

Local Government Pensions Committee  
Secretary, Terry Edwards

## **LGPC Bulletin 86 – October 2011**

This month's Bulletin contains a number of general items of information.

Please contact Dave Friend with any comments on the contents of this Bulletin or with suggestions for other items might be included in future Bulletins. [LGPC contacts](#) can be found at the end of this Bulletin.

This month's [Bits and Pieces](#) includes an item on [LGPC Communications](#), [LGPC Training](#), and the [Timeline Regulations](#).

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## Proposed increase in LGPS pension contribution rates / reduced pension accrual rate

DCLG issued [a consultation paper](#) on 7 October 2011 setting out two options for proposed changes to the employee contribution rates and the rate at which pensions accrue.

Option 1 involves a phased increase in employee contributions (equivalent to 1.5%) as shown in the table below (starting in 2012/13) and a change in the current pension accrual rate of 1/60<sup>th</sup> of final pay for each year of service. This would reduce to 1/64<sup>th</sup> for service between April 2013 and March 2014, and to 1/65<sup>th</sup> for each year of service after March 2014.

Tariff Band (% of membership)	Current	2012/13	2013/14	2014/15
£0 - £12,900 (8.67%)	5.5%	5.5% (0.0%)	5.5% (0.0%)	5.5% (0.0%)
£12,901- £15,100 (10.61%)	5.8%	5.8% (0.0%)	5.8% (0.0%)	5.8% (0.0%)
£15,101- £19,400 (25.20%)	5.9%	5.9% (0.0%)	6.0% (0.1%)	6.0% (0.1%)
£19,401- £21,000 (7.47%)	6.5%	6.7% (0.2%)	7.2% (0.7%)	7.7% (1.2%)
£21,001- £32,400 (31.34%)	6.5%	7.2% (0.7%)	8.0% (1.5%)	8.3% (1.8%)
£32,401- £43,300 (11.16%)	6.8%	7.5% (0.7%)	8.3% (1.5%)	8.7% (1.9%)
£43,301- £60,000 (4.18%)	7.2%	8.2% (1.0%)	8.7% (1.5%)	9.0% (1.8%)
£60,001- £81,100 (0.91%)	7.2%	8.7% (1.5%)	9.2% (2.0%)	10.0% (2.8%)
£81,101- £100,000 (0.25%)	7.5%	9.0% (1.5%)	9.8% (2.3%)	11.0% (3.5%)
£100,001- £150,000 (0.16%)	7.5%	9.5% (2.0%)	11.0% (3.5%)	12.0% (4.5%)
£150,001 + (0.05%)	7.5%	10.0% (2.5%)	12.0% (4.5%)	12.5% (5.0%)

Option 2 involves a phased increase in employee contributions (equivalent to 1.0%) as shown in the table below (starting in 2012/13) and a change in the current pension accrual rate of 1/60<sup>th</sup> of final pay per year of service. This would reduce to 1/67<sup>th</sup> per year of service built up after March 2014.

Tariff Band (% of membership)	Current	2012/13	2013/14	2014/15
£0 - £12,900 (8.67%)	5.5%	5.5% (0.0%)	5.5% (0.0%)	5.5% (0.0%)
£12,901- £15,100 (10.61%)	5.8%	5.8% (0.0%)	5.8% (0.0%)	5.8% (0.0%)
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£21,001- £32,400 (31.34%)	6.5%	6.8% (0.3%)	7.2% (0.7%)	7.5% (1.0%)
£32,401- £43,300 (11.16%)	6.8%	7.1% (0.3%)	7.8% (1.0%)	8.2% (1.4%)
£43,301- £60,000 (4.18%)	7.2%	7.8% (0.6%)	8.4% (1.2%)	8.8% (1.6%)
£60,001- £81,100 (0.91%)	7.2%	8.7% (1.5%)	8.8% (1.6%)	9.5% (2.3%)
£81,101- £100,000 (0.25%)	7.5%	9.0% (1.5%)	9.8% (2.3%)	10.5% (3.0%)
£100,001- £150,000 (0.16%)	7.5%	9.3% (1.8%)	10.8% (3.3%)	11.5% (4.0%)
£150,001 + (0.05%)	7.5%	9.5% (2.0%)	11.8% (4.3%)	12.5% (5.0%)

The LG Group's own proposals are also referred to in the DCLG consultation paper. The key elements of the Group's proposals are:

- no increase in employee contributions for staff with full-time equivalent earnings of less than £15,000, a moderate increase for those earning between £15,000 and £21,000 of 1.5 per cent and an increase of between 2 per cent and 2.5 per cent for those earning over £21,000
- choice for employees, by giving those with full-time equivalent earnings of £15,000 or more who feel they cannot afford an increase in contributions the option of taking a reduced pension accrual rate instead (1/68<sup>th</sup>) for future service from April 2014. Any employees with full-time equivalent earnings of less than £15,000 who may be finding it difficult to meet the current level of contribution would have the option of taking a reduction in their contribution rate but would, as a result, have a reduced pension accrual rate (1/68<sup>th</sup>) for future service from April 2014
- raising the normal pension age from 65 to 66 for benefits built up from April 2014. Benefits built up prior to then would retain a normal pension age of 65

It should be noted that there are a couple of typographical errors in the table in paragraph 13 of Annex A. The Secretariat understands that DCLG are intending to issue an amendment slip.

DCLG indicated in their consultation paper that they would welcome views on whether an amendment should be made to the regulations governing the LGPS to allow the Funds' actuaries to set revised employer contribution rates mid-valuation (i.e. before 1 April 2014) to take account of any changes made to the scheme.

The closing date for responses to the consultation paper is 6 January 2012 although anyone wishing to submit alternative proposals should signal their intention to do so by no later than 28 October and have to submit specific costed options by no later than 25 November.

The LGA intends to continue discussions with the trade unions to seek an agreed way forward.

## **New look LGPS**

DCLG have copied to the employer organisations and unions a host of documents concerning the assumptions that are being proposed for use in the development of new public service pension schemes, including the LGPS. The new schemes are envisaged to be Career Average Revalued Earnings (CARE) schemes with a 1/65<sup>th</sup> accrual rate and are due to come into force from April 2015.

The cost envelope within which each of the new public service schemes must be designed has been set by assessing the cost of what is called a reference scheme.

The reference scheme design is described below.

### **Reference Scheme design**

- Career Average Revalued Earnings (CARE) pension scheme;
- a 1/65<sup>th</sup> accrual rate. This has been set to be consistent with the Chief Secretary's statement that, following a full career, the pension individuals receive at normal pension age would be broadly as generous for low and middle income earners as it is now;
- a normal pension age linked to State Pension Age (or 65, whichever is higher), or to age 60 for active members of the firefighters' scheme (or the same age as other schemes for deferred members);
- earnings revaluation of past CARE service for active members;
- pensions in payment and in deferment indexed by Consumer Prices Index (CPI);
- no fixed lump sums, optional commutation, with a 12:1 factor for converting pension to lump sum;
- ancillary benefits (ill-health, death and survivors benefits) that match provision in schemes that are currently open to new members (e.g. a lower tier ill health pensioner receives an unreduced CARE pension; a partner receives same proportion of member's pension as now);
- members rejoining after a period of deferment of less than 5 years can link new service with previous service, as if they had always been an active member (so previous accruals are indexed by earnings for that period of deferment); and

- members transferring between public service schemes would be treated as having continuous active service (which would include those transferring between schemes who had rejoined public service after a gap of less than 5 years).

The gross cost envelope for the LGPS has been set at 17.3%. This takes into account that, under Option 1 of the DCLG contribution proposals mentioned above, the employee contribution rate would have risen by an average of 1.5% (and not 3.2%) taking the average employee contribution rate to 8%.

Whilst the starting position for the design of a new look LGPS is that it would mirror the reference scheme there is, nonetheless, scope to deviate from the reference scheme but any change to one element resulting in an increase in costs must be offset by a corresponding reduction in costs relating to another element (or elements) of the scheme. In other words, any deviation from the reference scheme will need to be contained within the cost envelope and will also need to ensure that risks are effectively managed.

The Policy Review Group has been meeting to consider the design of the new look LGPS and the LGA will also be meeting with the trade unions. The target date for DCLG to submit high level scheme designs to HM Treasury is the end of October 2011 with a new scheme coming into force from April 2015.

### **Challenge to Government's decision to move indexation from RPI to CPI**

The judicial review over the Government's decision to change the basis of increasing public service pensions from RPI to the generally lower CPI index of inflation is currently underway. The outcome of the review is awaited.

### **Change to State pension age increase**

The Pensions Bill originally proposed that the state pension age for women will reach 65 by November 2018 and rise to 66 for both men and women by April 2020. Amendments have been made to the Bill which propose that, whilst the timescale for increasing the State pension age to 65 for women will not change, the timescale for increasing the State pension age for men and women to 66 will be spread over a further 18 months to October 2020. Further information can be found [here](#).

## LGPS 2008: GAD guidance on AVC Service Credits

Further to the [GAD guidance \(dated 24 August 2011\) on AVC Service](#), DCLG / GAD have issued a worked example which is reproduced below. The Secretariat has produced a second example which expands on the original example to illustrate the effect of added years on the calculation of the member's rule of 85 date.

**Note in the following examples, the initial AVC Service credit of 5 years 279 days is calculated as at the member's 60<sup>th</sup> birthday with a NRA of 65.**

### Example 1

Female DOB : 1/1/1951 (Group 1 member)  
DOJ : 1/4/1997  
AVC Service Credit : 5y 279d (based on NRA 65)

#### Retirement **after** reaching the rule of 85

If the member's last day in service is 31 December 2014 (age 64 exact) the rule of 85 calculation will reflect:

Age : 64 years 0 days  
Actual Reckonable Service : 17 years 275 days  
  
Actuarially reduced AVC service credit : 5 years 174 days (5y 279d x 0.95) based on 1  
year reduction factor from 65 to 64.000  
Total reckonable service : 23 years 84 days  
  
So age plus reckonable service : 87 (using integer numbers of 64 and 23)

The member therefore meets the rule of 85 and her benefits from 1 January 2015 will be based on:

Membership to 31/3/2008 (1/80<sup>th</sup>; 3/80<sup>th</sup>): 11 years 0 days  
Membership from 1/4/2008 (1/60<sup>th</sup>) : 6 years 275 days  
Reduced AVC service credit (1/60<sup>th</sup>) : 5 years 174 days (5y 279d x 0.95)

#### Retirement **before** reaching the rule of 85

If the member's last day in service is 31 December 2012 (age 62 exact) the initial rule of 85 calculation will show:

Age : 62 years 0 days  
Actual periods of membership : 15 years 275 days  
Actuarially reduced AVC service credit : 4 years 328 days (5y 279d x 0.85) based on 3  
year reduction factor from 65 to 62.000  
  
Total membership : 20 years 238 days  
  
So age plus membership : 82 (using integer numbers of 62 and 20)

The member therefore fails to meet the rule of 85. However, the date at which she would have met the rule of 85 (the *resultant CRA*) can be determined, by reiteration, as 17 January 2014.

Age : 63  
Membership : 16/292  
actuarially reduced AVC service credit: :  $\frac{05/073}{85/000}$  days (5y 279 d x 0.9023)

The following actuarial reduction factors should be applied if the member's last day of service is 31 December 2012:

1/80<sup>th</sup> and 1/60<sup>th</sup> Pension for membership: 0.9475 (based on the period from 1 January 2013 to 17 January 2014)

3/80<sup>th</sup> Lump Sum for pre 1 April 2008 membership : 0.9785 (based on the period from 1 January 2013 to 17 January 2014)

1/60<sup>th</sup> AVC service credit (5y 279d before reduction): 0.8500 (based on the period from 1 January 2013 to 31 December 2015)

## Summary of Calculation Procedure

### Step 1

In all cases: -

- Calculate transfer credits of the incoming IHAVC, purchasing 1/60ths, using non-club basis and pension age of 65.
- If member retires prior to age 65, actuarially reduce transfer credits based on a relevant period from date of leaving to age 65.
- If member retires after age 65, actuarially increase benefits derived from transfer credits.

### Step 2

The transfer credits count towards the member's CRA **after** they have been adjusted by the reiteration process.

Administering Authorities will need to ensure that administration systems can hold both the:

- Transfer credits used to calculate the member's benefits (calculated in Step 1), and
- Adjusted transfer credits used to determine a member's CRA

Using reiteration establish the following: -

in the example used by CLG / GAD the member's AVC transfer credit (based on an NRA of 65) purchases 5y 279d and the member has accrued 18y 275d at that age (having joined the scheme on 1 April 1997 and date of birth of 1 January 1951).

(1)	(2)	(3)	(4)	(5)	(6)	(7)
Birthday (x)	Normal Service to age x  Years	Service Credit for TV  C(x)	Total Membership			Value of G(x)
			Complete	Integral	Fraction	
					F(x)	
63	16/275	05/068 <sup>1</sup>	21/343	343	0.9397	84
64	17/275	05/174 <sup>2</sup>	23/084	84	0.2301	87
65	18/275	05/279 <sup>3</sup>	24/189	189	0.5178	89

### Step 3 – Calculation of resultant CRA

The relevant age (y) is age 63, since  $G(63) = 84$ , and  $G(64) = 87$

Total service including service credit, calculated at age 63, is 21.9397 years, and so fractional part of service is  $F(63) = 0.9397$

$$\begin{aligned}
 \text{Therefore, } z &= \frac{85 - G(63) - F(63)}{1 + C(64) - C(63)} \\
 &= \frac{85 - 84 - 0.9397}{1 + 5.4767 - 5.1863} \\
 &= 0.0467
 \end{aligned}$$

The AVC service credit in respect of incoming transfer value is:

$$\begin{aligned}
 &= 0.0467 \times C(64) + (1 - 0.0467) \times C(63) \\
 &= (0.0467 \times 5.4767) + (0.9533 \times 5.1863) \\
 &= 5.1999 \text{ years} \\
 &= 5y 73d
 \end{aligned}$$

$$\begin{aligned}
 \text{New CRA} &= y + z \\
 &= 63 + 0.0467 \\
 &= 63 \text{ years } 17 \text{ days}
 \end{aligned}$$

---

1 05/279 x 0.90 (2 year reduction)

2 05/279 x 0.95 (1 year reduction)

3 Based on an NRA of 65

#### **Step 4 – Check**

At new CRA of 63y 17d, total membership is the sum of accrued membership 16/ 292 and the AVC service credit of 05/073 which equals 22/000.

New CRA is  $63 + 22 = 85$

**This confirms that new CRA is correct.**

## Example 2

The member's date of birth and the AVC Service Credit are as per the first example. This time the member joined the LGPS on 1 April 2001 and is buying 4 added years by paying additional contributions from 1 January 2002 to 31 December 2015.

The table in step 2 above now becomes

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Birthday (x)	Normal Service to age x	Service Credit for TV	Added Years	(3) + 4	Total Service Credit			Value of G(x)
					Complete	Integral	Fraction	
	Years			C(x)			F(x)	
63	12/275	05/068	3/156	08/224	21/134	134	0.367123	84
64	13/275	05/174	3/260	09/069	22/344	344	0.942466	86
65	14/275	05/279	4/000	09/279	24/189	189	0.517808	89

The actuarial reduction applied to the AVC Service Credits are as per Example 1 above.

**Step 1** - The member attains the rule of 85 between her 63<sup>rd</sup> and 64<sup>th</sup> birthday, therefore z equals:

$$\begin{aligned}
 & \frac{85 - G(63) - F(63)}{1 + C(64) - C(63)} \\
 &= \frac{85 - 84 - 0.367123}{1 + 09/069 - 08/224} \\
 &= \frac{0.632877}{1 + 9.189041 - 8.613699} \\
 &= \frac{0.632877}{1.575342} \\
 &= 0.401739 \\
 &= 00/147
 \end{aligned}$$

New CRA = y + z = 63/147 (27 May 2014)

**Step 2 – Added Years bought by CRA**

$$\frac{01.01.2002 - 27.05.2014 * 04/000}{01.01.2002 - 31.12.2015}$$
$$= \frac{12/147 * 04/000}{14/000}$$
$$= 3.543354 = 03/198$$

**Step 3 – AVC Service Credit as at CRA**

$$[0.401739 * C(64)] + [(1 - 0.401739) * C(63)] - 03/198$$
$$= [0.401739 * 09/069] + [0.598261 * 08/224] - 03/198$$
$$= 3.691596 + 5.153240 - 03/198$$
$$= 03/252 + 05/056 - 03/198$$
$$= 8/308 - 03/198$$
$$= 05/110$$

**Step 4 – Check member's rule of 85 calculation at CRA**

LGPS membership 01.04.2001 – 27.05.2014	13/057
Added Years	03/198
AVC Service Credit	<u>05/110</u>
<b>Total membership</b>	<b>22/000</b>

Age 63 + 22 years = 85.

**This confirms that the CRA is correct.**

**Note, the above examples cover relatively straightforward cases. The Secretariat is considering a range of issues relating to more complex cases which will be reported on in a later Bulletin.**

## **LGPS (Scotland) 2009: The LGPS (Miscellaneous Amendments) (Scotland) Regulations 2011**

The Local Government Pension Scheme (Miscellaneous Amendments) (Scotland) Regulations 2011 [SSI 2011/349] were laid before the Scottish Parliament on 30 September 2011. The SSI comes into force on 14 November 2011 with the exception of regulation 35 of SSI 2011/349 which inserts regulations 82A to 82E into the LGPS (Administration) (Scotland) Regulations and comes into effect on various dates (as shown in regulation 1 of SSI 2011/349).

The SSI includes amendments which, amongst other things:

- will permit pension credit members to take their benefits before age 65;
- retain a Normal Retirement Age of age 60 for staff transferred from the Scottish Administration to Learning and Teaching Scotland or Social Care and Social Work Improvement Scotland, staff transferred from the SDS Scheme and staff transferred from the Scottish Legal Services Ombudsman to the Scottish Legal Complaints Commission;
- permit members to pay additional contributions to include pre April 1988 membership in the calculation of a surviving partner's pension for Nominated Cohabiting Partners;
- permit members to aggregate any previous periods of LGPS membership provided the election is made within 12 months of commencement of the new period of membership or such longer period as the employer may allow;
- sets the deadline, by which Administering Authorities must have published their governance compliance statement, to 14 December 2011;
- clarifies that certificates of protection only carry forward to further periods of membership resulting from a transfer to which TUPE applies;
- inserts a regulation to cover the postponement of receipt of the member's GMP; and
- permits a member to elect, within 12 months of becoming an active member post 31 March 2009, that any deferred membership prior to 1 April 2009 can be aggregated with post 31 March 2009 membership.

SSI 2011/349, the associated Executive Note and the amendments to the LGPS (Scotland) Regulations 2008 have all been added to [the Timeline Regulations website](#).

## **LGPS 2008: Academies**

The Secretariat and DCLG have met with representatives of the Department for Education (DfE). The meetings were convened to discuss the issues arising from local authority maintained schools converting to academies under the Academies Act 2010.

The DfE representatives wanted to understand why different employers' rates were being quoted to academies by LGPS funds. The Secretariat explained that the variation in and the employers' rates were a function of each fund's funding level, the length of the recovery period for the past service deficit and the lack of a guarantee from DfE to meet any deficit should an academy fail.

The Secretariat and DCLG are keen to ensure that an appropriate share of any funding deficit is taken on by converting academies (given that funding is being removed from local authorities and paid direct to academies) and that Funds, and other employers in the Funds, are protected should an academy fail with funding liabilities greater than assets.

The Secretariat, DCLG and DfE are currently seeking to find a way forward that is acceptable to Ministers, to academies, and to administering authorities.

### Auto-enrolment

DCLG has been considering what LGPS regulatory amendments might be needed to support the employer's duties regarding auto enrolment and workplace pension reform, set down in the Pensions Act 2008 and its associated secondary legislation including the Employers' Duties (Implementation) Regulations 2010.

If Minister's agree, DCLG will shortly consult on a provision dealing with joining the scheme and auto enrolment. In particular, practitioners will be invited to comment on a provision relating to the auto enrolment duties under the Pensions Act 2008 which takes into account the various staging dates applying to employers at different times depending on their number of employees.

DCLG will ensure that all steps are taken to support compliance with the new employer duties where clarity in the regulations is desirable rather than reliance on the overarching Employers' Duties (Implementation) Regulations 2010 which is the statutory regime that governs enrolment onto the Scheme.

### Bits and Pieces

#### LGPC Communications

#### Leaflets on the Reform of Public Sector Pensions

The LGPC has prepared two leaflets on the proposed changes to the LGPS for employees in England and Wales. One is a brief 2 page leaflet explaining that, whilst changes LGPS are being proposed, nothing has been decided yet and the scheme is still a valuable part of their remuneration package. The second is a longer leaflet explaining the proposed changes in more detail, whilst reiterating that nothing has been decided yet and the scheme is still a valuable part of employees' remuneration package.

The [leaflets](#) are available on the LGA's website.

The longer leaflet can be used either as a stand alone leaflet or, if Funds / employers use the short leaflet, the longer leaflet can be used as a "further information" leaflet, issued on request. The longer leaflet is also available on the [LGPS members' website](#).

## LGPC Training

Circular 251 was issued earlier this month to announce a forthcoming series of training events on the new Annual Allowance regime. The course will cover:

- the concept of pensions savings;
- the application of the new Annual Allowance regime to the LGPS;
- employers and administrators' responsibilities with respect to disseminating information;
- how the Annual Allowance works;
- the impact of transfers, aggregation and interfunds, augmentation, pension sharing orders ill-health retirements, flexible retirements, etc.;
- leaving or joining the LGPS part way through PIP;
- the effect of more than membership
- carrying over unused relief; and
- payment of any tax due;

The location of and the dates for the workshops are:

5 January	London
10 January	Birmingham
12 January	Leeds
17 January	Exeter
19 January	Chester-le-Street
24 January	Cardiff
26 January	Liverpool
31 January	Edinburgh
02 February	London
07 February	Lincoln
09 February	Peterborough
14 February	Eastbourne

The events have proved very popular so it is imperative that anyone wish to attend the events should reserve a place as soon as possible. The Secretariat are considering adding more events to the schedule to meet the demand for places on the course.

## Timeline Regulations

The update of the Timeline Regulations website in October included:

### **Scotland**

A new set of LGPS (Scotland) Regulations have been created to implement the amendments contained within the LGPS (Miscellaneous Amendment) Regulations 2011 [SSI 2011/349]. A webpage version of the SSI and the accompanying Executive Note have been added to Statutory Instruments for Scotland page. The latest GAD guidance on the calculation of AVC Service Credits has been added the post 31 March 2009 GAD guidance page.

## Legislation

### United Kingdom

#### Acts

The Finance Act 2011

#### SI Reference Title

- 2011/2257 The Superannuation (Admission to Schedule 1 to the Superannuation Act 1972) Order 2011
- 2011/2260 The Equality Act 2010 (Specific Duties) Regulations 2011
- 2011/2425 The Social Security (Miscellaneous Amendments) (No.3) Regulations 2011

#### SSI Reference Title

- 2011/349 The Local Government Pension Scheme (Miscellaneous Amendments) (Scotland) 2011

#### SR Reference Title

- 2011/350 The Agency Workers Regulations (Northern Ireland) 2011
- 2011/357 The Social Security (Miscellaneous Amendments) (No.2) Regulations (Northern Ireland) 2011

## Useful Links

[The LGE Pensions page](#)

[The LGPS members' website](#)

[LGPS Discretions](#) lists all the potential discretions available within the LGPS in England and Wales, and Scotland.

[Qualifying Recognised Overseas Pension Schemes](#) approved by HMRC and who agreed to have their details published.

[The Timeline Regulations](#)

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## Distribution sheet

Pension managers (internal) of administering authorities  
Pension managers (outsourced) and administering authority client managers  
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Local Government Pensions Committee  
Trade unions  
CLG  
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Regional Directors  
Private clients

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