

Local Government Pensions Committee
Secretary, Lorraine Bennett

LGPC Bulletin 187 – July 2019

Foreword

This bulletin contains a number of important updates for LGPS administering authorities, scheme employers and software providers, whilst also providing a general update for all stakeholders.

Of particular importance are the articles on:

- [Actions needed following updates to the National Insurance Database](#)
- [Employer and administering authority retention schedules published](#)
- [Check and update Your LGPS Contacts system](#)
- [Countdown Bulletin 47 and Scheme Financial Reconciliation](#)

which require the attention of certain stakeholders.

If you have any comments on the contents of this bulletin or wish to suggest items that might be included in future bulletins, please contact query.lgps@local.gov.uk.

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LGPS England & Wales

SAB Update

The Scheme Advisory Board (SAB) for England and Wales met on 8 July 2019. Topics covered at the meeting included:

- which TPR Codes of Practice are relevant to LGPS administering authorities?
- outstanding SAB levy invoices
- recent MHCLG and HMT consultations

- pension taxation and the impact of Lifetime and Annual Allowances on service delivery in the public sector
- the implications of the McCloud decision on signing off local authority accounts
- Local Pension Board Survey – due to be published in August 2019
- Good Governance project – Hymans Robertson presented a draft version of the final report. Stakeholders will have an opportunity to comment on the SAB's recommendations before any change in regulations is progressed.

You can read an [update from the meeting](#) on the SAB's website www.lgpsboard.org.

SAB publishes Good Governance Report

SAB published the [Good Governance Report](#) on 31 July 2019. The project team are working on a detailed plan to implement the report's recommendations which will be presented to the SAB when they meet in November 2019.

TPR Scheme Return – Conditional data

On 4 July 2019 Bob Holloway, secretary of the SAB, emailed pension managers and software suppliers with a draft conditional data report to be scored in the Pension Regulator's (tPR) annual scheme return. This was prepared in agreement with representatives from tPR, SAB, software suppliers, fund actuaries and pension practitioners. The group will continue to work on developing the table, adding guidance notes for administering authorities and software suppliers.

The SAB will provide an update when they have more information from tPR about when the scheme return will be issued.

National LGPS Technical Group recommendations to the SAB

As reported previously, the National LGPS Technical Group made recommendations to the SAB to:

- amend the forfeiture rules to include convictions which relate to an employment, and the conviction takes place after leaving that employment
- remove the requirement to pay a refund of contributions within five years and
- align the rules covering concurrent membership

The SAB have agreed to proceed with these changes and are in the process of making recommendations to MHCLG.

You can find a link to the spreadsheet containing updates on the recommendations the National LGPS Technical Group have made to the SAB on the [Technical Group minutes page](#) of www.lgpsregs.org.

New Minister for Local Government appointed

On 31 July 2019 it was announced that [Luke Hall MP](#) has been appointed Parliamentary Under Secretary of State, Minister for Local Government and Homelessness.

SCAPE discount rate – impact on actuarial guidance – update

On 1 July 2019 Lorraine Bennett contacted administering authorities to let them know that MHCLG has issued revised late retirement guidance. The new guidance and factors are effective from 1 September 2019. The new methodology removes the ‘cliff edge’ effect which reduced the value of LGPS benefits held by members who were over their Normal Pension Age (NPA) when the factors last changed in January 2017.

We expect a revised version of the guidance to be published in the coming weeks that includes two minor corrections:

- paragraph 2.3 – the requirement to calculate separate retirement increases for and pre and post 2014 benefits (in respect of a member with a SPa of over 65) applies irrespective of whether the member attained their NPA before or after 1 September 2019
- paragraph 2.16 – regulations 30(3) and (11) of the 2013 regulations require that the pension must come into payment from the member’s 75th birthday, not the day before.

You can find the new guidance, updated factor spreadsheet that includes the new factors and covering letter clearing the factors for use on the [actuarial guidance page](#) of www.lgpsregs.org.

Survivor guide published

Jayne Wiberg contacted administering authorities on 5 July 2019 to let them know that the LGPC have published a technical guide covering survivor benefits in the LGPS. The guide sets out the LGPC Secretariat’s understanding of the membership that is used to calculate survivor benefits. The guide reflects the changes in survivor benefits for civil partners and the spouses of same-sex marriages, brought about by the LGPS (Miscellaneous Amendment) Regulations 2018.

The guide can be found on the [guides and sample documents page](#) of www.lgpsregs.org.

MHCLG plans to introduce statutory guidance for administering authorities, in respect of past trivial commutation and transfer payments that are affected by the change in survivor benefits for civil partners and same sex spouses.

Consultation: Local valuation cycle and the management of employer risk

In [Bulletin 185](#) we informed administering authorities that MHCLG had launched a policy consultation on changes to the local valuation cycle and the management of employer risk.

The principles of the LGA response were agreed at the LGPC meeting held on 8 July 2019. Rachel Abbey contacted administering authorities on 25 July 2019 to share a draft version of the LGA response. The LGA has submitted their final response and this can be found on the [Scheme consultations page](#) of www.lgpsregs.org.

The Investment Consultancy and Fiduciary Management Market Investigation Order 2019

On 10 June 2019 the Competition and Market's Authority (CMA) published [The Investment and Fiduciary Management Market Investigation Order 2019](#). The Order defines fiduciary management services and potentially has implications for LGPS pools. The SAB is in discussion with MHCLG, the CMA and legal advisers to seek further clarity.

The SAB has produced a [briefing note](#) to raise awareness of the content of the Order.

DWP has launched a consultation proposing to integrate this Order into law. See the [article](#) in the DWP section of this bulletin for more information.

Employer policy on flexible retirement

The Communications Working Group discussed member options on flexible retirement at their meeting on 11 July 2019. The consensus of the group was that partial flexible retirement was rarely adopted by Scheme members, but that this may be due to a lack of awareness of the provision. Partial flexible retirement may be an attractive option for those members who have reached their critical retirement age for some of their benefits but have several years until they reach their State Pension age.

We would like to remind administering authorities that an employer's policy on flexible retirement should set out:

- whether they allow flexible retirement under regulation 30(6) of the 2013 regulations
- whether to waive any actuarial reduction that would apply if the member is flexibly retiring before their NPA, and
- **whether to permit the member to choose to draw all, part or none of the pension benefits they have built up after 1 April 2008** (benefits built up before 1 April 2008 must be taken on flexible retirement in accordance with regulation 11(3)(a) of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014).

The List of discretions and the Discretions technical guide contain more information on employer discretions, both of which you can find on the [Guides and sample documents](#) page of www.lgpsregs.org. [Actuarial guidance](#) on flexible retirement provides more information on the operation of partial flexible retirement and the treatment of the residual pension when the member retires fully.

Action for administering authorities

- Review documentation relating to employer discretions and if necessary update to cover fully the discretions related to flexible retirement
- Communicate the changes to Scheme employers.

MHCLG secondment opportunity

A one-year, full time secondment opportunity has become available in the MHCLG local government pensions team for a Grade 7 policy advisor. The closing date for applications is **13 August 2019**. You can find more information including how to apply [here](#).

MHCLG consultation on pension fund merger

On 23 July 2019 MHCLG launched a consultation called [Proposed merger of West Midlands pension funds](#). The consultation seeks views on merging the West Midlands Integrated Transport Authority Pension Fund into the West Midlands Pension Fund, with Wolverhampton City Council as the administering authority for both funds. The six week consultation closes on **7 September 2019**.

You can find the consultation documents on the [Scheme consultations](#) page of www.lgpsregs.org.

LGPS Scotland

Amendments to the LGPS (Scotland) Regulations

As we reported in Bulletins [185](#) and [186](#), The LGPS (Miscellaneous Amendments) (Scotland) Regulations 2019 [SSI 2019/161] and The LGPS (Miscellaneous Amendments) (Scotland) Amendment Regulations 2019 [SSI 2019/204] came into force on 28 June 2019. The amendments make changes to the 2018 Scotland Regulations, 2014 Scotland Regulations and the 2014 Scotland Transitional Regulations, with some changes having a retrospective effect from 1 April 2015.

The [timeline regulations](#) have been updated to reflect these changes.

Actuarial factor review - update

Roddy MacLeod (SPPA) contacted Scottish administering authorities on 11 July 2019 with an update on the actuarial factors which have not yet been issued. The contents of the email are summarised in the table below.

Factors	Expected issue date of factors	Notes
Scheme pays annual allowance	Mid July	Revised guidance to be issued at the same time
Scheme pays lifetime allowance	Mid July	Guidance to follow later in the summer
Convert AVC to additional pension	Mid July	Guidance to follow later in the summer
Additional survivor's benefits	Later in the summer	No new contracts to be set up. New factors will apply to existing contracts with an effective date of 1 April 2020
Late retirement	Mid July	Revised guidance to be issued at the same time. Methodology change following the same principles that have already been announced in England and Wales

New actuarial guidance will be issued in batches to cover all factors included in the factor spreadsheet. GAD aim to issue all guidance to SPPA by the end of September 2019. If factors and methodology are both changing, then guidance and factors will be issued at the same time.

You can find the factor spreadsheet and guidance on the [Actuarial guidance](http://www.scotlqpsregs.org) page of www.scotlqpsregs.org.

HMRC

Countdown bulletins 46 and 47 published

Countdown bulletins [46](#) and [47](#) were published on 2 July 2019 and 30 July 2019 respectively. The bulletins include updates on Scheme Financial Reconciliation, Scheme Financial Allocations and problems accessing the Shared Workspace.

Important points to note:

- Scheme financial billing exercise will be re-run on 8 August 2019
- Letters will be sent to administrators who are in debt by post shortly after 15 August 2019
- A breakdown of the final bill will be provided in your Shared Workspace e-room
- Payment must be made by 27 September 2019 and [Countdown bulletin 47](#) includes the details you will need when making your payment
- Scheme Financial refund exercise will be re-run on 15 August 2019
- Letters showing the total amount to be refunded will be sent from 23 September 2019 to funds who have engaged
- Cheque payment will be issued to funds who have engaged by 28 October 2019 in respect of the refund amount.

Action for administering authorities

- Any administering authorities who have not engaged with the Scheme Financial Reconciliation Process must do so straight away. Contact details can be found in [countdown bulletin 45](#)

Pensions Schemes Newsletter 112

On 31 July 2019 HMRC published [Pension Schemes newsletter 112](#). The newsletter contains an article about the annual allowance:

- reminding administrators about the 6 October 2019 deadline for issuing pension saving statements for the 2018/19 year
- requesting that administrators tell members who exceed the annual allowance and do not have sufficient carry forward that they must declare the excess in their self-assessment tax return
- gov.uk member guides on annual allowance have been updated.

DWP

Written Ministerial statement – Walker v Innospec Supreme Court Judgment

On 4 July 2019, the Parliamentary Under Secretary of State, Department for Work and Pensions (Baroness Buscombe) issued [a response](#) to the Supreme Court judgment in Walker v Innospec and others.

The judgment was issued on 12 July 2017 with the Supreme Court deciding that Mr Walker's husband, on the death of Mr Walker, is entitled to the same benefits as the survivor of an opposite sex spouse. For public service pension schemes (PSPS), this means that civil partners and survivors of same sex marriages are entitled to receive benefits equal to those received by widows of male members. This change was introduced to the LGPS by the Local Government Pension Scheme (Miscellaneous Amendment) Regulations 2018 [[SI 2018/1366](#)].

The Government has concluded that aside from the changes brought about by the Supreme Court judgment, it will not make any further retrospective changes to the existing provisions in public service pension schemes to equalise survivor benefits. They have taken the view that any differences in survivor benefits will work their way out over time.

In the LGPS, in some cases, the widower of a female scheme member is entitled to a lower survivor pension than the widow of a male scheme member. This decision means that this position will not change.

Consultation – Trustee oversight of investment consultants and fiduciary managers

On 29 July 2019 DWP launched a [consultation](#) which seeks views on the draft Occupational Pension Schemes (Governance and Registration) (Amendment) Regulations 2019. The draft regulations enact the provisions of the CMA Order which is covered earlier in this bulletin. Chapter 2 of the consultation document covers scope and explicitly rules out coverage of the LGPS.

This short consultation will **close on 2 September 2019**.

TPO

TPO Annual Report and Accounts published

The Pensions Ombudsman (TPO) published its [Annual Report and Accounts](#) on 18 July 2019. The Report contains information about TPO's performance in the 2018/19 year and summaries of completed investigations.

A message from the Pensions Ombudsman, which includes a summary of the Report, is attached as [Appendix 1](#).

TPR

TPR to combine codes of practice

The Pensions Regulator (TPR) has [announced](#) changes to existing codes of practice. The content of the 15 current codes of practice will be combined to form a single shorter code. The changes will reflect the Occupational Pension Schemes (Governance) (Amendment) Regulations 2018 [SI2018/1103]. Codes most affected by these regulations will be addressed first, and this includes [Code of Practice 14](#) (public sector schemes). Schemes will need to demonstrate that they have an effective governance system within 12 months of the date the updated codes are published.

TPR Annual Report and Accounts published

TPR published its [Annual Report and Accounts](#) in July 2019. The Report includes details of the organisation's activities, finances and developments in the 2018/19 year and an assessment of their achievement of key aims set out in the corporate plan.

Governance and administration survey findings published

TPR have published their [2019 report](#) on the findings of the governance and administration survey of public sector pension schemes undertaken at the end of 2018. 195 of the 207 public service pension schemes completed the survey. This response rate of 94% covers 99% of total membership.

Main points to note:

- there have been improvements in Schemes' performance in four of the six key processes
- the report highlights the importance of receiving accurate and timely data, and identifies employer performance as a common reason for missing or inaccurate data
- the percentage of LGPS members who were sent an annual benefit statement before the statutory deadline was lower than the average across the sector
- the top three barriers to improvements in administration and governance were identified as complexity, lack of resources and legislative change. Within the LGPS, staff retention and lack of knowledge was cited as a top three risk by 28% of funds
- six LGPS funds reported that that they had fewer board members at the time they completed the survey than is required by regulation 107(2) of the LGPS Regulations 2013, but this was mainly due to vacant positions
- LGPS administration was more likely to be delivered in-house, and administering authorities review their administration providers less frequently than the average across the public sector.

TPR secondment opportunity

Please see details below from TPR concerning a secondment opportunity in the role of Specialist - Pension Administration:

“TPR has recently opened up an administration [secondment opportunity](#) in our Policy team.

The pensions landscape is undergoing a step change. The rise in the number of people saving into pension schemes and initiatives like the Pensions Dashboards, mean that good standards of administration are more important than ever to ensure that savers can have confidence in the pensions industry. We need to have a clear view of the risks in this sector, and a robust strategy for dealing with them, so that savers’ benefits are protected and confidence in pensions is maintained. The secondee will help to ensure we fully understand the functioning of the pensions administration sector and design an appropriate response to the risks.

A secondment to the specialist role in this team would suit the skill set of someone with at least five years’ experience in the pensions administration market, particularly with experience of client management or a role involving engagement with trustee boards, pension boards or scheme managers.

TPR runs a very successful industry secondment programme, which has been operating for over 10 years. We recruit people who bring essential and relevant commercial skills and the latest insight on pensions issues. You can see our [secondees testimonials](#) for some recent examples.

Key benefits to your organisation:

- An excellent opportunity for staff development
- An opportunity to work in the frontline of a fast-paced and exciting area of regulation
- An opportunity to create a network of lasting relationships
- An opportunity for your staff to apply their skills and knowledge in a related environment
- Expanded outlook and a better understanding of regulation

Terms and conditions are subject to negotiation and agreement between parties, but we will always aim to cover employment costs and reasonable expenses.

Ideally we’d look for this secondment to run for twelve months, from October. For more information or to discuss this opportunity further, please contact [Lucy Stone](#), or [Zoe Kyle](#), HR on 01273 627213. For general enquiries, please contact secondments@tpr.gov.uk.”

Other news and updates

McCloud to apply to all public service pension schemes

On 15 July 2019, the Chief Secretary to the Treasury announced in a written statement that remedies relating to the McCloud judgement will need to be made in relation to all public service pension schemes. The full statement can be found on [the parliament website](#).

See the [Q&A](#) on the Scheme Advisory Board website for more information on the McCloud case.

The Government has updated their [report on the public service pension reforms](#) to incorporate the most recent developments in the McCloud case.

National Insurance database - update

As reported in recent bulletins, we have made changes to the database to comply with data protection legislation and to extend the use of the database beyond its original purpose of preventing the double payment of death grants. Lorraine Bennett contacted all administering authorities to let them know that they had until 31 July 2019 to:

- sign the new data sharing agreement
- inform the LGPC who is the 'master user' for each administering authority so that they can be issued with a new PIN
- set up individual accounts for super users (who can view the database and upload data) and admin users with view-only access

This deadline has passed and:

1. From 1 August 2019 administering authorities can use the database for purposes other than checking for duplicate death grants – including checking eligibility for transfer, refund and trivial commutation payments, establishing interfund options for re-joining members and tracing lost members.
2. Any administering authority which has not completed and returned the data sharing agreement has not agreed that the data of their members can be used for these additional purposes. Their data will be removed from the database and access will be restricted. Any administering authorities in this position who participate in 'Tell Us Once' should be aware that their data will not be shared with DWP, and no death notifications will be issued.
3. Master users must set up individual accounts for super users and up to fifteen admin users to comply with GDPR rules and the terms of the Data Sharing Agreement. **User names and passwords must not be shared by more than one user.** If you are a Master user at a larger fund and want to request more admin users, please contact [Rachel Abbey](#).

4. If an administering authority is signing up to the database for the first time then the Master user should select the 'Reset password' option and sign in using their fund number and new PIN. New users will not be issued with a password. The user guide will be updated shortly to reflect this process change.

Contact [Rachel Abbey](#) with any questions about the use of the database.

Action for administering authorities

- complete the Data Sharing Agreement and return it to [Rachel Abbey](#) if you have not done so already
- set up individual user accounts for super users and admin users as soon as possible

Communications Working Group minutes published

The Communications Working Group (CWG) met on 11 July 2019. Topics discussed include member website statistics, member videos, employer and administering authority retention policies, Annual Benefit statements, pre-retirement guide and membership of the group. You can read minutes of this and previous meetings on the [CWG Minutes page](#) of www.lgpsregs.org.

LGPC draft minutes published

The Local Government Pension Committee (LGPC) met on 8 July 2019. [Minutes](#) of the meeting can be found on the LGPC minutes pages of www.lgpsregs.org and www.scotlgpsregs.org.

Woman wins right to late partner's military pension

In a [landmark ruling](#), on 17 July 2019 the Court of Appeal awarded a survivor pension in the RAF pension scheme to Ms Langford following the death of her partner in 2011. Ms Langford had cohabited with the scheme member for 15 years, but was married to someone else at the time of her partner's death.

The decision could have far-reaching consequences for other cohabiting couples in the public sector where a surviving partner is married to a third party. We await the government's response to this decision.

Your LGPS contacts

We would like to remind all administering authorities that you are responsible for updating your own contacts using the 'Your LGPS contacts' system. We are receiving a high volume of undeliverable messages when we send out communications, particularly to finance and political contacts.

Action for administering authorities

- Review the details held in the 'Your LGPS contacts' system and make any updates needed
- Contact query.lgps@local.gov.uk if you have any questions about how to update 'Your LGPS contacts'.

GAD 2019 data request

GAD have confirmed that they will be requesting valuation data as at 31 March 2019 as part of the cost management process. They will send a formal request to all administering authorities later in the year.

PASA launches DB transfer guidance

On 8 July 2019 the Pensions Administration Standards Agency (PASA) launched [DB Transfer Guidance](#). The guidance seeks to create the right balance between member protection and the statutory right to transfer and has three key aims:

- improve member experience through faster, safer transfers
- improve efficiency for administrators
- improve communications and transparency in the processing of transfers.

Compliance with the guidance is voluntary, but it is anticipated that the Pensions Ombudsman will reference it when reviewing complaint cases as a source of what 'good practice' looks like.

The guidance includes templates for documents to use at different stages of the transfer process. Administering authorities should note that template transfer declaration forms including a form to confirm that independent advice has been sought, can be found in the [Guides and sample documents page](#) of www.lgpsregs.org.

Data retention templates

Lorraine Bennett contacted administering authorities on 19 and 25 July 2019 concerning newly published template data retention policies. The documents have been prepared for use by administering authorities and employers in England and Wales, Scottish funds are welcome to adapt the documents for their use.

The purpose of the template data retention policy for LGPS employers is to:

- help administering authorities respond to questions from scheme employers about how long they should keep payroll and HR data, and
- enable administering authorities to inform employers of their expectations concerning retention of personal data needed to administer the LGPS.

The template retention policy for LGPS funds is intended to enable administering authorities, in their capacity as data controllers of personal data, to satisfy their obligations under the General Data Protection Regulations.

Action for administering authorities

- Share the template data retention policy for employers with Scheme employers
- Review the template data retention policy for LGPS funds and tailor for your authority
- If an administering authority does adopt the retention policy, they may also need to review and update their privacy notice.

GAD newsletter

The Government Actuary's Department (GAD) has issued the July 2019 edition of its Public Service Pension Schemes (PSPS) [newsletter](#). This is an informal update on what is happening within the PSPS area of GAD and current hot topics.

TPAS Annual Report and accounts published

The Pensions Advisory service (TPAS) published its [annual report and accounts](#) on 11 July 2019.

Technical Queries

The LGPC team responded to 161 technical queries in the three months from April to June 2019. The following table provides a summary of the topics covered by those responses.

% of queries	Topic and additional information
15.5%	Retirement including trivial commutation options, lump sum commutation and requisite benefits
14.9%	Paying extra – including AVCs, APCs and ARCs. Some queries concerned the implementation of recently published factors for the purchase of APCs/ARCs or the use of an AVC fund to purchase additional scheme pension
12.4%	Transfers, interfunds and concurrent adjustments
7.5%	Issues which are high on the agenda due to recent consultations or ongoing projects, such as the operation of the proposed cap on exit costs in the public sector, possible changes in the calculation of exit credits, GMP reconciliation and equalisation
7.5%	Survivor benefits or supplementary pensions increase. The LGPC has published technical guides covering both of these topics in recent weeks which should assist administering authorities with future queries. The technical guides can be found on the Guides and sample documents page of www.lgpsregs.org .
7.5%	Outsourcing, TUPE arrangements, admission agreements and academies
6.8%	Refunds and CEP payments
5.0%	Calculation of Assumed pensionable pay (APP) or death grants
4.3%	Pension sharing, pension credits and options for pension credit members
4.3%	Annual allowance calculations, Lifetime Allowance tax charges and the tax that is payable when an unauthorised payment is made
3.7%	Access to the LGPS for Coroners and Returning officers. Please see Bulletin 163 (October 2017) for more information about Coroners' eligibility to join the LGPS.

The remaining 10.6% of the responses covered topics that were only raised once or twice in the quarter.

Training

Annual governance conference

Our annual Governance Conference is taking place in York on 23 to 24 January 2020 and is [open for booking](#). The theme for the conference is 'Public service pension reform – life after Hutton'.

For more information including the conference programme and confirmed speakers see [circular 314](#) and the [conference flyer](#).

Fundamentals training

Our Fundamentals training events are aimed at pensions committee and local pension board members as well as officers who deal with governance.

This training is ideal for new committee or board members, as well as giving experienced members an opportunity to keep their knowledge up to date.

Early booking is recommended to secure places at your favoured location. You can make a booking using the links below:

Day 1	London	LGA offices, Westminster	3 October 2019
	Leeds	Marriott Hotel	17 October 2019
	Cardiff	Marriott Hotel	31 October 2019

Day 2	London	LGA offices, Westminster	6 November 2019
	Leeds	Marriott Hotel	14 November 2019
	Cardiff	Marriott Hotel	21 November 2019

Day 3	Leeds	Marriott Hotel	5 December 2019
	Cardiff	Marriott Hotel	12 December 2019
	London	LGA offices, Westminster	18 December 2019

Wider landscape

Transgender woman wins state pension back payments

A transgender woman has settled a case against the Department for Communities in Northern Ireland, to backdate her state pension payments. Her state pension was paid from the date she received her Gender Recognition Certificate, which was later than her state pension age. The case arose because in Northern Ireland a Gender Recognition Certificate cannot be obtained by a person who is still married. This is not the case in the rest of the UK.

Consultation on opposite sex civil partnerships

On 10 July 2019 the Government Equalities Office launched [a consultation](#) on plans to introduce opposite sex civil partners and the option to convert a marriage to a civil partnership and vice versa. Section 73 of the consultation document includes the Government's proposals concerning occupational pensions and opposite-sex civil partners. They intend to match opposite-sex civil partner survivor pensions to those of opposite-sex married couples. The lower survivor pension payable to some male spouses of female members will be replicated in the survivor pensions payable to male civil partners of female members.

The six week consultation **closes on 20 August 2019**.

Consultation on flexibility in the NHS Pension Scheme launched

The Department of Health and Social Care have launched a [consultation](#) on proposals to increase flexibility for senior clinicians in the NHS Pension Scheme (NHSPS). The consultation seeks to address the impact of pension taxation on the delivery of NHS services. The main proposals to change the pension growth of clinicians' pensions are to:

- introduce to the NHSPS an option similar to the 50:50 option available in the LGPS,
- introduce greater flexibility by allowing accrual rates other than 50% or 100% of the standard accrual
- permit the use of saved employer and employee pension contributions to be used to purchase additional pension.

Police officers win case against Ombudsman decision

Some police officers retain the right to retire before age 55, but rules covering re-employment must be followed if the pension and lump sum payments are to be considered authorised. Protected pension ages and re-employment are covered in Part 3 of Schedule 36 to the Finance Act 2004.

The complainants in this case were re-employed by the police authority as civilian staff shortly after their retirement. As a result, they were required to pay additional tax on their lump sums and pension payments. This position was upheld by an Ombudsman determination.

On appeal, the High Court found in favour of the former police officers, noting that the officers were not warned about the re-employment rules and the potential tax liability.

Administering authorities may wish to make sure that their local police authority is aware of the rules around re-employment and protected pension ages.

For more detail about this case see the article in the [FT adviser](#).

Useful links

[LGA Pensions page](#)

[LGPS member website](#) (England and Wales)

[LGPS 2015 member website](#) (Scotland)

[LGPS Advisory Board website](#) (England and Wales)

[LGPS Advisory Board website](#) (Scotland)

[LGPS Regulations and Guidance website](#) (England and Wales)

[LGPS Regulations and Guidance website](#) (Scotland)

[Public Sector Transfer Club](#)

[Recognised Overseas Pension Schemes](#) that have told HMRC that they meet the conditions to be a ROPS and have asked to be included on the list.

LGPS pensions section contact details

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

Jeff Houston (Head of Pensions)

Telephone: 0207 187 7346

Email: jeff.houston@local.gov.uk

Lorraine Bennett (Senior Pensions Adviser – LGPC Secretariat)

Telephone: 0207 187 7374

Email: lorraine.bennett@local.gov.uk

Jayne Wiberg (Pensions Adviser – LGPC Secretariat)

Telephone: 07979 715825

Email: jayne.wiberg@local.gov.uk

Rachel Abbey (Pensions Adviser – LGPC Secretariat)

Telephone: 020 7664 3172

Email: rachel.abbey@local.gov.uk

Alan South (Pensions Adviser – LGPC Secretariat)

Telephone: 07867 189992

Email: alan.south@local.gov.uk

Karl White (Pensions Adviser (Training) – LGPC Secretariat)

Telephone: 07464 652886

Email: karl.white@local.gov.uk

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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

SPPA

Regional Directors

Private clients

The Pensions Regulator

The Pensions Ombudsman

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