and administrative efficiency.	STC Head of Pensions
53.	B68(5) R97-106A(5)	The Administering Authority will decide the date to which benefits shown on the deferred annual benefits statement are calculated.	Annual benefit statements for deferred members will be shown as at 31 st March.	
54.	R13-100(6)	The Administering Authority may agree to extend the normal time limit for a member's acceptance of a transfer value. The normal time limit is 12 months from the date the member first became an active member in their current employment.	NCC will only agree to extend the normal time limit for the acceptance of a transfer value where the employer also wishes to extend the time limit and then only to the extent that the employer wishes the time limit extended.	
55.	R13-Sch1 TP14-17(9)(b)	The Administering Authority will decide upon the evidence that will be required to determine the financial dependence, on the scheme member, of a cohabiting	STC will decide upon the evidence required, taking into account any guidance provided and having regard to judgments in relevant cases by the courts or the Pensions Ombudsman. This	STC Head of Pensions

	B25	partner, or the financial interdependence of the cohabiting partner and the scheme member.	decision is delegated to STC.	
56.	TP14 – 3(6), 4(6)(c), 8(4), 10(2)(a), 17(2)(b) B10(2)	The Administering Authority shall decide, for a member who has died before electing whether to use an average of three years pay for final pay purposes, whether to use an average of three years pay.	The pay figure that yields the highest overall level of benefits for the beneficiaries will be selected. This decision is delegated to STC.	STC Head of Pensions
57.	TP14- 3(6), 4(6)(c), 8(4), 10(2)(a) & 17(2)(b) T08- Sch 1 R97 - 23(9)	The Administering Authority shall decide, for a member who has a certificate of protected pay but who has died before electing, which pay figure should be used for final pay purposes.	The pay figure that yields the highest overall level of benefits for the beneficiaries will be selected. This decision is delegated to STC.	STC Head of Pensions

No.	Regulation Reference	Discretion	Current Policy	Decision Maker
58.	TP14-10(9)	The Administering Authority shall decide, in the absence of an election from the member within 12 months of ceasing a concurrent employment, which ongoing employment the benefits from the concurrent employment should be aggregated with (where there is more than one ongoing employment).	The ongoing employment most closely aligned to, or with the longest likely lifespan will be selected. This decision is delegated to STC.	STC Head of Pensions
59.	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. This decision is delegated to STC.	STC Head of Pensions
60.	TP14 – 15(1)(c) T08 - Sch1 R97 - 83(5)	The Administering Authority may extend the time allowed to a member who has an added years contract and who is made redundant, to decide whether to pay a capital payment.	NCC will decide, based on the circumstances of the individual case, whether to grant an extension of the time allowed.	NCC's Chief Financial Officer

No.	Regulation Reference	Discretion	Current Policy	Decision Maker
61.	TP14 – Sch 2, Paras 1(2) and 2(2)	The Administering Authority may consent to activate the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60, in cases where the member has no current employing authority and the member's former employing authority has ceased to be a Scheme employer.	NCC will only consent to activate the 85 year rule where the member's former employing authority has, prior to it ceasing to be an employing authority, provided NCC with a copy of its policy on activating the 85 year rule <u>and</u> that policy provides, in some or all cases, for the activation of the 85 year rule. In such cases NCC will exercise its discretion in accordance with, and to the extent of, the policy and practice of the former employer.	NCC's Chief Financial Officer
62.	TP14 – Sch 2, Paras 1(2) and 2(2)	The Administering Authority may consent to waive the actuarial reduction applied to benefits from pre 1 April 2014 membership where the 85 year rule has been activated for a member voluntarily drawing benefits on or after age 55 and before age 60, where the member has no current employing authority and the member's former employing authority has ceased to be a Scheme employer.	NCC will only consent to waive the actuarial reduction where the member's former employing authority has, prior to it ceasing to be an employing authority, provided NCC with a copy of its policy on waiving the actuarial reduction applied to benefits from pre 1 April 2014 membership where the 85 year rule has been activated <u>and</u> that policy allowed, in some or all cases, for the waiving of the actuarial reduction. In such cases NCC will exercise its discretion in accordance with, and to the extent of, the policy and practice of the former employer.	NCC's Chief Financial Officer
63.	R13- 68(2) TP14 –	The Administering Authority must decide whether to require Strain on Fund costs to	Where an employer has exercised its discretion to waive a reduction that would otherwise apply to a	

	Sch 2, Para 2(3) R97- 80(5)	be paid by an employer following the waiver of an actuarial reduction under Schedule 2 of the TP Regulations.	member's benefits, the employer must meet the additional charge on the fund resulting from that decision. Payment is required within one month of the member's retirement.	
No.	Regulation Reference	Discretion	Current Policy	Decision Maker
64.	R13-106(3)	Whether to establish a joint local pension board (if approval has been granted by the Secretary of State).	NCC did not establish a joint pension board.	
65.	R13-106(6)	Decide procedures applicable to the local pension board.	Procedures have been decided, and are detailed in the local pension board's terms of reference.	<i>NCC (i.e. full Council)</i>
66.	R13-107(1)	Decide appointment procedures, terms of appointment, and membership of the local pensions board	The appointment procedures and terms have been decided, and are detailed in the local pension board's terms of reference. The membership of the local pension board is set out on NCC's website.	<i>NCC (i.e. full Council)</i>
67.	R13-64(2A)	Whether to suspend, for up to 3 years, an employer's obligation to pay an exit payment where the employer is again likely to have active members within the specified period of suspension.	This will be decided after taking into consideration the advice of the Fund Actuary.	NCC's Chief Financial Officer