

Avon Pension Fund Response

Annex 1

Matters of Concern [incorporating answers to Chapter 2 questions]

Regulation 12 & 21	Contributions during child-related leave	There appears to be no facility for a member to pay contributions for a period of child related leave where there is no pay although the notes implies that this is covered within reg 21. This regulation does not seem to cater for these. If not then was a decision made to remove this option for the member?
Regulation 16	Q1:Is the Department right in saying that the take up of additional survivor benefits is extremely low?	No 94 ARC contracts have been taken out since 2008 and of these 50 include provision for survivor benefits
Regulation 32	Date of payment for Deferred Members due payment on ill health grounds	This must not be related to the review date but must be considered by the IRMP. It would be very unfair for the member to lose benefits purely because they delayed applying. An adverse reaction here would be for the deferred member to keep applying for another review as soon as a previous one fails
Regulation 35	Changes to ill health terminology	This must wait until Ill health retirements are fully reviewed [Shadow Board directive for Subcommittee]
Regulation 39 (10)	Q2:Should there be enhancement in this way given that there would be no equivalent protection for a member who remained in part time work rather than taking ill-health retirement?	. Yes Has there been a change in the interpretation from “ such reduction in his service as is attributable to the condition causing retirement” to “work in reduced hours as a consequence of the ill health
Regulation 51	Q3:Comments are requested as to whether this Regulation should be retained or if it would be sufficient to rely on the overriding legislation	Retain
Regulation 54	Q4: Is there a need to provide for separate admission agreement funds to be established in the new Scheme?	Administering Authorities should have the flexibility to set up separate funds if it is considered advantageous to the fund
Regulation 60	Discretions	Change para (4) to provide that any changes are not operative until 30 days after the later of the date the Scheme Employer sends a revised statement to each relevant administering authority or publishes its statement as revised. This would prevent an employer when required to make a decision revising its policy to satisfy a discretion not covered in the existing policies.

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<p>Regulation 69</p>	<p>Q5: Is the list of statement items shown at Regulation 69(3) complete? If not, could you please describe what needs to be included</p>	<p>Nothing extra to add to list In view of the fact that funds have to operate separate bank accounts for the fund, why should the admin authority as employer not produce same the information!</p>
<p>Regulation 70</p>	<p>Q6: Should we include provision for interest to be paid on the late payment by scheme employers? If so, what period would constitute "late"?</p>	<p>.Yes [1 month]</p>
<p>Regulation 88</p>	<p>Q7: Should the new regulations set out what fund should pay in the case where an administering authority has more than one fund?</p>	<p>Don't see need as it seems logical that fund where employer is contributing would be the appropriate fund</p>
<p>Regulation 91</p>	<p>Q8:Do you think the current forfeiture provisions which have been carried forward into these draft regulations work well, or would you prefer it all to be dealt with by the courts with the removal of the role of the Secretary of State?</p>	<p>.This would depend on whether forfeiture can be dealt with at the point of conviction. If it could only be dealt with as a separate case then court costs would be applicable in which case it would be preferable to keep the Secretary of State in the procedure</p>

We have previously put forward our views on the Local Government Pension Scheme [Miscellaneous] Regulations 2012 in relation to admission bodies and how the current regulations appear unworkable. It seems clear that the current situation will be replicated in the LGPS 2014. One response from within this authority on Schedule 2 was

“ The CLG seem determined to incorporate historical anomalies and nonsense in Schedule 2 of the Regulations. From a practical standpoint, I suggest that, having attempted to get it changed, we effectively ignore Clause 6 of Part 3 and carry on as at present. If anyone challenges our position, we can presumably ask them what they believe we should be doing in order to comply with the regulations and see if it makes any sense.”

Lack of clarity must be avoided in order to be able to administer the scheme effectively!