

Local Government Pensions Committee
Secretary, Jeff Houston

LGPC Bulletin 154 – February 2017

This month's Bulletin contains a number of general items of information. Please contact [Lorraine Bennett](#) with any comments on the contents of this bulletin or with suggestions for other items that might be included in future bulletins. LGPC contacts can be found at the end of this bulletin.

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Legislation

LGPS England and Wales

Contribution bands for 2017/18

As confirmed in [bulletin 153](#), under the LGPS Regulations 2013 the contribution bandings are updated each year in accordance with the Pensions (Increase) Act 1971.

Although the appropriate order is not expected to be laid before Parliament until mid-March, [HM Treasury](#) have released the spreadsheet with the cumulative PI multipliers relevant to this year's PI Review. An updated contribution table for 2017/18 is below:

Contribution table 2017/18			
Band	Actual pensionable pay for an employment	Contribution rate for that employment	
		Main section	50/50 section
1	Up to £13,700	5.5%	2.75%
2	£13,701 to £21,400	5.8%	2.9%
3	£21,401 to £34,700	6.5%	3.25%
4	£34,701 to £43,900	6.8%	3.4%
5	£43,901 to £61,300	8.5%	4.25%
6	£61,301 to £86,800	9.9%	4.95%
7	£86,801 to £102,200	10.5%	5.25%
8	£102,201 to £153,300	11.4%	5.7%
9	£153,301 or more	12.5%	6.25%

DCLG guidance - Conversion of accumulated AVCs to transfer credits

On 24 February 2017, DCLG published revised guidance for the LGPS in England and Wales on the amount of service credit a member may be granted, in respect of the accumulated value of additional voluntary contributions (AVCs) for members who made an election to pay AVCs under regulation 60(1) of the 1997 regulations prior to 13 November 2001.

In April 2016, when much of the actuarial guidance was revised due to the change in the SCAPE rate, a decision was taken not to produce general guidance in respect of these cases as GAD expected the guidance would be used only rarely, if at all. As demonstrated by the publication of new guidance, this decision has now been reversed. In the intervening period any individual cases that have arisen have been referred to DCLG for onward transmission to GAD.

The revised guidance is now available on the [DCLG Statutory Guidance](#) page of www.lgpsregs.org.

Post 97 contracted-out reconciliation

On 2 February 2017, the LGPC Secretariat sent out a communication regarding the reconciliation of post 97 contracted out benefits to LGPS funds in England & Wales. The full communication is attached to this bulletin as [appendix 1](#), a summary of which is provided below:

The LGPC recommend to approach post 5 April 1997 contracted-out reconciliation of data in the following ways:

1. Where contracted-out records appear on HMRC records but no corresponding LGPS pension records exist within its fund, LGPS Administering Authorities should investigate all cases.
2. Where the dates of contracted-out service differ, each LGPS Administering Authority should only investigate those cases where in its view there is a significant risk to LGPS benefits or process.
3. Where contracted out records do not appear on HMRC records but an LGPS pension record exists within its fund, each LGPS Administering Authority should notify HMRC of the discrepancy but only investigate those cases where in its view there is a significant risk to LGPS benefits or process.

This approach represents a cost effective means of minimising risk of incorrect benefits while avoiding unnecessary and cost duplication of the work already undertaken to ensure records are accurate and correct employer contribution rates are levied. The contents of the email communication are merely a recommendation and Administering Authorities may wish to pursue an alternative local solution to contracted-out reconciliation.

Member website

As confirmed in bulletin 152 from a public point of view the www.lgps2014.org site will disappear from 1 March 2017. Each page of the 2014 site has a redirect in place that will take the user to the relevant page of the new member website www.lgpsmember.org. These redirects will remain in place for approximately 12 months.

At the February meeting of the communications working group it was agreed that, if possible, three of the videos currently hosted on the 2014 site should be brought across to the current member website. The videos are:

- How is my pension worked out?
- When can I take my pension?
- Paying into the LGPS before 1 April 2014?

We will update funds on the progress with this in due course.

Updates to guides and templates

In February the following guides/templates have been updated with clean and tracked version available on www.lgpsregs.org

Administration guides

- 85 year rule guide – version 1.11

- Annual allowance guide – versions 3.1 and 3.2
- ABS guide – version 1.5
- ABS template – version 1.3

Employee guides

- Councillor full guide – version 1.5

Communications Working Group

The communications working group met on 13 February 2017. Minutes from the meeting are available on the [Communications Resources page](#) of www.lgpsregs.org. Items of discussion included how the communications group works, the national member website, annual benefit statements, AVCs in relation to Freedom and Choice, General Data Protection Regulations (GDPR), disclosure requirements and SCAVCs through salary sacrifice.

LGPS Scotland

Late retirement guidance – delayed implementation

An amended Circular 2017/1 has been uploaded to the SPPA website under [Circulars 2017](#) to reflect an amended implementation date for the Late Retirement Factors that were issued on 23 January 2017. The implementation of the revised factors has been further delayed to 24 June 2017 in light of the May local government elections in Scotland.

Contracted-out reconciliation

On 10 February 2017, SPPA contacted all funds in Scotland with the communication attached to this bulletin as [appendix 2](#). SPPA are seeking an update on where each fund is in relation to its reconciliation exercise. In particular, they would like to know whether any funds have completed their reconciliation and are now in a position to identify any overpayments for those pensioners who reached SPA after 5 April 2009.

Updates to guides

In February the following administration guides have been updated with clean and tracked versions available at www.lgpsregs.org

- 85 year rule guide – version 1.2
- Annual allowance guide – versions 3.1 and 3.2
- ABS guide – version 1.3

HMRC

HMRC newsletter 84

HMRC have published [newsletter 84](#) including articles on the following topics:

- Pension flexibility statistics
- Lump sum death benefits – information requirements
- Annual allowance calculator update
- Qualifying recognized overseas pension schemes (QROPS) online
- Drawdown pension tables
- Relief at Source
- Lifetime allowance

In particular, administering authorities will be aware that the deadline for applying for IP2014 is 5 April 2017 and they may wish to remind members that if they want to protect

their pension savings using IP2014 then HMRC must have received their application no later than 5 April 2017.

Members who want to apply for IP2014 protection must do this through the lifetime allowance online service, accessed through the guide [Pension schemes: protect your lifetime allowance](#). To apply, members will need an HMRC online services account. To create an account, or to login to an existing one, they should go to [HMRC services: sign in or register](#). Members can find more information about the [lifetime allowance](#) and [protecting their pension savings](#) on GOV.UK.

Countdown bulletin 23

On 6 February 2017, HMRC published [countdown bulletin 23](#), the contents of which include:

- Scheme reconciliation – the active member closure scan is complete and HMRC have started sharing active member data. If any funds have not already completed a closure scan request, they are recommended to do so as soon as possible.
- Automation of SRS - in [countdown bulletin 22](#) HMRC provided information on the automated solutions available for 'Was In Scheme' (WIS) and 'Not In Scheme' (NIS) queries. Unfortunately, some of the column references in the table for NIS queries were incorrect so a revised table is provided in countdown bulletin 23.
- Scheme Reconciliation Service – HMRC are receiving high volumes of queries relating to the reconciliation exercise and there is now an extended wait time between submissions to HMRC and the data being reviewed. See the countdown bulletin itself for more information about how HMRC are working with scheme administrators to deal with this.
- Collation of countdown bulletin articles – HMRC have issued many articles via the countdown bulletins and acknowledge that it is sometimes difficult to know which bulletin to look at. A simple spreadsheet has been developed which lists all of the bulletins and the articles. The spreadsheet can be obtained by emailing Mailbox.newstatepensionenquiries@hmrc.gsi.gov.uk

DWP

The Occupational and Personal Pension Schemes (Automatic Enrolment) (Amendment) Regulations 2017 [SI 2017/79]

The above regulations are effective from 6 March 2017 and make provision, under section 87A of the Pensions Act 2008, to add two new circumstances where the employer duties to automatically enrol and re-enrol eligible jobholders are turned into a discretion. The circumstances are when fixed protection 2016 and individual protection 2016 in relation to the lifetime allowance apply to the member.

The draft Automatic Enrolment (Earnings Trigger and Qualifying Earnings Band) Order 2017

The above draft order has been published setting out the proposed qualifying earnings and earnings trigger figures for 2017/18, as below:

Pay reference period	Lower earnings threshold p.a.	Earnings trigger for automatic enrolment
Annual	£5,876.00	£10,000.00
6 months	£2,938.00	£4,998.00
3 months	£1,469.00	£2,499.00
1 Month	£490.00	£833.00
4 weeks	£452.00	£768.00
Fortnight	£226.00	£384.00
1 week	£113.00	£192.00

Automatic enrolment review 2017

DWP and an external advisory group will work together on the 2017 review of automatic enrolment. They are inviting views and evidence on initial questions around three themes: coverage, engagement and contributions.

Details of the group and the questions are available here:

<https://www.gov.uk/government/news/expert-advisory-group-appointed-to-the-automatic-enrolment-review>

The review will be an opportunity to consider how DWP can build on the successes to date. It is focused on how to ensure that automatic enrolment continues to meet the needs of individuals saving for their retirement in the future, and that the technical operation of the policy is working as intended.

DWP would like to hear from those who have helped make automatic enrolment a success to date and on whom the evolution of the programme depends: employers, employee representatives, pension industry professionals, including occupational workplace pension scheme administrators, payroll administrators, accountants, payroll bureaux, independent financial advisors, employee benefit consultants, workers and individuals. Please respond by 22 March 2017.

Tell Us Once

- Reduction in costs – Last year, part of the Tell Us Once service which was previously managed by Atos came back in-house and is now run by DWP's internal team. This means that DWP will no longer incur certain charges in respect of providing Tell Us Once, and the LGPS will now no longer be charged for providing updated data sets from the LGPS Database each month. This is estimated to save the LGPS around £6,500 per year, reducing the total costs for participating in Tell Us Once by approximately 60%.
- DWP contacting funds - Over February and March, DWP will be contacting all LGPS funds (including those not currently using the service) to check that they have the right contact details and to ask for certain information to allow them to invoice funds directly, if needed, in the future. Whilst it is not anticipated that funds will routinely be invoiced individually for Tell Us Once costs, as these are met up front by the LGA, it is possible that certain costs will need to be met directly by funds (for instance where a fund is a late onboarder).
- Renewal of security certificates – On 19th January, an email was sent to all funds using Tell Us Once to advise of the process for renewing security certificates to access Canopy Digital Connect. If you try to log on to the service and get a message

that your certificate has expired, please follow the guidance contained in that email to restore your access.

- Information on savings/ benefits of using Tell Us Once – As reported in [bulletin 152](#), DWP are keen to demonstrate the savings/ benefits achieved through public service pension schemes participating in the service. If LGPS funds have any feedback they would like to provide, including specific instances where a large overpayment may have been avoided through use of the Tell Us Once service, please get in touch with David Rodger at DWP (DAVID.RODGER@DWP.GSI.GOV.UK). In particular, details of the savings/ benefits (e.g. administration time saved, overpayments avoided) achieved in the first 3-6 months of using the service, compared to the same period before using the service, would be much appreciated.

Other News and Updates

2017 Pensions Increase

HM Treasury have published details of the 2017 Pensions Increase and multiplier tables on their website. Please [click here](#) to access this information. The Pensions Increase taking effect from 10 April 2017 is 1.0%. The Statutory Instrument has yet to be laid in Parliament; once the final PI Order has been approved in March we will issue the annual update circular and upload the Order to www.lgpsregs.org

Beta version of new lgpsregs website

A beta (test) version of the new lgpsregs site for England and Wales is available at <http://lgpsregs.webdigi.co.uk/> from 1 March 2017. This site will be available in addition to the current administrator site www.lgpsregs.org for a short transition period.

The new version of the site will be switched on in full and moved to the web address www.lgpsregs.org in late March/early April; at this point the old version of the site will no longer be available. We will not be updating the old version of the site from 1 March 2017 in respect of England Wales.

A Scottish version of the site is currently in development with a beta version being available from mid-March.

We encourage funds to use the new site and provide us with your feedback – for instance, if there's anything you don't like, anything that remains hard to find, or indeed any sections of the site that could be structured differently. Additionally, if there are any errors or omissions, please let [Con Hargrave](#) know.

Please note that whilst the England and Wales site is largely complete and can be used as a normal website, there are a few areas that will continue to be worked on before the new site goes live in full:

- Changes to the news and updates 'slider' on the homepage will be made to give it more visual impact.
- The pension manager's contacts page (<http://lgpsregs.webdigi.co.uk/managercontacts.php>) needs to be populated with data for each fund. To assist with this, please let us know if the pensions manager contact details for your fund on the [LGA site](#) are out of date -
- The Google search function will not work until the new version of the site is in place

- Plans for automatic redirects will be put in place so that links to pages from the old site automatically redirect users to their new site equivalent.

A system to allow funds to manage their own contacts via the website has also been set up and we hope to roll this out during April.

Supreme Court ruling on survivor pensions for unmarried cohabitants

On 8 February 2017, the Supreme Court handed down its unanimous [decision](#) in the judicial review case brought by Denise Brewster in relation to the refusal of the Northern Irish Local Government Pension Scheme (NI LGPS) to pay her a cohabitant's pension.

The decision confirms that the requirement for a surviving cohabiting partner to be included on a nomination form completed by the deceased member, in order to qualify for a survivor's pension, despite otherwise meeting the criteria for payment of a survivor's pension (for example, length of the cohabiting relationship), is incompatible with Article 14 of the European Convention on Human Rights (ECHR) and must be disapplied.

The LGPC secretariat have been informed that HM Treasury are awaiting advice on the terms of the judgement and will consider the implications of the judgment, if any, for public service schemes in due course.

The LGPS in England and Wales removed the necessity to nominate a co-habiting partner with effect from 1 April 2014 (1 April 2015 for LGPS Scotland). In addition, regulation 17(9) (b) of the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 (and regulation 17(9) (b) of The Local Government Pension Scheme (Transitional Provisions and Savings) (Scotland) Regulations 2014) removed this requirement for survivors for scheme members who left active membership of the 2008 Scheme and who died on or after 1 April 2014 (1 April 2015 for LGPS Scotland).

Therefore, in respect of the LGPS in England and Wales there is potential for the judgement to have implications for deaths between 1 April 2008 and 31 March 2014 (1 April 2009 to 31 March 2015 for Scotland) where no partner's pension was paid to a cohabiting partner where the other qualifying criteria (other than the completion of a nomination form) would have been met. Funds may wish to consider how they would go about identifying any such cases.

Tribunal finds pension changes did not discriminate against firefighters

The Employment Tribunal decision concerning the transitional arrangements for the 2015 Firefighters' Pension Scheme was handed down on 14 February 2017. The Tribunal concluded that these arrangements did not discriminate on the grounds of age, sex or race.

The Fire Brigades Union (FBU) have confirmed that they will appeal the verdict.

Revised Club Memorandum – effective from 1 March 2017

In February 2017, the Cabinet Office published a revision to the [Club Memorandum](#) effective from 1 March 2017.

DCLG are aware of the revision to the Club Memorandum and the fact that the Secretary of State guidance titled 'Individual Incoming and Outgoing Transfers' dated 8 April 2016 will need to be reviewed to accommodate the changes. Meanwhile, in accordance with paragraph 1.16 of the Secretary of State Transfer guidance, funds should follow the Club Memorandum with effect from 1 March 2017.

The main revisions to the Club Memorandum are detailed below:

- Transfers to or from a public service scheme based on the Channel Islands - Special arrangements apply due to the different date by which the Channel Islands apply their in service revaluation.
- GMPs and National Insurance Modification - Club transfers that were calculated before 1 March 2017 were adjusted to take account of GMPs and National Insurance modification. The calculation and the tables of factors effective from 1 March 2017, no longer include an adjustment for GMP or National Insurance Modification.
- The following words have been added to cover LGPS group 1 and 2 members CARE benefits *"An approach has been agreed for the Local Government Pension Scheme. Benefits (both final salary and CARE) can attract a Critical Retirement Age (where benefits are payable unreduced) prior to age 65 (subject to a minimum of age 60). Where this is the case, the sending LGPS Administering Authority will use conversion factors to convert the benefits (from that payable at CRA to an amount payable at age 65) and apply the Club factors for NPA of 65. The conversion factors are supplied by GAD to the LGPS within its extant Secretary of State guidance."*
- New Club Factors.

There are a number of areas within the Club Memorandum that regularly cause queries to be raised to the LGPC Secretariat. In due course, the Secretariat will add to the memorandum a suite of clarifying notes to assist administering authorities in their processing of Club transfers.

LGA response to the consultation on indexation and equalisation of GMP in public service pension schemes

On 20 February 2017, the LGA responded to the above consultation. The response is available on the [drafts and consultations page](#) of www.lgpsregs.org.

Voluntary scheme pays elections

The LGPC Secretariat sought legal advice as to whether or not funds could choose to accept and adjust a member's benefits following a voluntary scheme pays election.

The legal advice confirmed that English administering authorities that are local authorities provided with a general power of competence under the Localism Act 2011 (or, for NILGOSC, the equivalent power under sections 79 – 83 of the Local Government Act (Northern Ireland) 2014) would have the vires to agree to a voluntary scheme pays request.

The position of administering authorities in Wales and Scotland is less clear and they would need to rely on either the "well-being" powers in the Local Government Act 2000 and the Local Government in Scotland Act 2003 or on the power they have under section 111 of the Local Government Act 1972 to do anything "which is calculated to facilitate, or

is conducive or incidental to, the discharge of any of their functions”. The “well-being” power is narrower than a general power of competence and it is not certain that it could be relied upon to agree to a voluntary scheme pays request. That leaves, for consideration, section 111 of the Local Government Act 1972. Although less clear cut than the general power of competence position in England, it might be argued that section 111 of the Local Government Act 1972 can be relied upon in Wales and Scotland to agree to a voluntary Scheme pays request. This is because such a request could be said to be incidental or conducive to the performance of the administering authority’s functions given that the functions of the local authority acting as an administering authority and as a scheme administrator (for tax purposes) are defined by statute and legislation.

The position of the South Yorkshire Pensions Authority, the London Pensions Fund Authority, the Environment Agency, the West Midlands Combined Authority and the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority is currently being considered and advice will be issued in due course.

The legal advice also opines that, provided administering authorities otherwise have the vires to do so (see above):

- regulation 84(2) of the LGPS Regulations 2013,
- regulation 82(2) of the LGPS (Scotland) Regulations 2014, and
- regulation 94(2) of the LGPS Regulations (Northern Ireland) 2014

do not prevent administering authorities from agreeing to a voluntary scheme pays request (where the member does not have the right to mandatory scheme pays or only has the right to mandatory scheme pays in respect of part but not all of their annual allowance tax charge).

The annual allowance guide has been updated according and is available on www.lgpsregs.org. It contains full details surrounding this subject, including matters to consider when deciding whether to agree to a voluntary scheme pays request.

The Pensions Ombudsman – attendance at POGs

Representatives from the Pensions Ombudsman are keen to work with LGPS Pension Office Groups (POGs) to:

- explain how they have changed their approach to enquires and investigations,
- share key data that they have about LGPS complaints, and
- have a discussion about how they could work more closely with funds.

It would not be an open forum for dealing with technical queries about specific cases, as it is essential that they retain their independence and impartiality. However, ideally they would like to:

- share information more effectively,
- provide funds with data about the type of complaints they are receiving,
- identify emerging themes, and
- where ever possible resolve more complaints informally and quickly, in order to improve the customer journey and increase customer satisfaction.

Accordingly, POGs may be contacted by the Casework Manager (Mairi Spiby) who is leading the project, to arrange for a representative from TPO to attend a forthcoming meeting.

Pensions Dashboard Update

As reported in [bulletins 150 and 152](#), in the 2016 Budget the Government announced that it intended to ensure that the pensions industry would, by April 2019, design, fund and launch a 'pensions dashboard', a tool that would allow individuals to view all their pensions savings in one place.

HM Treasury have appointed the Association of British Insurers (ABI) to lead the development of a prototype pensions dashboard by the end of spring 2017. A project group has been appointed to assist the ABI with this.

In February, the LGPC Secretariat attended a 'challenge session' for defined benefit pension schemes on the dashboard. The session was hosted by HMT and the ABI jointly. The slides from the session along with a summary of the discussions held are attached to this bulletin as [appendix 3](#) and [appendix 4](#) respectively. The main themes of discussion were around governance, possible mandation of the dashboard and funding.

HM Treasury have stated that the feedback provided at these challenge sessions will be taken into account during the continued development of the dashboard and its governance.

Topping up your State Pension leaflet

On 13 February 2017, Lorraine Bennett circulated a leaflet for members entitled 'topping up your State Pension'.

The communications working group for England and Wales felt it would be beneficial for the LGPS to have a scheme specific leaflet on this topic following the publication of Royal London's guide to topping up the State Pension (mentioned in [bulletin 150](#)).

The content of the leaflet has been checked by DWP's policy team and can be found on the employee guides section of www.lgpsregs.org. As mentioned in bulletin 150 topping up the State Pension may be particularly appealing to former public sector workers who have:

- a) Retired, and
- b) Not yet reached SPA (or have reached their SPA since 6 April 2016).

Legislation

United Kingdom

SI	Reference Title
SI 2017/79	The Occupational and Personal Pension Schemes (Automatic Enrolment) (Amendment) Regulations 2017

Useful Links

[LGA Pensions page](#)

[LGPS E&W member website](#)

[LGPS 2015 members' website](#)

[LGPS Advisory Board website](#)

[LGPS Regulations and Guidance website](#)

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

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

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

[The Timeline Regulations](#) for Final Salary Scheme

[The Timeline Regulations](#) for Career Average in England and Wales

Pensions Section Contact Details

If you have a technical query, please email query.lgps@local.gov.uk and one of the team's LGPS pensions advisers will get back to you.

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Distribution sheet

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

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