



## PENSIONS COMMITTEE

**Subject Heading:**

Review of Discretionary Policies

**SLT Lead:**

Jane West

**Report Author and contact details:**

Caroline Berry  
01708 432185  
Caroline.berry@onesource.co.uk

**Policy context:**

Local Government Pension Scheme  
Regulations

**Financial summary:**

There may be some savings, and avoidance of costs, for the Council as an employer and the Fund as a consequence of the policies but they are not quantifiable and likely to be minimal

**The subject matter of this report deals with the following Council Objectives**

Communities making Havering	[x]
Places making Havering	[x]
Opportunities making Havering	[x]
Connections making Havering	[x]

## **SUMMARY**

The purpose of this report is to present to Committee the Havering Administering Authority and Employing Authority Discretions Policy covering the Local Government Pension Scheme Regulations.

Administering authorities are required to formulate, publish and keep under review a statement of policy on all relevant mandatory discretions (or where the discretion is non-mandatory, are recommended to) which they have the power to exercise in relation to members of the current and earlier Schemes.

Scheme employers participating in the LGPS must also formulate, publish and keep under review a statement of policy on all relevant mandatory discretions (or where the discretion is non-mandatory, are recommended to) which they have the power to exercise in relation to members of the current and earlier Schemes.

## **RECOMMENDATIONS**

That the Committee consider and approve the Havering Administering Authority and Employing Authority Discretions Policies, attached as Appendix A and B to this report.

## **REPORT DETAIL**

1. The Local Government Pension Scheme Regulations define the details of the scheme for members, employing authorities and the administering authority. The LGPS Regulations do allow Havering as both the administering authority and an employing authority discretion over various elements of the pension scheme.
2. The policies have been reviewed following updated guidance from the Local Government Association and to bring position titles of those with delegated responsibility in line with the current LBH Structure.
3. In reviewing the discretions officers have ensured that each discretion can be exercised in a manner that does not fetter the Council's discretion.

4. The discretions ensure that decisions are made in a fair and reasonable manner, with a consistent approach but also providing flexibility to review the individual circumstances of each particular case as necessary.
5. The policies will be kept under review and where there are regulatory and legislative changes that impact on discretions. Amendments will be brought to Committee for agreement at the earliest available opportunity.
6. New discretions and any significant changes have been highlighted on the appendices for ease of reference and all mandatory discretions are in bold type.

## **IMPLICATIONS AND RISKS**

### **Financial implications and risks:**

It is not possible to quantify the financial impact of the changes being proposed and the changes are limited in scope and the emphasis is on dealing with issues in a fair and transparent manner. The risks of not implementing the proposed changes are that cases could be potentially referred to the ombudsman resulting in reputational risk to the administrative authority.

### **Legal implications and risks:**

The ambit of the areas of discretion is relatively limited, the major elements of the LGPS being fixed by legislation. In determining the policy on individual discretions a key element will be the possible impact on the pension fund from the application of any particular discretion.

The setting of the policy on discretions often sets out the starting point or 'standard' response to a decision on the exercise of a discretion, but on each occasion the decision maker(s) must consider all the circumstances and come to a reasonable determination which may involve a departure from the policy.

### **Human Resources implications and risks:**

There are no direct Human Resource implications arising from this report.

### **Equalities implications and risks:**

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;

**Pensions Committee, 16 March 2021**

- (ii) the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are: age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants. We will ensure that disabled people with sensory impairments are able to access the strategy.