

Administering Authority Discretions

Introduction

This Policy has been determined by the London Borough of Tower Hamlets (“Tower Hamlets” or “The Council”), as the Administering authority of the Tower Hamlets Pension Fund. It relates to the Administering Authority Discretions included within the Local Government Pension Scheme Regulations 2013 and related legislation.

General considerations

When applying powers of discretion Tower Hamlets will look at each case on its merits, considering all relevant information, disregarding irrelevant information and acting properly within the Regulations. This document should be considered a framework for guiding decision making and the Council reserves the right to deviate from any policy outlined here, if it is satisfied that exceptional circumstances exist.

In exercising any discretion, the Council will be mindful of the Equality Act 2010, the Equality Act (Age Exceptions for Pension Schemes) Order 2010 and any other relevant legislation.

Scope

These policy decisions apply to all categories of Schemes Members (i.e., active, deferred, pensioners, pension credit members and dependants).

Statement of Policy

This section states the mandatory policies that an Administering Authority should have:

Regulation	Description	Policy
<p>55 of the LGPS Regulations 2013</p>	<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>A Governance Compliance Statement must state whether the admin authority delegates their function or part of their function in relation to maintaining a pension fund to a committee, a subcommittee or an officer of the admin 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, and - 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 Sec 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>Tower Hamlet Pension Fund has a compliant Governance Statement which can be found in the annual report and Pension Fund website. see link below to the document on our pension fund website.</p> <p>www.towerhamletspensionfund.org</p>

Regulation	Description	Policy
58 of the LGPS Regulations 2013	Decide on the Funding Strategy for inclusion in the funding strategy statement.	As set out in the Tower Hamlets Funding Strategy Statement. see link below to the document on our pension fund website. www.towerhamletspensionfund.org
59 (3) (5) of the LGPS Regulations 2013	Whether to have a written Pensions Administration Strategy and, if so, the matters it should include.	As set out in the Tower Hamlets Pensions Administration Strategy see link below to the document on our pension fund website. www.towerhamletspensionfund.org
61 of the LGPS Regulations 2013	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, method of communication and the promotion of the Scheme to prospective members and their employers.	As set out in the Tower Hamlets Pensions Communication Policy www.towerhamletspensionfund.org
74 of the LGPS Regulations 2013	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	As set out in the Tower Hamlets Pensions Internal Dispute Resolution Procedure (IDRP) Stage 1 Adjudicator is the Director of Finance Procurement and Audit Stage 2 Adjudicator is the Corporate Director Resources see link below to the document on our pension fund website. www.towerhamletspensionfund.org

For active members or members who left on or after 1 April 2014 or in respect of current policies.

Relevant Legislation

- The Local Government Pension Scheme Regulations 2013
- The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014
- The Local Government Pension Scheme (Administration) Regulations 2008
- The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended)
- The Local Government Pension Scheme (Transitional Provisions) Regulations 2008
- The Local Government Pension Scheme Regulations 1997 (as amended)
- The Registered Pension Schemes (Modification of Scheme Rules) Regulations 2011

Administering Authority Discretions – Mandatory

Regulation	Description	Policy
30(8) of the LGPS Regulations 2013	<p>Whether to waive, in whole or in part, actuarial reduction on benefits accrued from 1 April 2014 only when a member voluntarily draws them before normal pension age in the event that the member's former employer is no longer a scheme employer.</p> <p>Whether to waive, in whole or in part, actuarial reduction on benefits which a member draws on flexible retirement grounds in the event that the member's former employer is no longer a scheme employer.</p>	<p>Waiving reductions will typically create a pension strain cost. Where a member's former employer is no longer a scheme employer, this cost will fall on all the employers contributing to the Fund.</p> <p>Tower Hamlets will generally not waive reductions in these circumstances unless there are exceptional circumstances which the council believe outweigh the additional cost.</p>
Schedule 2 para 1(2) and 1(1)(c) of the LGPS (Transitional Provisions and Savings) Regulations 2014	<p>Where a member is voluntarily retiring between the ages of 55 and 60 and has a period of service which is covered by the rule of 85, the rule does not automatically apply. Where the employer no longer exists, the administering authority has the discretion to allow for the rule of 85 to be "switched on".</p>	<p>Waiving reductions will typically create a pension strain cost. Where a member's former employer is no longer a scheme employer, this cost will fall on all the employers contributing to the Fund.</p> <p>Tower Hamlets will generally not waive reductions in these circumstances unless there are exceptional circumstances which the council believe outweigh the additional cost.</p>
3(1), Schedule 2, para 2(1) of the LGPS (Transitional Provisions and Savings) Regulations 2014 Regulation 30(5) and 30A(5) of	<p>Where the employer no longer exists, whether to waive upon the voluntary early payment of benefits, any actuarial reduction on compassionate grounds or, for periods of service to which the compassionate service discretion does not apply, to waive any actuarial reduction on any grounds.</p>	<p>No definition of compassionate grounds is given in the LGPS regulations. The term is sometimes interpreted as referring to a situation when a scheme member is required to give up work in order to be a full-time, long-term carer for a member of their family.</p> <p>Waiving reductions will typically create a pension strain cost. Where a member's former employer is no longer a scheme employer, this cost will fall on all the employers contributing to the Fund.</p> <p>Tower Hamlets will generally not waive reductions in these circumstances unless there are exceptional circumstances which the council believe outweigh the</p>

Regulation	Description	Policy
the LGPS (Benefits, Membership and Contributions) Regulations 2007 Regulation		additional cost.
3(13) of the LGPS (Transitional Provisions and Savings) Regulations 2014 And 70(1) and 71(4)(c) of the LGPS (Administration) Regulations 2008	Decide policy on abatement of pre 1 April 2014 element of pensions in payment following re-employment	Tower Hamlets council will not abate pensions on re-employment.

Administering Authority Discretions – Non Mandatory

Regulation	Description	Policy
16(1) of the LGPS Regulations 2013	Whether to turn down a request by a member to pay an Additional Pension Contribution or Shared Cost Additional Pension Contribution 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 payment)	The Council will not permit contracts of less than £10 per month.
16(10) of the LGPS Regulations 2013	<p>Whether to require a satisfactory medical before agreeing to an application to pay an Additional Pension Contribution (APC) or Shared Cost Additional Pension Contribution (SCAPC).</p> <p>If, where a medical is required to turn down an APC or SCAPC application if the member is in poor health.</p>	<p>APCs can be used to either;</p> <ul style="list-style-type: none"> a) Increase a member’s retirement benefits b) Buy back missing pension that is due to a period of unpaid authorised leave of absence, unpaid child related leave or industrial action. <p>Under scenario a) The Administering Authority will require the member to sign to confirm that they have not been assessed by an Independent Medical Practitioner as part of the ill-health retirement process. Where a member has undergone such an assessment the Council reserves the right to request the member undergoes a medical and, if appropriate, refuse the APC request.</p> <p>Under scenario b) the member will not be required to certify or undergo a medical.</p>

Regulation	Description	Policy
17(12) of the LGPS Regulations 2013	Decide to whom any AVC/Shared Cost AVC monies (including life assurance monies) are to be paid on death of the member.	The Administering Authority has a decision-making process that will be followed in order to determine the recipient of the AVC monies. This process is the same as that followed the discretion 'Decide to whom death grant is paid'.
10(9) of the LGPS (Transitional Provisions and Savings) Regulations 2014	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 administering authority might choose to combine the deferred concurrent record with the ongoing record, which based on evidence available at the time, appears to be most beneficial to the member.
32(7) of the LGPS Regulations 2013	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 administering authority will not normally require members to give 3 months' notice of early retirement or elect within 1 month for flexible retirement. In most cases once the request is made and all information received the administering authority will endeavour to pay pension on the next available payroll.
34(1)(a) of the LGPS Regulations 2013	Decide whether to commute small pensions under section 166 of the Finance Act 2004	Where the member satisfies the criteria set out by HMRC, the Fund may choose to pay a lump sum if requested by the member.
34(1)(b) of the LGPS Regulations 2013	Decide whether to commute small dependants' pensions under section 168 of the Finance Act 2004	Where a dependent of a deceased member satisfies the criteria set out by HMRC, the Fund may choose to pay a lump sum if requested by the member.

Regulation	Description	Policy
34(1)(c) of the LGPS Regulations 2013	Decide whether to commute small pensions under section regulations 6 (payment after relevant accretion), 11 (de minimis rule for pension schemes) or 12 (payments by larger pension schemes) of the Registered Pension Schemes (Authorised Payments) Regulations 2009	Where the member satisfies the criteria set out by HMRC, the Fund may choose to pay a lump sum if requested by the member. If no request is made, the Fund may still choose to pay a trivial commutation instead of an ongoing pension.
40(2), 43(2) and 46(2) of the LGPS Regulations 2013 17(5) to (8) of the LGPS Transitional Provisions and Savings Regulations) 2014	Decide to whom a death grant should be paid	The Administering Authority has a decision-making process that will be followed in order to determine the recipient of the death grant.
49(1)(c) of the LGPS Regulations 2013	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 administering authority will choose to award the benefit which, based on evidence available at the time, appears to be most beneficial to the member.
82(2) of the LGPS Regulations 2013	Whether to pay death grant 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	The administering authority will assess each case on its own merits. The council may insist that an indemnity form is required from the beneficiary before payment is made.
83 of the LGPS Regulations 2013 52A of the LGPS (Administration) Regulations 2008	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.	The administering authority will typically seek to make a decision based on the merits of each case and in the interests of the beneficiary.

Regulation	Description	Policy
<p>3(6), 4(6)(c), 8(4), 10(2)(a),17(2)(b) of the LGPS (Transitional Provisions and Savings) Regulations 2014</p> <p>10 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007</p>	<p>Where a member to whom regulation 10 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 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.</p>	<p>Administering authorities will consider each case on its own merits and will typically seek to make a decision in the best interests of the member.</p>
<p>Schedule 1 of the LGPS Regulations 2013</p> <p>17(9)(a) of the Transitional Provisions and Savings Regulations 2014</p>	<p>Decide to treat child as being in continuous education or vocational training despite a break.</p>	<p>The administering authority will reinstate a child's pension if they resume full-time education or vocational study under the age of 23 (until the sooner age of 23 or the date they cease education/training).</p>
<p>Schedule 1 of the LGPS Regulations 2013 & Regulation 17(9)(b) of the Transitional Provisions and Savings Regulations 2014</p>	<p>Decide evidence required to determine financial dependence of cohabiting partner on scheme member or financial interdependence of cohabiting partner and scheme member.</p>	<p>The Council will consider any relevant information provided but will typically look to rely on information such as bank statements, joint loans, mortgage statements, utility bills, council tax bills and personal testimonies.</p>
<p>2 of the Registered Pension Schemes (Modification of Scheme Rules) Regulations</p>	<p>Decide whether to allow members who have accrued an annual allowance charge which cannot be discharged by means of mandatory scheme pays to pay any tax due through voluntary scheme pays.</p>	

Regulation	Description	Policy
2011		

For members who left on or after 1 April 2008 and before 1 April 2014

Relevant Legislation

- The Local Government Pension Scheme (Administration) Regulations 2008
- The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended)
- The Local Government Pension Scheme (Transitional Provisions) Regulations 2008
- The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014
- The Local Government Pension Scheme Regulations 2013
- The Local Government Pension Scheme Regulations 1997 (as amended)

Administering Authority Discretions – Mandatory

Regulation	Description	Policy
<p>3(13) of the LGPS (Transitional Provisions and Savings) Regulations 2014</p> <p>And 70(1) and 71(4)(c) of the LGPS (Administration) Regulations 2008</p>	<p>Decide policy on abatement of pensions in payment following re-employment</p>	<p>Tower Hamlets council will not abate pensions on re-employment.</p>
<p>Schedule 2 para 1(2) and 1(1)(c) of the LGPS (Transitional Provisions and Savings) Regulations 2014</p>	<p>Where a member is voluntarily retiring between the ages of 55 and 60 and has a period of service which is covered by the rule of 85, the rule does not automatically apply. Where the employer no longer exists, the administering authority has the discretion to allow for the rule of 85 to be “switched on”.</p>	<p>Waiving reductions will typically create a pension strain cost. Where a member’s former employer is no longer a scheme employer, this cost will fall on all the employers contributing to the Fund.</p> <p>Tower Hamlets will generally not waive reductions in these circumstances unless there are exceptional circumstances which the council believe outweigh the additional cost.</p>

Regulation	Description	Policy
<p>30(5) of The Local Government Pension (Benefits, Membership and Contributions) Regulations 2007</p> <p>and Schedule 2 para 2(1) of the LGPS (Transitional Provisions and Savings) Regulations 2014</p>	<p>In the event that a deferred member is drawing benefits early and that member's former employer is no longer a scheme employer, to determine whether to waive any reductions that would apply on compassionate grounds.</p>	<p>Waiving reductions will typically create a pension strain cost. Where a member's former employer is no longer a scheme employer, this cost will fall on all of the employers contributing to the Fund.</p> <p>Tower Hamlets will generally not waive reductions in these circumstances unless there are exceptional circumstances which the council believe outweigh the additional cost.</p>
<p>Schedule 2 para 1(2) & 1(1)(c) of the LGPS (Transitional Provisions and Savings) Regulations 2014</p>	<p>Where a pensioner member is voluntarily retiring between the ages of 55 and 60 and has a period of service which is covered by the rule of 85, the rule does not automatically apply. Where the employer no longer exists, the administering authority has the discretion to allow for the rule of 85 to be "switched on".</p>	<p>Waiving reductions will typically create a pension strain cost. Where a member's former employer is no longer a scheme employer, this cost will fall on all employers contributing to the Fund.</p> <p>Tower Hamlets will generally not waive reductions in these circumstances unless there are exceptional circumstances which the council believe outweigh the additional cost.</p>

Regulation	Description	Policy
<p>30A(5) of The Local Government Pension (Benefits, Membership and Contributions) Regulations 2007</p> <p>and Schedule 2 para 2(1) of the LGPS (Transitional Provisions and Savings) Regulations 2014</p>	<p>In the event that a pensioner member is drawing benefits early and that member's former employer is no longer a scheme employer, to determine whether to waive any reductions that would apply on compassionate grounds.</p>	<p>No definition of compassionate grounds is given in the LGPS regulations. The term is sometimes interpreted as referring to a situation when a scheme member is required to give up work in order to be a full-time, long-term carer for a member of their family.</p> <p>Waiving reductions will typically create a pension strain cost. Where a member's former employer is no longer a scheme employer, this cost will fall on all the employers contributing to the Fund.</p> <p>Tower Hamlets will generally not waive reductions in these circumstances unless there are exceptional circumstances which the council believe outweigh the additional cost.</p>

Administering Authority Discretions – Non-mandatory

Regulation	Description	Policy
45(3) of the LGPS (Administration) Regulations 2008	Outstanding employee contributions can be recovered as a simple debt or by deduction from benefits	Outstanding contributions would normally be recovered as a simple debt. However, in exceptional circumstances, the administering authority may recover any debt by deducting it from any benefit due.
52(2) of the LGPS (Administration) Regulations 2008	Whether to pay death grant 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	The administering authority will assess each case on its own merits. The council may insist that an indemnity form is required from the beneficiary before payment is made.
Regulation	Description	Policy
10(2) of the LGPS (Benefits, Membership and Contributions) Regulations 2007	Where a member to whom regulation 10 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 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.	Administering authorities will consider each case on its own merits and will typically seek to make a decision in the best interests of the member.
27(5) of the LGPS (Benefits, Membership and Contributions) Regulations 2007	To pay the whole or part of an eligible child's pension benefits to another person for their benefit.	The administering authority will typically seek to make a decision based on the merits of each case and in the interests of the beneficiary.

52A of the LGPS (Administration) Regulations 2008	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.	The administering authority will typically seek to make a decision based on the merits of each case.
Regulation	Description	Policy
<p>23(2), 32(2), 35(2) of The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007</p> <p>Sch1 of the LGPS (Transitional Provisions and Savings) Regulations 2014</p> <p>155(4) of the LGPS Regulations 1997</p>	Decide to whom a death grant should be paid	The Administering Authority has a decision-making process that will be followed in order to determine the recipient of the death grant.

Regulation	Description	Policy
39(1)(a) LGPS (Benefits, Membership and Contributions) Regulations 2007 14(3) of LGPS (Transitional Provisions) Regulations 2008	Decide whether to commute small pensions under section 166 of the Finance Act 2004	Where the member satisfies the criteria set out by HMRC, the Fund may choose to pay a lump sum if requested by the member.
39(1)(b) LGPS (Benefits, Membership and Contributions) Regulations 2007	Decide whether to commute small dependants' pensions under section 168 of the Finance Act 2004	Where a dependent of a deceased member satisfies the criteria set out by HMRC, the Fund may choose to pay a lump sum if requested by the member.
Regulation	Description	Policy
39(1)(c) LGPS (Benefits, Membership and Contributions) Regulations 2007	Decide whether to commute small pensions under section regulations 6 (payment after relevant accretion), 11 (de minimis rule for pension schemes) or 12 (payments by larger pension schemes) of the Registered Pension Schemes (Authorised Payments) Regulations 2009	Where the member satisfies the criteria set out by HMRC, the Fund may choose to pay a lump sum if requested by the member. If no request is made, the Fund may still choose to pay a trivial commutation instead of an ongoing pension.
42(1)(c) LGPS (Benefits, Membership and Contributions) Regulations 2007	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 administering authority might choose to award the benefit which, based on evidence available at the time, appears to be most beneficial to the member.

For members who left on or after 1 April 1998 and before 1 April 2008

Relevant Legislation

- The Local Government Pension Scheme Regulations 1997
- The Local Government Pension Scheme (Transitional Provisions) Regulations 2008
- The Local Government Pension Scheme (Administration) Regulations 2008
- The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014
- The Local Government Pension Scheme Regulations 2013

Administering Authority Discretions – Mandatory

Regulation	Description	Policy
1(2), 1(1)(f) of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014	Where a member is voluntarily retiring between the ages of 55 and 60 and has a period of service which is covered by the rule of 85, the rule does not automatically apply. Where the employer no longer exists , the administering authority has the discretion to allow for the rule of 85 to be “switched on”.	Waiving reductions will typically create a pension strain cost. Where a member’s former employer is no longer a scheme employer, this cost will fall on all the employers contributing to the Fund. Tower Hamlets will generally not waive reductions in these circumstances unless there are exceptional circumstances which the council believe outweigh the additional cost.
31(5) of the LGPS Regulations 1997 Sch 2, para 2(1) of the LGPS (Transitional Provisions and Savings) Regulations 2014	Where the employer no longer exists , whether to waive upon the voluntary early payment of benefits, any actuarial reduction on compassionate grounds	Waiving reductions will typically create a pension strain cost. Where a member’s former employer is no longer a scheme employer, this cost will fall on all the employers contributing to the Fund. Tower Hamlets will generally not waive reductions in these circumstances unless there are exceptional circumstances which the council believe outweigh the additional cost.
3(13) of the LGPS (Transitional Provisions and Savings) Regulations 2014 70(1) and 71(4)(c) of the LGPS (Administration) Regulations 2008	Decide policy on abatement of pensions in payment following re-employment	Tower Hamlets council will not abate pensions on re-employment.

Administering Authority Discretions – Non-mandatory

Regulation	Description	Policy
38(1) & 155(4) of the LGPS Regulations 1997	Decide to whom a death grant should be paid	The Administering Authority has a decision-making process that will be followed in order to determine the recipient of the death grant
Schedule 1 of the LGPS Regulations 2013 17(9) of the Transitional Provisions and Savings Regulations 2014	Decide to treat child as being in continuous education or vocational training despite a break.	The administering authority will reinstate a child's pension if they resume full-time education or vocational study under the age of 23 (until the sooner age of 23 or the date they cease education/training).
47(1) of the LGPS Regulations 1997	Apportionment of children's pensions	If a child's pension is payable for more than one eligible child, the administering authority may choose how to apportion it. The starting position will be to apportion any pensions equally among the children, however account may be taken of individual circumstances, for example if one child has particular needs or a different financial situation.
47(2) of the LGPS Regulations 1997	To pay the whole or part of an eligible child's pension benefits to another person for their benefit.	The administering authority will typically seek to make a decision based on the merits of each case.
49(1) of the LGPS Regulations 1997	Decide whether to commute small pensions under section 166 of the Finance Act 2004	Where the member satisfies the criteria set out by HMRC, the Fund may choose to pay a lump sum if requested by the member.

Regulation	Description	Policy
49(1) of the LGPS Regulations 1997	Decide whether to commute small dependants' pensions under section 168 of the Finance Act 2004	Where a dependent of a deceased member satisfies the criteria set out by HMRC, the Fund may choose to pay a lump sum if requested by the member.
50 and 157 of the LGPS Regulations 1997	Commute benefits due to exceptional ill health	The administering authority will consider the views of the member and/or family and will address its case on its own merits.
95 of the LGPS Regulations 1997	Whether to pay death grant 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	The administering authority will assess each case on its own merits. The council may insist that an indemnity form is required from the beneficiary before payment is made.

For members who ceased active membership before 1 April 1998

Relevant Legislation

- The Local Government Pension Scheme Regulations 1995
- The Local Government Pension Scheme (Transitional Provisions) Regulations 1997
- The Local Government Pension Scheme Regulations 1997
- The Local Government Pension Scheme (Administration) Regulations 2008
- The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014
- The Local Government Pension Scheme Regulations 2013

Administering Authority Discretions – Mandatory

Regulation	Description	Policy
<p>3(5A)(vi) of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014</p> <p>4 of the LGPS (Transitional Provisions) Regulations 1997</p> <p>106(1) of the LGPS Regulations 1997</p> <p>D11(2)(c) of the LGPS Regulations 1995</p>	<p>Where the employer is now defunct, grant application for early payment of deferred benefits on or after age 50 on compassionate grounds.</p>	<p>Waiving reductions will typically create a pension strain cost. Where a member's former employer is no longer a scheme employer, this cost will fall on all the employers contributing to the Fund.</p> <p>Tower Hamlets will generally not waive reductions in these circumstances unless there are exceptional circumstances which the council believe outweigh the additional cost.</p>
<p>3(13) of the LGPS (Transitional Provisions and Savings) Regulations 2014</p> <p>And 70(1) and 71(4)(c) of the LGPS (Administration) Regulations 2008</p>	<p>Decide policy on abatement of pensions in payment following re-employment</p>	<p>Tower Hamlets council will not abate pensions on re-employment.</p>
<p>45(3) of the LGPS (Administration) Regulations 2008</p> <p>And 89(3) of the LGPS Regulations 1997</p>	<p>Outstanding employee contributions can be recovered as a simple debt or by deduction from benefits.</p> <p>Policy</p>	<p>No policy</p>

Administering Authority Discretions – Non-mandatory

Regulation	Description	Policy
E8 of the LGPS Regulations 1995	Decide to whom a death grant should be paid	The Administering Authority has a decision-making process that will be followed in order to determine the recipient of the death grant
G11(1) of the LGPS Regulations 1995	Apportionment of children's pensions	If a child's pension is payable for more than one eligible child, the administering authority may choose how to apportion it. The starting position will be to apportion any pensions equally among the children, however account may be taken of individual circumstances, for example if one child has particular needs or a different financial situation
G11(2) of the LGPS Regulations 1995	To pay the whole or part of an eligible child's pension benefits to another person for their benefit.	The administering authority will typically seek to make a decision based on the merits of each case.