

Westminster Administering Authority Pension Fund Discretions

Introduction

The Westminster City Pension Fund as an Administering Authority of an LGPS fund, has determined their discretionary policies in accordance with the Local Government Pension Scheme Regulations 2013 and related legislation. These are outlined in this statement. We will apply these policies to all current members in the Pension Fund, regardless of their employer. Where relevant, these policies equally apply to deferred members who left pensionable service prior to 1 April 2014 (albeit only in relation to discretions exercised since the effective date of these policies), and to pension CARE members.

These amended policies were approved at the Westminster Council Pension Committee on 10th December 2018 and are effective immediately, unless stated otherwise within this statement.

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. Nothing in this document will cause the Pension Committee's capacity to exercise its discretionary powers to be unlawfully fettered or restricted in any way. We will exercise these discretions 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. We will review the policies within this statement as required in the light of future changes to LGPS legislation or other relevant legislation.

Background Regulations

- The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 as Amended (prefix **B**)
- The Local Government Pension Scheme (Administration) Regulations 2008 as Amended (prefix **A**)
- The Local Government Pension Scheme (Transitional Provisions) Regulations 2008 (prefix **T08**)

December 2018

- The Local Government Pension Scheme Regulations 1997 as Amended (prefix **R97**)
- The Local Government Pension Scheme Regulations 2013 (prefix **R13**)
- The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 (prefix **TP14**)
- The Local Government Pension Scheme Regulations 1995 (prefix **R95**)

Ref	Discretion and Regulation	Description of The WCC Administering Authority Treatment.	Additional Information
1	<p>Publish a Governance Policy stating how functions are delegated and whether the Administering Authority complies with guidance given by the Secretary of State.</p> <p>R13 - 55</p>	<p>WCC has a compliant Governance Statement which can be found on page 89 of the WCC Annual Pension Fund Report 17/18 see link below to the document on our pension fund website.</p> <p>http://www.wccpensionfund.co.uk/media/4171/westminster-pf-annual-report-201718.pdf</p>	
2	<p>Decide on the Funding Strategy for inclusion in the funding strategy statement.</p> <p>R13 - 58</p>	<p>WCC has a Funding Strategy on page 98 the WCC Annual Pension Fund Report 17/18 see link below to the document on our pension fund website.</p> <p>http://www.wccpensionfund.co.uk/media/4171/westminster-pf-annual-report-201718.pdf</p>	
3	<p>Develop a Communication Policy setting out how the</p>	<p>WCC has a Communication Policy which is published on the pension website.</p>	

	<p>Administering Authority communicates with members, representatives of members, prospective members and employing authorities and the format, frequency and method of communication.</p> <p>R13 - 61</p>	<p>http://www.wccpensionfund.co.uk/media/1735/communications-policy.pdf</p>	
4	<p>Decide whether to have a written Pensions Administration Strategy and if so the matters it should include.</p> <p>R13 -59 (1) and (2)</p>	<p>Westminster has a Pension Administration Strategy (PAS) effective from April 2018.</p> <p>http://www.wccpensionfund.co.uk/westminster-city-council-pension-fund/about-us/forms-and-publications/</p>	
5	<p>Appoint someone to deal with applications under stage one of the Internal Dispute Resolution Procedure (IDRP) in relation to any dispute relating to the role of the Administering Authority.</p> <p>R13 74 (1) A58 R97- 100</p>	<p>Sarah Hay, Senior Pensions Advisor, or a suitable alternative individual with sufficient pension knowledge, will respond at stage one of any IDRP case on behalf of the Administering Authority (AA). If the matter relates to an employer decision or issue, individual employers will respond to IDRP at stage one. If an employer has no suitable person to respond for them they can request support from the AA but would be expected to provide all relevant information and abide by the decision of the appointed person.</p>	<p>The fund gets some complaints each year and people do request to go down the IDRP route. The most common reason is disagreement over ill health retirement. A Stage one case would normally be reviewed by</p>

		Complaints regarding process or delay will still be recorded and responded to but will not be dealt with as an IDRP.	an officer working in the direct area.
6	<p>Appoint someone to deal with applications under stage two of the Internal Dispute Resolution Procedure (IDRP) in relation to any dispute relating to the role of the Administering Authority.</p> <p>R13 -76 (4) A60 (8) R97-99</p>	<p>Lee Witham, Director of People Services, or nominated substitute will respond to any stage two appeal.</p> <p>The Administering Authority (AA) will review any stage one appeal referred by a member from any fund employer. In addition any appeal against a stage one decision from the AA will be reviewed by the Director of People Services.</p>	If a complaint goes to Stage two then in most circumstances a senior officer would need to review as the next stage is the Pensions Advisory Service and the Pension Ombudsman. Stage 2 IDRP cases are not common we may have a couple a year.
7	<p>Whether the Administering Authority should appeal to the Secretary of State against an employer decision (or lack of a decision)</p> <p>R13-79 (2) A63 (2) R97(105 (1)</p>	Where the fund has engaged with an employer and cannot retrieve a satisfactory resolution for the fund. Where there is evidence the employer has acted outside its capacity as determined by the regulations or has put the fund at material risk. Where no other remedy is available or has already been exhausted then the fund will reserve the right to escalate matters to the Secretary of State following the approval of the Director of People Services and the Tri Borough Director of Treasury and Pensions.	I do not think WCC has ever done this so not a high risk area for the committee.
8	Whether to agree to an Admission Agreement with an external employer	The Pension Fund Committee will approve any new admission body in the pension fund. All new admission bodies will be required to provide a bond to cover the risk of default or a	All new admitted body applications are put before committee. We

	<p>R13- Schedule 2 ,Part 3, Para 1</p> <p>R13-4 (2) (b)</p>	<p>guarantee of cover from a source that the committee accepts as secure. Scheduled bodies such as new academy schools will be automatically admitted.</p> <p>For the avoidance of doubt the Pension Fund Committee will make the final decision on any agreement with a Care Trust, NHS Scheme employing authority or the Care Quality Commission.</p>	<p>may have a few new bodies each year as a result of fund employers outsourcing services and tupe transferring staff. As discussed, we would need sound evidence to refuse an application but we attempt to mitigate risk within the admission and side agreements with employers. The risk overall is low.</p>
9	<p>Whether to terminate a transferee admission agreement in the event of insolvency, winding up or liquidation of the body. Breach by that body to any obligation contained within the admission agreement or regulatory requirement. Failure by the body to pay over sums due in a timely manner and no later than the 19th day following deduction every month.</p> <p>R13- Schedule 2, Part 3, Para 9 (d)</p>	<p>Termination of an admission agreement would be made following the approval of the Pension Fund Committee. Officers will act in the best interest of the fund taking the appropriate legal advice where necessary prior to any committee meeting to avoid exposing the fund to any unnecessary risk. All decisions will be made with consideration given to the needs of the people being impacted by the decision to terminate an individual employer and the possible reputational risk to the fund. A comprehensive admission policy will be developed.</p>	<p>This would be a rare occurrence. The risk overall is low.</p>

10	<p>Employees of a contractor are only entitled to remain in the LGPS whilst they continue to be employed in connection with the original service that was transferred. This expression should be defined by the Administering Authority.</p> <p>R13 - Schedule 2, Part 3, Para 12 (a)</p>	<p>Westminster Administering Authority will allow anyone outsourced by a fund employer working on a contract to remain in the fund as long as they work in some capacity for our fund employer.</p>	<p>Previously we had suggested a 50% work on our contract limit. In reality this would be very difficult to check and most tupe transfers are for the lowest paid members of the fund including catering staff and facilities staff. There is little merit in trying to apply a limit and a low risk to the fund due to our admission agreements.</p>
11	<p>Whether to set up a separate admission agreement fund.</p> <p>R13 - 54 (1)</p>	<p>No separate fund.</p>	
12	<p>Whether to obtain a revision of the rates and adjustment certificate if there are circumstances that make it likely that a Scheme Employer will be ceasing</p> <p>R13 - 64 (4)</p>	<p>All employers who cease to be active in the fund will have a cessation valuation carried out by the fund actuary. Officers will work with an impacted employer and the actuary to measure the outstanding liabilities and assets allocated to the employer in the period prior to cessation. Each case will be judged on the merits at the time.</p>	<p>This would be done on cessation anyway and getting the actuary to do it twice would multiply their cost. In most cases their would not be a justification.</p>

13	<p>Whether to obtain a revision of the rates and adjustment certificate if the Secretary of State amends the Regulations as part of the “cost sharing” valuation</p> <p>R13 - 65</p>	<p>The decision will be made by the appropriate senior officer, in conjunction with the funds actuary. Any decision will be notified to the next available Pension Committee with the appropriate supporting documentation. Any such event is likely to coincide with a triannual valuation cycle.</p>	<p>We think this unlikely outside the valuation process however we reserve all options.</p>
14	<p>Whether to require any strain on fund costs to be paid up front by an employer following redundancy, efficiency, flexible retirement, or the waiver (in whole or in part) of any actuarial reduction on voluntary or flexible retirement.</p> <p>R13 68 (2) TP14 – Schedule 2, para 2 (3) R97 – 80 (5)</p>	<p>The WCC fund does not expect payment of capital costs before releasing pension benefits to members, following the decision of their fund employer to agree to a retirement or the waiving of an otherwise applied reduction. The fund does expect each employer to meet the capital costs of any decision that they make and invoices will be issued after a benefit is released and the employer is expected to settle within 30 days. Failure of an employer to make payment following a decision could risk escalation as described in other Administering Authority discretions.</p>	<p>Risk is low, we would not want to delay member benefits on which they may be depending, waiting for the employer to make a capital payment.</p>
15	<p>What information should be supplied by employers to enable Administering Authority to discharge its functions.</p> <p>R13 - 80 (1) (b) TP14 – 22 (1)</p>	<p>WCC has a Pension Administration Strategy (PAS) which sets out its relationship with the fund employers.</p> <p>http://www.wccpensionfund.co.uk/westminster-city-council-pension-fund/about-us/forms-and-publications/</p>	

	A64 (1) (b)		
16	Decide frequency of payment of contributions to the fund by employers and whether to make an administration charge for late receipt. R13 - 69 (1)	The WCC PAS contains details of fines for late payment. Monthly member contributions are expected to be credited by the 19 th day of the month following deduction or a fine can be levied.	
17	Decide frequency of information from fund employers to accompany payment of contributions to the fund. R13 - 69 (4)	Information is set out in the WCC PAS and should be provided monthly with payment to ensure accurate allocation of funds.	
18	Whether to issue an employer with a notice to recover additional costs incurred as a result of the employers level of performance. R13 - 70 TP14 -22 (2)	Details are contained within the WCC PAS. The fund will reserve the right to recover costs where necessary but will work with employers to ensure performance is of an acceptable level to administer the scheme for the benefit of members.	
19	Whether to charge interest on payments by employers overdue. R13 - 71 (1)	Details are contained within the WCC PAS. http://www.wccpensionfund.co.uk/westminster-city-council-pension-fund/about-us/forms-and-publications/	
20	The Administering Authority is required to approve	The WCC Administering Authority accepts the choice of all the fund employers to appoint their own Occupational Health	The fund has processed one tier 3 this current

	<p>medical advisors used by employers (for the determination of ill health benefits)</p> <p>R13 - 36 (3) A56 (2) R97-97 (10)</p>	<p>Doctors. Any Doctor signing an ill health certificate has to be qualified to the standard required by the pension regulations see below.</p> <p>(a) holds a diploma in occupational health medicine (D Occ Med) or an equivalent qualification issued by a competent authority in an EEA state; and for the purposes of this definition, "competent authority" has the meaning given by section 55(1) of the Medical Act 1983.</p> <p>(b) is an Associate, a Member or a Fellow of the Faculty of Occupational Medicine or an equivalent institution of an EEA state</p>	<p>year so far. Ill health retirements can be expensive, especially for tier 1 cases. I am aware on a tier 1 case pending. The fund is reviewing options to fund ill health retirements. The regulations on the award of ill health retirement are very restrictive and ill health retirement is not a common exit reason within the fund. It would generally not be in an employers interest to approve cases without sound medical support due to the financial strain it could cause on the employers rate. We feel that employers should be trusted to appoint their own qualified doctors to make these decisions and do not feel that this exposes the fund to additional risk.</p>
21	<p>A death grant due to a members estate, can be paid to someone's</p>	<p>WCC Administration Authority will approve the pension administrators to make payment without probate to the next of kin or the member representative(s). If there is any dispute the</p>	<p>We have paid 18 death grants so far this year. 8 of these were under</p>

	<p>representative without waiting for probate or letters of administration where 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 currently £5,000</p> <p>R13 - 82 (2) A52 (2) R97- 95</p>	<p>administrators will raise with the employer to make an appropriate determination.</p>	<p>£5000. One case has just been referred to people services for a decision on payment and this has been made and is proceeding. Our discretion is designed to make payment to the next of kin or nominated beneficiary as quick as possible in a difficult time. Where there is an issue People services will review directly. We are not aware of anything that should concern the committee in relation to this discretion.</p>
22	<p>The Administering Authority may at its discretion pay any death grant due (including AVC's SCAVCs and Life assurance relating to AVCs) to or for the benefit of the members nominee, personal representative or any person appearing to the authority to have been a relative or dependent of the member.</p>	<p>WCC Administering Authority will allow the pension administrators to authorise the payment of death grants where there is a clear mandate either through an undisputed nomination or by an agreed split of any payment due to a member next of kin or representatives.</p> <p>Where there is any dispute from individuals believing they have an entitlement to a share of the death grant then the case shall be escalated to the Administering Authority, people services team to make a final decision after consideration of all the available facts.</p>	<p>As in 21 above most cases will be paid based on a nomination form or on an undisputed next of kin application. Where there is a dispute people services will make the decision on behalf of the fund but note these cases are rare.</p>

	<p>R13 - 17 (12), 40 (2), 43 (2) and 46 (2) TP14 -17 (5) to (8) B – 23 (2),32 (2) and 35 (2) T08 – Schedule 1 R97 – 38 (1) and 155 (4) R95 –E8</p>		
23	<p>The Administering Authority must decide the evidence required to determine financial dependence / interdependence of a cohabitee on a scheme member.</p> <p>R13 - Schedule 1 TP14 – 17 (9) (b) B25</p>	<p>Where no nomination has been made by the member, the fund will require evidence of cohabitation and financial dependence / interdependence. Evidence will include sight of joint bank accounts, household bills including Council Tax, in both the members and the partners name at the same address. Notification by the member to the employer that the named person is their partner for example by the completion of next of kin details on a HR system. Proof of joint ownership of property or mortgage / rental agreement. The fund will need confirmation that the member and their partner had lived together for 2 years or more and that both parties were free to enter into a marriage or civil partnership had they wished at the date of the members death.</p>	<p>We have checked with our administrators, the evidence they use for determining financial interdependence whilst cohabitating. see response. ESCC usually ask for Joint Bank statements, Council Tax or Utility bills. Most other funds discretions are vague on the exact evidence they require but we have added more detail than in the original discretion.</p>

24	<p>The Administering Authority can decide whether to make that election on behalf of the deceased member. For the best of the last 3 years if they die before getting the chance to make an election.</p> <p>Pre 14 Whole Time Pensionable Pay</p> <p>TP14 – 3 (6), 4 (6) (c), 8 (4), 10 (2) (a), 17 (2) (b) B10 (2)</p>	<p>WCC Administration fund will automatically allow for the best of the last 3 years in all cases.</p>	<p>This would be a rarely exercised discretion. In most cases the last 365 days is the best year for the members whole time pay. In a rare case where the member dies and we are aware that a prior year is higher for example where the member had an honorarium or an acting up payment in a prior year we should not penalise the benefit due to any next of kin if the member has died.</p>
25	<p>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 available</p> <p>TP14 – 3 (6), 4 (6) (c), 8 (4), 10 (2) (a), 17 (2) (b) T08- Schedule 1 R97 – 23 (9)</p>	<p>WCC Administering Authority will allow any members benefits to be based on the best available pay period under the regulations.</p>	<p>Very rare now that a certificate of protection is referred to in the calculation of benefit. I have not seen a case in years. It would be correct to act in the members and their next of kin interest though where a valid certificate were recorded.</p>
26	<p>Whether to select an alternative final pay period</p>	<p>WCC Administering Authority will allow any members benefits to be based on the best available pay period under the regulations.</p>	<p>Cannot recall any case being referred in relation</p>

	<p>for deceased member (applies to leavers between 31st March 1998 and 1st April 2008)</p> <p>R97- 22 (7)</p>		<p>to this so very rare but again we should act in the members next of kin interest should a case arise.</p>
27	<p>Whether to treat a child as being in continuous education or vocational training, despite a break so that the child's pension resumes after the break.</p> <p>R13 -Schedule 1 "Eligible Child" TP14 -17 (9)</p>	<p>We will normally accept short breaks including gap years, as being interruptions in education/training and will restart a suspended Childs' pension at the end of such a break or gap, providing confirmation from the relevant body is received that education/training has resumed. The WCC Pensions Officer will decide each case on its own merits.</p>	<p>We currently have 56 child pensions in payment. Some of them are long term pensions where the child is of adult age but not able to care for themselves and have a child pension as a legacy from a prior LGPS arrangement. Our approach so far has been to pay a child's pension whilst in Education up to the completion of a 4 year degree, whilst on a gap year or working year the pension is suspended. We have refused to pay pensions beyond degree level or when someone decides to study after 22.</p>
28	<p>How to apportionment children's pension amongst eligible children, member</p>	<p>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 pension fund</p>	<p>I have not come across a disputed child pension in the WCC fund. Childs</p>

	<p>leavers between 31st March 1998 and 1st April 2008)</p> <p>R97-47 (7) R95 –G11 (1)</p>	<p>administrators to determine what is appropriate. If there is any dispute then the administrators will raise the issue with the employer for a final decision.</p>	<p>pension are not common there is minimal risk in letting the administrators lead o this.</p>
29	<p>Whether to pay the whole or part of a child’s pension to another person for the benefit of the child. This applies to pre 1st April 2014 leavers only.</p> <p>B27 (5) R97 – 47 (2) R95 –G11 (2)</p>	<p>Where a child is below the age of 17, we 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 will be decided on a case by case basis by the pension administrators and only referred to the employer if there is any dispute.</p>	<p>In most cases there is a surviving parent who has care of the eligible child. I am aware of one case a few years ago where the deceased members family and her spouse had been in dispute about a child pension. The child was living with her Father who was in receipt of a spouse pension. The child was 15 and we elected to request that the child pension be paid directly into the child’s bank account for their welfare. The case was resolved.</p>
30	<p>Whether or not to suspend spouses’ pensions during remarriage or cohabitation</p> <p>R95 - F7</p>	<p>WCC Administering Authority will no longer suspend any spouses’ pension where the dependent remarries or cohabits with a new partner.</p>	<p>Please note that we only have the choice to abate in regard to people who’s benefit accrued in the scheme under the 1995 regs or earlier. Our</p>

			view is that if the member paid into the scheme and accrued benefits to pay a spouse pension after they died, the spouses subsequent remarriage should not impact that decision. The financial impact on the fund will be minimal as most benefits accrued under the regulations have been paid a number of years now.
31	Whether to agree to the payment of a bulk transfer R13 - 98 (1) (b)	WCC Administering Authority will review each case on its merits taking into account the advice of the fund actuary. The final decision will be with the Tri borough Director of Treasury and Pensions.	These are rare but could potentially reduce costs for the fund if applicable.
32	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. R13 - 100 (6)	We expect scheme members to request all transfers within 12 months. If a request comes into the administrators after 12 months any request would be referred to the individual fund employer who should have an employer discretion on which to base any decision. Where requests are granted the Administering Authority reserves the right to veto any application if there is clear evidence that such a decision would put the fund at any undue risk, for example if the member concerned had been issued with a redundancy notice.	Many Administering Authorities do not extend the 12 month limit. East Sussex and I believe Surrey refer internally any request and make a decision on a case by case basis. For our fund we know that under BT data was not going from them to Surrey in a timely manner this could have

			<p>delayed people requesting transfers. There is a risk to the fund in accepting late transfer requests where the member has final salary benefits accrued previously and their pay is higher with the employer in our fund. Allowing transfers to proceed now does not mean we cannot review and restrict at a later time if the committee wish when our data is in a cleaner state.</p>
33	<p>Whether to allow transfers of pension rights into the Fund</p> <p>R13 100 (7)</p>	<p>We will accept all transfer values (subject to meeting the appropriate timescales). Members retain a responsibility to ensure that their transfer is completed by written confirmation from the fund.</p>	<p>I am not aware of any reason we would restrict this.</p>
34	<p>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 1st April 2014)</p>	<p>WCC Administering Authority will not charge members for estimates in most circumstances. However we will reserve the right to levy a charge where a member is requesting multiple estimates on annual regular basis.</p>	<p>I am not aware that this is an issue in our fund. East Sussex have confirmed for me that they do not charge unless someone requests multiple estimates. Our aim is to get people to self serve estimates on the portal but reserving our</p>

	<p>TP 14 15 (1) (d) A28 (2)</p>		<p>entitlement to charge in case we have someone insisting on multiple figures without running themselves would be desirable. I would be surprised if we end up charging anyone.</p>
35	<p>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. We can decide this where the member does not make their own election within 12 months.</p> <p>TP 14 10 (9)</p>	<p>The Pension Administrator 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. The WCC Pension Officer may ask for any case to be reviewed.</p>	<p>We have plenty of people with concurrent employments particularly in schools and in the libraries area. Records can be complicated and some members can have 5, 6 or 7 very small pensions. It is appropriate that the pension administrators review each case on it's merits. The risk to the fund should be negligible and if amalgamation is appropriate make paying the member pension simpler for the member and the fund.</p>
36	<p>Whether the Fund will retain the Contributions Equivalent</p>	<p>The CEP amount will be retained by the Fund and used towards providing the balance of benefits due to the scheme member.</p>	<p>Minimal impact.</p>

	Premium (CEP) where a scheme member transfers out to a contracted in pension scheme (pre 1.4.08 leavers) R97- 118		
37	The date to which benefits shown on the Annual Benefit Statements are calculated R97- 106A (5) R13 - 89 (5)	All annual benefit statements will be calculated as at the 31st March preceding their distribution.	We have no choice in this.
38	Abatement of pensions on re-employment (applies to pre 1 April 2014 retirees only) TP14 -3- (13) A70(1) A71(4) (c) T08 – 12 R97 – 109 110 (4) (b)	WCC Administering Authority no longer abates any pension.	We cannot abate CARE pension only final salary benefit. East Sussex have confirmed that they currently do abate but have advised this is currently under review. With the removal a long time ago of added years as a compensation when leaving early our opinion is that pension now being paid when a member leaves employment has been earned by them. We do not see any justification in hindering any reemployment for them

			if they wish. In reality people just went to work via an agency even when we did abate so we could not enforce or recover funds as the regulation required that they have access to the LGPS.
39	The pension account may be kept in such form as is considered appropriate R13 - 22 (3) (c)	This is determined by the fund administrators working with our software provider Heywoods.	No choice.
40	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 R13- 83 A-52A	The Administering Authority will permit the Pension Fund Administrator to decide to pay some or all of the benefit to someone else for the benefit of the scheme member, subject to a power of attorney or other legal document being provided. In exceptional circumstances the case may be referred for a decision by the Westminster Pension Officer.	These cases are rare, I have not had any disputed power of attorney cases referred. The risk would be minimal.
41	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	No request shall be declined unless there are exceptional circumstances, for example if a member was taking out multiple different contracts or their salary can't support any payment request.	Very occasionally someone with a claims employment asks about topping up their pension. If they have minimal claims being paid agreeing an APC / APC

	<p>the pension being bought resulting in very small payments</p> <p>R13 16 (1)</p>		<p>may not be practical. We need to review cases as they arise. The risk is minimal. We occasionally in the past have had people wanting lots of different contracts. Our intention is not to discourage pension saving but we could need to refuse a request if it's not practical. I do not see this as likely or a risk.</p>
42	<p>Whether to require a satisfactory medical before agreeing to an application to pay an APC or SCAPC</p> <p>R13 - 16 (10)</p>	<p>The Administering Authority (AA) will not normally require people to have a medical prior to taking out an APC. The AA will allow the employer to make the final decision to allow an APC, except where there is a clear risk of financial detriment to the fund in allowing an application to proceed.</p>	<p>The one circumstance that an APC (Additional Pension Contract) contract is made up is when the individual is ill health retired. Therefore there is a risk of additional cost to the employer in this circumstance. Ill health retirements are rare though and we do not see any benefit in restricting people purchasing additional pension for the minimal risk that the employer will be funding via the</p>

			employer rate. Where we know someone is on long term sick the fund will not allow a fresh application.
43	<p>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.</p> <p>R13 32 (7)</p>	<p>We expect any elections to be made within the time limits in the regulations. However, the time limit may be extended upon request to the WCC Pensions Officer.</p>	<p>We do not believe this is an issue within the fund and do not envisage a financial risk from it.</p>
44	<p>Whether to extend the time period for a scheme member electing to capitalise remaining contributions to an added years contract in cases of redundancy.</p> <p>TP14 15 (1) (c) T08 – Schedule 1 R97 -83 (5)</p>	<p>We will normally apply the prescribed 3 month time limit, however this may be extended in exceptional circumstances.</p>	<p>Most added years contracts have now been capitalised. Numbers are low and the risk is minimal. I am not aware of any dispute in relation to this in WCC.</p>

45	<p>The Administering Authority may commute small pensions into a lump sum where they are below nationally prescribed limits.</p> <p>R13 34 (1) B39 T08 -14 (3) R97 – 49 and 156</p>	<p>We will pay a lump sum in lieu of a pension which falls below the nationally defined limits unless the member elects to continue to receive the pension as an ongoing payment.</p>	<p>Four pensions have been commuted so far this year. This is only done where the pension is minimal and payment of an ongoing pension benefit may not be convenient for the member or the administrator. The risk is minimal.</p>
46	<p>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</p> <p>R13 49 (1) (c) B42 (1) (c)</p>	<p>These will be decided on a case by case basis by the Pension Administrators with the aim of paying the member or the estate the highest level of benefit due. If there is any dispute the administrators will refer to the pension officer at WCC.</p>	<p>Cases would be very rare, I cannot remember any case being brought to my attention. If there was a case it would be ethical for us to pay the estate the highest benefit due.</p>
47	<p>Whether to permit a Pension Credit to remain in the Fund or require a transfer out.</p> <p>R97- 147</p>	<p>The Pension Administrator will deal with these cases in accordance with the Pension Credit member's wishes.</p>	<p>Cases would be very rare, I cannot remember any case being brought to my attention. If there was a case it would be ethical for us to consider the individual circumstances.</p>

48	<p>Whether to commute benefits due to exceptional ill-health pre 1st April 2008 leavers only</p> <p>R97- 50 and 157</p>	<p>In these circumstances, we will pay a lump sum in lieu of a pension unless the member elects for it not to be paid. Note this only applies to members who left the scheme under the 1997 regulations and have a limited life expectancy, due to the nature of these cases we will take advice of the medical professionals if highlighting the option will cause the member further concern.</p>	<p>Cases are thankfully rare. The member involved being terminally ill with less than a year to live. We have paid out pensions in the past in these circumstances but not often. We do not consider this a risk.</p>
49	<p>The Administering Authority may determine the timing of pension increase payments by employers to Fund (applies to pre 1st April 2008 leavers only)</p> <p>R97- 91 (6)</p>	<p>This is not applicable in the Westminster Pension Fund.</p>	<p>Not relevant.</p>
50	<p>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.</p> <p>R13 - 38 (3) 38 (6) B31 (4) and 31 (7)</p>	<p>Where a former employer of the fund no longer exists any request for consideration for ill health will firstly be referred to any successor body or body related to the members' original employer. Where no such body exists then the member will be treated as an ex WCC member of staff and referred to our Occupational Health team.</p>	<p>In rare cases WCC would act in lieu of a defunct employer if there were no related body. We do not see this as a risk and someone needs to make a decision if no employer is available.</p>

51	<p>An employer may consent to the early payment of reduced retirement benefits for scheme members between age 55 and 60, who are deferred members or former Tier 3 Ill-Health members. The Administering Authority may decide this if that employer no longer exists. This only applies to members who left pre April 2014.</p> <p>B30 (2) and 30A (3)</p>	<p>The Administering Authority will expect any successor body to make the decision where applicable and pick up any associated costs with the decision. Where no such employer exists WCC People Services will review the case treating the member as an ex WCC employee. The final decision made by the Director of People Services.</p>	<p>In rare cases WCC would act in lieu of a defunct employer if there were no related body. We do not see this as a risk and someone needs to make a decision if no employer is available.</p>
52	<p>An employer can choose to allow rule of 85 protections to apply to a scheme member's benefits on voluntary 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. The Administering Authority may decide this if that employer no longer exists.</p>	<p>The Administering Authority will not make any decision that will give rise to additional costs unless the member can show a significant compassionate case to support the release of benefit with costs that WCC would have to underwrite. Where there is a successor body that body would be expected to make the decision and underwrite any costs.</p>	<p>In rare cases WCC would act in lieu of a defunct employer if there were no related body. We do not see this as a risk and someone needs to make a decision if no employer is available. WCC would rarely waive a reduction.</p>

	TP14 Schedule 2 paras 1 (2) and 2 (2)		
53	<p>An employer can choose whether to waive on compassionate grounds any reduction to benefits that might otherwise apply. This can also apply to former Tier 3 Ill- Health members. The Administering Authority may decide this if that employer no longer exists.</p> <p>TP14- 3 (1) schedule 2, paras 2 (1) and 2 (2)</p>	<p>The Administering Authority will not make any decision that will give rise to additional costs unless the member can show a significant compassionate case to support the release of benefit with costs that WCC would have to underwrite. Where there is a successor body that body would be expected to make the decision.</p>	<p>In rare cases WCC would act in lieu of a defunct employer if there were no related body. We do not see this as a risk and someone needs to make a decision if no employer is available. WCC would rarely waive a reduction.</p>
54	<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. The Administering Authority may decide this if that employer no longer exists.</p> <p>R13 30 (8)</p>	<p>The Administering Authority will not make any decision that will give rise to additional costs unless the member can show a significant compassionate case to support the release of benefit with costs that WCC would have to underwrite. Where there is a successor body that body would expect to make the decision.</p>	<p>In rare cases WCC would act in lieu of a defunct employer if there were no related body. We do not see this as a risk and someone needs to make a decision if no employer is available. WCC would rarely waive a reduction.</p>
55	<p>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</p>	<p>The Administering Authority will not make any decision that will give rise to additional costs unless the member can show a significant compassionate case to support the release of benefit with costs that WCC would have to underwrite. Where there is a successor body that body would expect to make the decision.</p>	<p>In rare cases WCC would act in lieu of a defunct employer if there were no related body. We do not see this as a risk and someone needs</p>

	<p>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.</p> <p>R13 30 (8)</p>		<p>to make a decision if no employer is available. WCC would rarely waive a reduction.</p>
56	<p>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. This is under the Local Government (Early Termination of Employment) Discretionary Compensation) (England and Wales) Regulations 2000 as amended</p>	<p>The Administering Authority will not pay compensation on behalf of employers.</p>	<p>WCC fund has not done this in my memory and we feel that employers should pay their own compensation payments to members.</p>
57	<p>Voluntary Scheme Pays Elections</p> <p>The Taxation and Pensions Act 2014, the Finance (No. 2) Act 2015, the Finance Act</p>	<p>The Administering Authority has decided to consider each application on its merit with final approval given by the Westminster Pension Fund Committee. All Applications must be made within the agreed deadline.</p>	<p>The committee has requested this policy. We could write a policy that limits applications to more than £2000 and reviews the position after each valuation with</p>

	2016 and the Finance (No.2) Act 2017		the position being reviewed by the funds actuary.
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