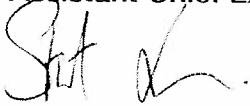


**Haringey** Council

Report for:	Corporate Committee 22 <sup>nd</sup> January 2012	Item Number:	
Title:	Exercise Of Pension Discretions In The Absence Of The Employing Body		
Report Authorised by:	Report Of Assistant Chief Executive P.O.D Signed 	Dated	14/1/13
Lead Officer:	I M Benson Pensions Manager Tel: 0208 489 3824 Email: <a href="mailto:ian.benson@haringey.gov.uk">ian.benson@haringey.gov.uk</a>		
Ward(s) affected:	Report for Key Decisions:		

**1. Describe the issue under consideration**

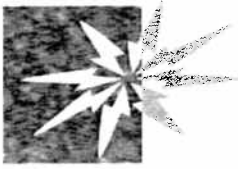
1.1. There are a number of scenarios (see 5 below) where the consent of a former employing body is required before benefits can be paid. The LGPS Miscellaneous Regulations 2012 make provision for the Administering Authority to exercise an Employing Bodies Discretionary Policy in circumstances where the relevant body no longer exists and there is no former employing body or successor body. (See appendix 1 attached)

**2 Cabinet Member introduction**

2.1 N/A

**3 Recommendations**

3.1 That in circumstances where a member's employing body no longer exists and there is no former or successor employing body, the Council in its capacity as Administering Authority of the Haringey Council Pension Fund exercise the employing body discretions arising under Regulations 30,30A and 31 of the LGPS (Benefits, Membership and Contributions ) Regulations 2007.



## **Haringey Council**

3.2 Each case will be considered on its merits and have regard to the member's employing body Policy Statement. Approval is delegated to the Section 151 Officer.

### **4 Alternative options considered**

4.1 N/A

### **5 Background information**

5.1 There are a number of scenarios where the consent of the employing body or former employing body is required before a pension benefit can be paid or the actuarial reduction due on a pension benefit is waived or a medical opinion is required e.g :-

- A member with deferred benefits on or after age 55 but before age 60 can request the employing bodies consent to the early release of benefits
- A member who was retired with a Tier 3 Ill-health benefits that was suspended, can on or after age 55 but before age 60 request the employing bodies consent to the early release of those benefits
- A member with deferred benefits can apply to have benefits put into payment early on medical grounds.
- An employing body can agree to waive any actuarial reduction to benefits that arise due to early payment

5.2 Where the employing body or former employing body no longer exist and there is no successor body, it falls to the Administering Authority to exercise the discretion to release benefits early and to seek advice from an Independent Registered Medical Practitioner where a medical certification or opinion is required.

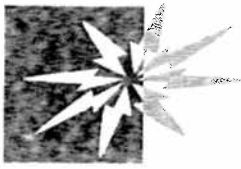
5.3 In coming to a decision the Council as the Administering Authority will have regard to all the circumstances of the case including reference to the Policy Statement published by the member's employing body. Costs would be spread across all the employers in the fund but if it was felt that the costs were unjustifiable, the request can be turned down.

### **6 Chief Financial Officer Comments**

6.1 Costs to the Fund arising from decisions to waive actuarial reductions in these cases would be spread across all the employers in the Fund in the absence of an on-going employer, in accordance with the LGPS regulations. In considering each case individually, I would consider the financial implications for the Fund and it's employers in reaching a decision under the proposed delegation.

### **7 Head of Legal Services and legal implications**

7.1 The Local Government Pension Scheme (Miscellaneous) Regulations 2012 makes various changes to the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007. One such



## **Haringey Council**

changes is set out in recommendation 3.1 and the Council as administering authority for the Haringey Pension Fund will be required to make a decision in such circumstances. Recommendation 3.2 sets out how and who will make that decision on behalf of the Council.

### **8 Equalities and Community Cohesion Comments**

8.1 There are no equalities issues arising from this report

### **9 Head of Procurement Comments**

N/A

### **10 Policy Implication**

N/A

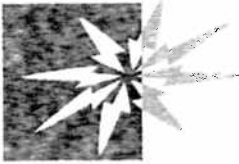
### **11 Reasons for Decision**

11.1 Regulatory requirement arising from the LGPS Miscellaneous Regulations 2012.

### **Use of Appendices**

Appendix 1 former employing bodies admitted to the Haringey Pension Fund which no longer exist.

### **12 Local Government (Access to Information) Act 1985**



**Haringey** Council

Appendix 1

**FORMER EMPLOYING BODIES WHICH ARE NO LONGER EXIST**

	Employer	Deferred Members
	Community Support Services (Haringey) Ltd	34
	Jarvis Workspace FM Ltd	26