

Table of recommendations and additional comments- Scheme Manager Discretions

Regulation	Recommendation	Comments
Delegation (Regulation 5)	No action required	This discretion has been dealt with by the Fire Authority on 24 June 2015
Opting into this scheme (Regulation 12)	Option 1	There is no rational behind us undertaking this discretion and this is recommended with advice from the pension administrator.
Opting out after the first three months (Regulation 16)	Option 1	There is no rational behind us undertaking this discretion and this is recommended with advice from the pension administrator.
Pensionable Pay (Regulation 17)	No action required	This discretion has been dealt with by the Fire Authority on 24 June 2015.
Active membership (Regulation 19)	For note	This is current practice in cases of authorised absence, for example unpaid maternity and parental leave.
Establishment of pension accounts: general (Regulation 28)	For note	This should be noted. The Fire Authority should also note that pension accounts for scheme members will be kept in accordance with pension regulations.
Closure and re-establishment of active member's account (Regulation 37)	For note	The pension administrator has confirmed that this would be carried out as part of normal practice.
Closure of deferred member's account after gap in pensionable service not exceeding five years (Regulation 49)	For note	This delegation would currently be undertaken by the pension administrator when a case of this nature arises.
Employer initiated retirement (Regulation 62)	Option 1	It is recommended that this discretion is agreed on a case by case basis, to allow for consideration of this exit route in order for the organisation to have flexible exit strategies to support efficiencies

Exercise of partial retirement (Regulation 63)	For note	This delegation would currently be undertaken by the pension administrator when a case of this nature arises.
Review of ill health award or early payment of retirement pension (Regulation 68)	For note	IQPM reports contain a review date RBFPS currently review all cases in line with this expert advice
Consequences of review (Regulation 69)	Option 1	This option provides for the maximum opportunity to reduce financial burden on the pension scheme.
Commencement of pensions (Regulations 70)	For note	The discretion in these cases is the date on which the pension payments commence, and this must be agreed on a case by case basis.
Allocation election (Regulation 72)	For note	The discretion in these cases is to identify at the time if it is necessary to withhold consent, and this must be agreed on a case by case basis.
Adjustment of allocation benefit (Regulation 75)	For note	The discretion in these cases is to review the allocation if the amount of allocated pension qualified as a dependant's scheme pension, and this must be actioned on a case by case basis.
Meaning of "surviving partner" (Regulation 76)	Option 1	This provides for flexibility for the scheme to view cases on personal circumstances, taking into account any exceptional reasons.
Person to whom lump sum death benefit payable (Regulation 95)	For note	This discretion is taken on payment of the death benefit.
Payment of pensions under Part 6 "Death Benefits" (Regulation 100)	For note	This discretion is taken on payment of the death benefit when a pension is due to an eligible child under the age of 18.
Surviving partner's pensions and eligible child's pensions: suspension and recovery (Regulation 101)	For note	This discretion will be taken on a case by case basis, when false declarations or deliberately suppressed facts have been identified in relation to payment of an award to surviving partners or eligible children.

Provisional awards of eligible child's pensions: later adjustments (Regulation 102)	For note	This discretion provides for adjustments when there are eligibility issues which are later determined after payment has been put in place for eligible children - as such this discretion must be applied on a case by case basis.
Adjustment of benefits to comply with FA 2004 where members die over 75 (Regulation 104)	For note	The discretion is how the benefit is adjusted, so it must be completed on a case by case basis. Failure to do so would result in a breach of the Finance Act 2004.
3.21 Member contributions (Regulation 110)	For note	This has been standard practice and continues to be based on individual pensionable pay the regulation 110 paragraph (7) (h) states - circumstances specified by the scheme manager in a particular case.
Contributions during absence from work due to illness, trade dispute or authorised absence (Regulation 111)	No action required	This discretion has been dealt with by the Fire Authority on 24 June 2015
Deduction and payment of contributions (Regulation 114)	For note	Where contributions are due the employer will calculate and agree an individual payment plan, as is current practice for the previously agreed discretion under regulation 111.
Statement of entitlement (Regulation 135)	Option 1	This is currently an area the pension administrator will deal with on our behalf.
Request for acceptance of a transfer payment (Regulation 141)	Option 1	It is recommended not to extend this period to remain in line with the agreed discretion in the LGPS other than for administration issues.
Transfer statement (Regulation 142)	For note	No decision required - statement for note
Club transfer value statement (Regulation 144)	For note	No decision required - statement for note
Appeal concerning entries on the certificate (Regulation 148)	For note	No decision required the scheme manager will follow the Internal Disputes Resolution Procedure
Determinations by the scheme manager (Regulation 151)	For note	The determination for this regulation requires the

		consideration to be on a case by case basis.
<i>Role of IQMP in determinations by the scheme manager (Regulation 152)</i>	For note	This determination is currently in place for 1992 and 2006 schemes
<i>Role of IQMP in determinations by the scheme manager (Regulation 152)</i>	For note	This determination will be made in specific cases, should a member fail to engage with the IQMP process
Review of medical opinion (Regulation 153)	Option 1	It is recommended to ensure all evidence is considered and to reduce likelihood of a formal appeal where evidence is provided in line with the time frames in regulation 153, consideration of relevance is made on a case by case basis.
Notice of appeal (Regulation 155)	Option 1	It is recommended on a case by case basis to minimise the necessity for appeal and with consideration that it may not be a member's fault.
Reference of appeal to the board (Regulation 156 - See also Regulation 161)	For note	This is a statement of requirements and actions will be specific to each case as necessary.
Procedure where appeal to be pursued (Regulation 157)	For note	This is a statement of requirements and actions will be specific to each case as necessary.
Expenses of each party (Regulation 161)	Option 1	To not pursue some payment where a member has been unsuccessful at appeal could result in a high proportion of frivolous cases being submitted, resulting in increased costs to the Authority.
Appeals on other issues (Regulation 163)	For note	No decision required the scheme manager will follow the Internal Disputes Resolution Procedure
Commutation of small pensions (Regulation 167)	Option 1	Having the ability to pay a one off lump sum offers the opportunity to reduce the ongoing pension administration costs of maintaining a small annual pension.

Payments for persons incapable of managing their affairs (Regulation 168)	For note	This discretion is taken on payment of scheme benefits on a case by case basis when a person, other than an eligible child who is entitled to benefits under the scheme, is by reason of mental incapacity or otherwise, incapable of managing his or her affairs
Payments due in respect of deceased persons (Regulation 169)	Option 2	It is recommended that evidence is provided to ensure that all payments are correctly paid.
Forfeiture: offences committed by members, surviving partners or eligible children (Regulation 171)	Option 2	It is recommended that we do not withhold pensions. It should be for the courts to decide punishment for criminal offences
Forfeiture of pensions: offences committed by other persons (Regulation 172)	Option 2	This option will allow for consideration of cases based on individual circumstances
Forfeiture of lump sum death benefit: offences committed by other persons (Regulation 173)	Option 1	Option 2 would prevent individuals who successfully appeal against a conviction from receiving their entitlement.
Forfeiture: relevant monetary obligations and relevant monetary losses (Regulation 174)	Option 1	Considering each case on its own merits enables the possible recovery of funds where they meet the requirements of the regulation.
Set-off (Regulation 175)	Option 1	Considering each case on its own merits enables the possible set-off of funds where they meet the requirements of the regulation.
Payment on behalf of members of lifetime allowance charge (Regulation 178)	Option 1	This is current practice
Evidence of entitlement (Regulation 184)	Option 1	Option 1 provides the scheme manager with a course of action to take should the need arise
Amount of accrued added pension may not exceed overall limit of extra pension (Schedule 1 Part 1, Paragraph 4)	For note	It is a requirement to ensure extra pension limits are not exceeded and this provides a mechanism to prevent it.
Member's election to make periodical contributions for added pension (Schedule 1 Part 1, Paragraph 7)	Option 1	This is recommended with a minimum payment of £50 per month.

Periodical payments (Schedule 1 Part 2, Paragraph 8)	Option 1	The administration of any alternative payment methods would result in increased administration burden for the Authority with no added benefit for RBFA.
Periodical payments during periods of assumed pensionable pay (Schedule 1 Part 2, Paragraph 10)	Option 1	Option 1 ensures there is a clear end date for members to make payments and ensures a more streamlined administration process.
Meaning of "tapered protection closing date" (Schedule 2 Part 1, Paragraph 3)	For note	This discretion will be made at the time a member returns to pensionable service when in line with the regulations a taper protection date applies.