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- Guides and sample documents added/updated
- Guides withdrawn
- Bulletins and Circulars

- Technical group minutes
- Communications working group

## **Scheme advisory board (LGPS England & Wales) (SAB)**

### **Brewster and scheme inequalities**

As agreed by the SAB on the 16 November, the Chair, Councillor Roger Phillips, wrote to the Local Government Minister, Marcus Jones on the 27 November setting out the Board's intention to explore the scope for eliminating any existing inequalities in the scheme regarding survivor benefits. The letter went on to confirm that the Government Actuary's Department should be commissioned to cost any such proposal ranging from full retrospection to future survivor benefits only. At this stage and in the absence of any such costing, the Board has no firm view on how any such proposal should be applied.

In the meantime, representations will continue to be made to DCLG for clarification on the extent to which the Brewster judgement applies to the LGPS in England and Wales.

### **SAB tier 3 employer project – publication of surveys**

The SAB for the LGPS in England and Wales has appointed Aon Hewitt to help them in their review of Tier 3 employers in the LGPS. Tier 3 employers are all those with no tax-payer backing (i.e. colleges, universities, housing associations, charities and any admission bodies with no guarantee from a Council, academy or other tax-payer backed employer). For clarity, [admission bodies](#) falling within paragraph 1(d) of [Part 3 of Schedule 2](#) to the LGPS 2013 Regulations, i.e. bodies formerly known as transferee admission bodies, are not classed as Tier 3 employers because they have a statutory guarantee from a Council.

The aims of the exercise are to identify:

- the duties, benefits, issues and challenges for LGPS funds, Tier 3 employers and their scheme members with regard to their participation in the LGPS
- options for change that would improve the funding, administration, participation and member experience with regard to Tier 3 employers.

A key element of this project is information gathering and, on 27 November, the SAB launched three surveys for completion by:

- a) LGPS administering authorities - <http://lgpsregs.org/survey/administering-authorities.php>,
- b) Tier 3 employers - <http://lgpsregs.org/survey/employer.php>, and
- c) LGPS members employed by tier 3 employers - <https://lgpsmember.org/survey/member.php> .

At the time of the surveys' launch on 27 November, template emails for the employer and member surveys were circulated to all administering

authorities and we ask that these are forwarded on to each fund's relevant employers.

The surveys are due to close on 31 December 2017.

### **Submission of 2016/17 annual reports - reminder**

The SAB for the LGPS in England and Wales are in the early stages of producing the scheme annual report for 2016/17 (due for publication in Spring 2018) and would like to remind funds in England and Wales to send their annual reports for the 2016/17 year to [Liam Robson](#) as soon as these have been finalised.

The reports that have already been submitted are available on [www.lgpsboard.org](http://www.lgpsboard.org) under [Fund Annual Reports 2017](#).

### **Academy project**

As previously reported, over the summer, the SAB undertook a [consultation](#) on the development of options for academies. The consultation was open to all interested parties and ran until 29 September 2017.

The draft objectives that the SAB sought views upon were as follows:

- Protect the benefits of scheme members through continued access to the LGPS
- Ring fence local taxpayers and other scheme employers from the liabilities of the academy trust sector
- Improve the efficiency and effectiveness of administrative practices
- Increase the accuracy and reliability of data

However, in achieving the objectives, the SAB did not believe the changes should:

- Significantly alter cashflow at the fund level
- Significantly alter assets at the pool level

Following the consultation, the SAB, on 16 November, have created two work streams to take the project forward:

- 1) Administration - to look at how we can improve the overall service by introducing consistency and helping academies have access to relevant training and documentation
- 2) Funding – general review

The SAB would like the administration work stream to contain two seats from representatives of Technical Group. Those seats should be filled by individuals from:

- A large fund that is responsible for administering the scheme on behalf of a large number of academies and in doing so has developed processes, documentation and training that is working well, and
- A small fund who has relatively few academies.

If members of the group could consider the above request and bring their suggestions to the Technical Group meeting on 12 December 2017, this matter can be agreed and the SAB informed accordingly.

## Contracted-out reconciliation

### **A guide to how increases are applied to LGPS pensions in payment**

Following the end of contracting-out on 5 April 2016, the Secretariat has received a number of queries concerning how increases should be applied to LGPS pensions. We are currently in the process of producing a scheme administrator guide to assist funds in this area called 'A guide to how increases are applied to LGPS pensions in payment with a GMP entitlement' and we will publish this as soon as it is finalised.

In the meantime, to help us get the guide published as soon as possible, we would ask if funds could refrain from submitting individual queries on this topic.

It is important to note that there have been no changes to the over-riding legislation concerning the application of increases to LGPS pensions in payment to members and survivors nor to the Guaranteed Minimum Pension (GMP) element of the pension. This means that GMPs must continue to be assessed for entitlement and from the effective date recorded on the pension's payroll, both for survivors and for retired members in accordance with the over-riding legislation (see below).

Whilst there have been no changes to the impact of the over-riding legislation, the Government announced an [interim solution](#) for the indexation of GMPs in March 2016. The interim solution means that all pensioners (including survivors) who are entitled to the payment of a GMP, who reach SPa on and after 6 April 2016 and prior to 6 December 2018 (and who are not in receipt of additional pension from HMRC), should be treated as AP<GMP from the effective date. This means that in all such cases funds should apply increases annually on:

- the first Monday on or after each 6 April in respect of the Pensions Increase (Review) Orders, and
- each 6 April in respect of the Guaranteed Minimum Pensions Increase Orders)

to the relevant elements of the member's pension, including the GMP component(s) as appropriate.

This was confirmed in paragraphs 7 and 8 of the [Ministerial Direction](#) published on 7 April 2016, issued under section 59A of the Social Security Pensions Act 1975.

### **Over-riding Legislation**

- sections 13 and 17 (as appropriate) of the Pension Schemes Act 1993, and
- regulations 21 and 22 of the Occupational Pension Schemes (Schemes that were Contracted-out) (No 2) Regulations 2015 [SI 2015/1677] formerly regulations 57 and 58 (the equivalent provisions) of the Occupational Pension Schemes (Contracting-out) Regulations 1996 [SI 1996/1172].
- section 59 of the SSPA 1975, or
- section 59A of the SSPA 1975.

### **Countdown Bulletin 30**

In early November, HMRC issued [countdown bulletin 30](#) including the following important announcement regarding their plans following the end of contracted out reconciliation in December 2018:

#### ***“Communication to individual scheme members***

*In previous countdown bulletins we have said that HM Revenue and Customs (HMRC) would start to issue statements to individuals after December 2018 following the reconciliation process. HMRC and the Department for Work and Pensions (DWP) were considering whether this communication should include a Guaranteed Minimum Pension (GMP) calculation. It has now been agreed with the DWP that we won't send any communications to individuals as previously planned. This change is being made because there have been developments in the provision of pension scheme information since we first started the changes to end contracting-out. The State Pension Forecast service 'Check your State Pension' is now available to everyone on GOV.UK or via the Personal Tax Account.*

*The Pensions Dashboard is planned to be available from 2019, and we would encourage all pension schemes to participate in the Dashboard to make as much information as possible available to scheme members. The Pension Tracing Service also continues to be available for individuals to trace lost or missing pensions (please don't refer individual members to HMRC).”*

The bulletin also includes updates on the timescales for resolving queries, which LGPS administrators are advised to be aware of.

### **Countdown Bulletin 29**

On 12 October 2017 HMRC published [issue 29](#) of their countdown bulletin providing news and updates for scheme administrators on the ending of contracting-out and the reconciliation of contracted-out records. Most notably, HMRC confirmed *that with the introduction of new State Pension from 6 April 2016 they will no longer track contracted-out rights after 5 April 2016. Therefore schemes will not need to advise HMRC of any movement of membership that is transfers that take place after that date. All movements will be the responsibility of schemes to continue to track. Any movement or method of preservation that occurs prior to 6 April 2016 will still need to be advised to HMRC and well in advance of December 2018.*

## **HMRC**

### **New lifetime allowance scheme administrator look-up service**

On 20 September 2017, the Secretariat circulated an email from HMRC confirming that the new lifetime allowance scheme administrator look-up service had just gone live on the GOV.UK website. Funds can access the service through the GOV.UK guide [Pension administrators: check your member's protection status - GOV.UK](#).

Funds can use the look-up service to check the lifetime allowance protection status of their members.

### **Finance (No. 2) Act 2017**

In November, the Finance (No. 2) Act 2017 received royal assent. The Act includes a number of provisions that were not passed into law earlier this year due to the June 2017 general election (see [bulletin 157](#) for more details). For pensions, the passage of the Act has two main impacts:

- the reduction in the money purchase annual allowance from £10,000 to £4,000 retrospective to 6 April 2017, and
- changes to the Income Tax (Earnings and Pensions) Act 2003 to mean that a pensions advice allowance payment (PAAP) of up to £500 under the Registered Pension Schemes (Authorised Payments) (Amendment) Regulations 2009 is exempt from income tax.

In respect of the latter bullet point, it should be noted that PAAPs cannot be paid from an LGPS in-house AVCs unless and until there are amendments to the LGPS Regulations 2013 and the LGPS (Scotland) Regulations 2014 to permit such payments.

### **HMRC Newsletter 92 – October 2017**

HMRC published newsletter 92 covering pension flexibility statistics, registration statistics, relief at source for Scottish Income Tax, drawdown pension tables, the new pensions online service, paying tax to HMRC and the lifetime allowance service.

## **Automatic enrolment**

### **Automatic Enrolment - Transitional delay**

Employers who used transitional delay will be aware that the end of the transitional period has now passed i.e. 30 September 2017. We encourage employers to review the [transitional delay guidance](#) on TPR's website and to note the implications of the 12 month opt out exception for transitional delay.

For LGPS employers who used transitional delay, in essence, this means that an employer **cannot** automatically enrol an eligible jobholder who opted out more than 12 months before the transitional delay assessment date of 1 October 2017. As this exception was introduced by the Occupational and Personal Pension Schemes (Automatic Enrolment) (Amendment) Regulations 2015 from 1 April 2015 it is likely to have changed the position for many employers whose staging date was prior to 1 April 2015. These employers will have sent letters to eligible jobholders to whom transitional delay was applied informing them that they will be enrolled into the LGPS on 1 October 2017 if they meet the eligible jobholder criteria on that date. However, where the worker opted out more than 12 months before 1 October 2017 this cannot now happen. It would be advisable for employers to write to such individuals to inform them they will not be automatically enrolled from 1 October 2017 and to remind them of their option to opt in to the LGPS.

In [bulletin 162](#), we also reported the following:

*“In addition, employers should also be aware that [TPR's guidance](#) (see paragraphs 73 to 78) states that where an individual to whom transitional delay was applied is not an eligible jobholder on 1 October 2017 the employer must keep assessing the worker each pay reference as usual. If at any point after 1 October 2017 the eligible jobholder criteria are met, unless one of the exceptions apply, the individual must be automatically enrolled with effect from 1 October 2017 i.e. active membership must be backdated to start from 1 October 2017 irrespective of the date the employee first meets the eligible jobholder criteria after 1 October 2017. Obviously, this could have serious consequences if employers are required to backdate contributions for several years. We have been seeking clarification from DWP on this and will provide further information as soon as it becomes available.”*

We have now received confirmation from DWP that they agree with TPR's guidance which, in their view, is consistent with the requirements of the Pensions Act 2008 (PA2008). In their view, the PA2008 requires this approach because where an eligible jobholder has been subject to transitional delay the start date for active membership is the day after the end of transitional delay (i.e. 1 October 2017).

Whilst this is simple enough if the individual is still an eligible jobholder on 1 October 2017 as they would be brought into the scheme at that point (unless one of the exceptions apply), it becomes more complex if the individual is no longer an eligible jobholder on 1 October 2017. DWP's view is that the start date for active membership remains 1 October 2017, but there is no requirement for them to be brought into the scheme until they become an eligible jobholder again. If and when they do subsequently become an eligible jobholder again, the start date for active membership will remain 1 October 2017 and this will mean that their membership should be backdated to 1 October 2017.

DWP have stated that, in light of the issues that we have raised, they will review the treatment of these individuals. However, we do not expect that DWP review will fundamentally alter the situation outlined here and we therefore advise funds to adhere to the content of TPR's guidance, particularly paragraphs 73 to 78, in the event of a case arising.

It is important to note that the exception that prevents employers automatically enrolling those who opted out of the LGPS more than 12 months before 2 October 2017 will continue to apply meaning that employers will only need to backdate membership of the LGPS in a minority of cases where:

- a) transitional delay applied to the individual,
- b) the individual was not an eligible jobholder on 1 October 2017,
- c) the individual subsequently became an eligible jobholder, and
- d) the individual had not previously opted out of the LGPS more than 12 months before their automatic enrolment date.

Administering authorities may wish to alert LGPS employers to the above.

**[New automatic enrolment brief guide and withdrawal of the automatic enrolment full guide](#)**

A new version of the automatic brief guide (version 7.0) was uploaded to both [www.lgpsregs.org](http://www.lgpsregs.org) and [www.scotlgpsregs.org](http://www.scotlgpsregs.org) on 5 September.

As mentioned in bulletin 159 the new version is a complete rewrite of the guide meaning that a tracked version is not available. The new guide aims to supplement the information provided by the Pensions Regulator (TPR); it covers automatic enrolment from the perspective of the LGPS and TPS and contains signposts to the detailed guidance available on TPR's website. The sample letters have also been updated and are now contained in a standalone document (rather than as part of the full guide) – clean and tracked version of these are also available on [www.lgpsregs.org](http://www.lgpsregs.org) and [www.scotlgpsregs.org](http://www.scotlgpsregs.org).

The full guide (version 6.2) has now been removed and placed under the 'withdrawn guides' section of the website and will no longer be maintained. We have taken this decision because in 2017 automatic enrolment, for the most part, is simply 'business as usual' and the TPR website contains the vast majority of information needed by an employer.

On 13 November, version 7.0 of the automatic enrolment brief guide was updated in accordance with the Employers' Duties (Miscellaneous Amendments) Regulations 2017 which has the effect of aligning the timing of the deferral date in relation to postponement so that for staging and post-staging employers the period for which automatic enrolment can be deferred is the same i.e. three months and one day. Other miscellaneous amendments have also made to the guide. Clean and tracked version of the guide (version 8.0) are available at the guide and sample documents pages of [www.lgpsregs.org](http://www.lgpsregs.org) and [www.scotlgpsreg.org](http://www.scotlgpsreg.org).

## **Other News and Updates**

### **LGPS Scotland - SPPA consultation on draft LGPS (Scotland) Regulations 2018**

SPPA have commenced a consultation on a new set of main scheme regulations for the LGPS in Scotland, the draft LGPS (Scotland) Regulations 2018. The draft regulations are intended to be a consolidation of the following regulations together with additional amendments:

- The Local Government Pension Scheme (Scotland) Regulations 2014 [SI 2014/164]
- The Local Government Pension Scheme (Scotland) Amendment Regulations 2015 [SI 2015/87]
- The Local Government Pension Scheme (Scotland) Amendment (No. 2) Regulations 2015 [2015/448]
- The Local Government Pension Scheme (Scotland) Amendment Regulations 2016 [SI 2016/32]

The consultation documents, along with a pro forma for responding, can be found on [the SPPA website](#). The documents are also available under [Scheme Consultations](#) on [www.scotlgpsregs.org](http://www.scotlgpsregs.org). The consultation closes



on 1<sup>st</sup> January 2018 and the LGA response will be uploaded to [www.scotlgpsregs.org](http://www.scotlgpsregs.org) once it has been submitted.

### **LGPS England & Wales - Ill health retirements and obtaining narrative reports from IRMPs**

Note: Although this item is in respect of the LGPS England & Wales it could have implications for the LGPS Scotland, depending upon the interpretation of the guidance issued by SPPA. Such [guidance](#) does not appear to be as prescriptive as its equivalent in England & Wales, though that is not to say that the points made below may not apply equally to the LGPS Scotland.

The Pensions Ombudsman Service (TPOS) have asked us to highlight the importance of scheme employers obtaining narrative reports from independent registered medical practitioners (IRMPs) in dealing with ill-health retirement cases.

Narrative reports are reports that help employers to understand the reasoning behind the medical opinion the IRMP has given. As the decision to award an ill-health retirement is that of the employer, a full understanding of the IRMP's reasoning will be important to minimise the risk of the employer making a poor or flawed decision, potentially resulting in a mal-administration claim from the member.

We have been made aware that some IRMPs have said that in their view, providing such a report would be beyond their remit. However, DCLG's [ill-health retirement statutory guidance](#) to which IRMPs and scheme employers are both obliged to have regard, under regulation 36(4) of the LGPS Regulations 2013, makes clear that obtaining such a report is recommended.

Extract from paragraph 20:

*The Scheme employer will need to understand the reasoning of the independent registered medical practitioner when making their decision. So it is, therefore, recommended that the independent registered medical practitioner provides a narrative report to accompany the certificate. Further, where the independent registered medical practitioner is of the opinion that the applicant could work in their current role with adjustments, or in an alternative role that is likely to be available with that employer, it is appropriate to include advice on this in the narrative report if such advice has not already been given to the Scheme employer previously.*

In the view of the LGPC Secretariat, where a scheme employer has made a decision to expect a narrative report to be supplied by an IRMP, they should make this clear at the time of commissioning the IRMP to provide a medical opinion. If an IRMP refuses to do this, the scheme employer may wish to consider appointing a different IRMP to avoid any risk of them making a poorly-informed decision.

In highlighting this, TPOS have drawn attention to [PO-14747](#) which demonstrates the importance of the employer understanding the rationale

and reasoning behind an IMRP's medical opinion when making their decision.

### **LGPS England & Wales - Clarification regarding ill health retirement process**

The Pensions Ombudsman Service (TPOS) has asked the LGPC Secretariat to alert employers to a trend they have identified whilst dealing with LGPS ill health retirement complaints.

The situation occurs where a member is awarded a tier 3 pension and takes this decision to appeal under IDRP, resulting in a fresh medical opinion being sought. In some cases the appeal process has happened to coincide with the 18 month review of the tier 3 pension and the employer has wrapped the two processes together so that one opinion is sought from the IRMP to cover both.

This is flawed, because, the two opinions are looking at two separate things:

- The opinion obtained in respect of the appeal of the original decision is looking at whether an error was made by the IRMP in considering the case initially or whether new evidence has come to light since the IRMP's initial decision which suggests the member should have been awarded a higher tier of ill-health pension at the time of the original application.
- The opinion obtained at the 18 month review is to consider whether, at the date of the review, the member remains incapable of undertaking gainful employment, and if they are when they will be likely to be capable of undertaking gainful employment again in the future, if at all.

Whilst, in the view of both TPOS and the LGPC Secretariat, there would not be a problem with an employer commissioning the same IRMP to review the member's health status for both purposes, in such cases it needs to be clear to the IRMP that both need to be considered separately to avoid an improper decision being made.

TPOS have highlighted the recent determination [PO-13071](#) to demonstrate this. The determination also makes clear that employers themselves need to understand the differences between obtaining a second opinion on account of an appeal and obtaining an opinion for the 18 month review of a tier 3 pension.

### **LGPS England & Wales - Assistant coroners & eligibility for LGPS**

The LGPC Secretariat have received a Counsel's view on the eligibility of assistant coroners for membership of the LGPS in England and Wales, which concludes that assistant coroners are eligible for membership of the scheme.

Part 4 of Schedule 2 of the LGPS Regulations 2013 confirms that coroners are eligible for membership of the LGPS and that the Scheme employer for a coroner is the local authority which appointed them. However, the term 'coroner' is not defined in the 2013 Regulations, leaving open the question as to the types of coroner this term covered, particularly in light of the Coroners and Justice Act 2009 (the 2009 Act) which introduced a class of coroner called an assistant coroner.

Counsel's view is that the use of the term 'coroner' with a small 'c' in the 2013 Regulations along with the fact that the 2013 Regulations do not attempt to define

the term means, in short, that the Regulations cover all classes of coroner covered by the 2009 Act. As well as meaning assistant coroners are eligible for the scheme, this also confirms our previously held view that senior coroners and area coroners are both eligible for the LGPS too.

### **LGPS England & Wales - Publication of LGPS statistics for 2016/17**

DCLG have [published their annual statistics](#) on the LGPS in England and Wales, covering the 2016/17 scheme year. The statistics are collated from the SF3 forms completed by LGPS funds each year and show the following (removing the effect of the merger of the Richmond and Wandsworth pension funds during 2016/17):

- Total expenditure in 2016/17 was £11.8 billion, up £0.4 billion from 2015/16.
- Total income in 2016/17 was £14.7 billion, up £0.7 billion from 2015/16.
- Overall, total expenditure was 81% of income in 2016/17, the same as in 2015/16.
- The market value of LGPS funds was £259 billion at the end of March 2017, an increase of £45 billion or 21% on March 2016.
- Active membership was up to 1,964,000 in 2016/17, from 1,943,000 in 2015/16.
- Active membership as a proportion of total membership was 35.16% in 2016/17, down from 36.00% in 2015/16.

Whereas in previous years SF3 data for LGPS funds in England and LGPS funds in Wales were published separately, for 2016/17 the data sets and Statistical Release have been combined to reflect the scheme as a whole.

### **Freedom & Choice – Transfer Forms and withdrawal of guide**

The Secretariat has recently been notified of a transfer case which has given us reason to make a number of revisions to the transfer forms, accordingly on 3 November 2017 version 5.0 has been published in the [‘Guides and sample documents’](#) area of our web-site.

Primarily, the forms have been amended to reflect that the Administering Authority must make sure that Independent Advice, in accordance with section 48 of the Pension Schemes Act 2015 (section 51 for Northern Ireland), has been obtained where a transfer from the LGPS takes place amounting to more than £30,000, where the transfer is made to:

- a money purchase scheme,
- a cash balance scheme, or
- a scheme, other than a money purchase scheme or cash balance scheme, whose benefits are calculated by reference to an amount available for the provision of benefits to or in respect of the member (whether the amount so available is calculated by reference to payments made by the member or any other person in respect of the member or any other factor).

In addition, we have also taken the opportunity to fine tune a number of other areas as a consequence of the change noted previously.

The Freedom and Choice guide is currently under review with a mind to change the look and feel together with reviewing the content. Therefore, the new Freedom and Choice guide will contain the changes noted above, and the existing Freedom and Choice guide has been temporarily withdrawn and placed in the '[Withdrawn guides](#)' area of our web-site. We hope to publish the new version of the Freedom and Choice guide early in 2018.

Addendum: On 6 December 2017 the Secretariat made a slight revision to the wording of the transfer forms that were published earlier this month and accordingly version 6.0 has been published in the '[Guides and sample documents](#)' area of our web-site.

### **Annual Allowance – version 3 3 Technical guide**

The annual allowance technical guide has been updated to reflect that, in accordance with the Finance (No. 2) Act 2017, the Money Purchase Annual Allowance has now reduced to £4,000 – the change has effect for the tax year 2017/18 onwards.

In addition, the opportunity was taken to correct a couple of errors in the carry forward examples on pages 126-143 of the guide.

Tracked and clean versions of the guide can be viewed at <http://www.lgpsregs.org/resources/guidesetc.php> and <http://scotlgpsregs.org/resources/guidesetc.php>.

### **Legal opinion on GDPR and the LGPS**

On 20 November 2017, the LGPC Secretariat circulated a legal opinion from the legal firm Squire Patton Boggs on a number of questions regarding the implications of the EU's General Data Protection Regulation (GDPR) for the LGPS. GDPR provides for a new standard of data protection for individuals in the European Union and comes into force throughout the EU on 25 May 2018.

The opinion is available on the legal opinions pages of [www.lgpsregs.org](http://www.lgpsregs.org) and [www.scotlgpsregs.org](http://www.scotlgpsregs.org), at <http://lgpsregs.org/resources/opinions.php> and <http://scotlgpsregs.org/resources/opinions.php> respectively. The topics Squire Patton Boggs have considered in the opinion include:

- Whether member consent is needed to process LGPS members' personal data for the purposes of the basic administration of the scheme
- The legal power for administering authorities to share personal data with AVC providers, a) where a member has entered into an AVC arrangement, and b) for marketing purposes to those who have not entered into AVC arrangements
- The retention of personal data by an administering authority where there is no remaining liability for an individual
- The 'right to erasure' and how this relates to the LGPS
- The 'right to restrict processing' and how this relates to the LGPS

- ‘Privacy by design’ and how this relates to the LGPS
- The formal role each of the following parties has in respect of LGPS member data under GDPR – i.e. whether data controller, data processor or joint data controller:
  - administering authority
  - scheme employer
  - fund actuary
- What GDPR means for practices whereby the administering authority gives the scheme employer access to parts of the pensions administration system in order to view or update member records.

As reported in [bulletin 160](#), work is also underway at a national level by the communications working group to produce a number of sample documents for LGPS administering authorities to make use of in their preparations for GDPR. These consist of the following:

- A privacy impact assessment (PIA),
- A Fair Processing notice (FPN),
- An incident report form, and
- A data protection policy.

The communications working group reviewed draft versions of these documents at their meeting in October and the final versions will be circulated to all administering authorities in early 2018.

### **Ban on pensions cold calling – draft legislation to be brought forward in 2018**

In [bulletin 161](#), we reported the Government’s response to the pension scams consultation that took place in late 2016 and early 2017. In that response the Government announced that they intended to bring forward measures to restrict the likelihood of pension scams occurring, including the introduction of a cold calling ban. However, on the timescales for the implementation of such a measure, the Government were less clear and only said:

*“The Government intend to work on the final and complex details of the ban on cold calling and then bring forward legislation when Parliamentary time allows.”*

On the introduction of the Financial Guidance and Claims Bill into Parliament, provisions for the introduction of a cold calling ban were not included. However, in October, the Government were defeated in the House of Lords during the passage of the Financial Guidance and Claims Bill, when peers voted to amend the Act to include a pensions cold calling ban.

This defeat appears to have changed the Government’s approach and in response to a written question in November, Stephen Barclay, Economic Secretary to the Treasury responded to confirm draft legislation would now be brought forward in early 2018:

*“The government is committed to banning pensions cold-calling. Following a consultation, the government will bring forward draft legislation for scrutiny to ban pensions cold-calling, including texts and emails, in early 2018. It will then legislate on a ban as soon as Parliamentary time allows.”*

### **Pensions Ombudsman legal forum**

The LGPC Secretariat have been informed by the Pensions Ombudsman Service (TPOS) that they have recently established a legal forum, which is geared towards engaging with legal representatives of their stakeholders. The Legal Forum is designed to share information with lawyers and to understand what the industry is thinking to help the Pensions Ombudsman improve his strategic and operational decision-making.

We have been approached to see if the LGPS would wish to be represented on the group and are seeking a volunteer to do so who:

- a) works at an LGPS administering authority in a legal position, and
- b) has experience of dealing with LGPS complaints and with TPOS.

If you would like to nominate someone to sit on the group and represent the LGPS, it would be much appreciated if you could let [Con Hargrave](#) know. Volunteers will be accepted on a first come, first served basis. The next meeting of the group is due to take place in April 2018.

Addendum: Following the above bulletin article, Patricia Managh, a solicitor at NILGOSC (the Northern Irish LGPS fund) has put her name forward to sit on the forum.

### **September 2017 rate of CPI**

On 17 October 2017, [the Office for National Statistics \(ONS\) announced](#) that the Consumer Prices Index (CPI) rate of inflation for September 2017 was 3.0%.

Government policy in recent years has been to base both pensions increase under the Pensions (Increase) Act 1971 and revaluation of pension accounts under section 9 of the Public Service Pensions Act 2013 on the rate of CPI for September of the previous year. We await confirmation from the Government that revaluation and pensions increase for April 2018 will apply in the LGPS at a rate of 3.0%.

### **Autumn Budget 2017**

On 22 November 2017, the Chancellor of the Exchequer delivered the [Autumn Budget 2017](#).

The Budget was a relatively quiet one for pensions but did include confirmation (para 4.6 at <https://www.gov.uk/government/publications/autumn-budget-2017-documents/autumn-budget-2017>) that the lifetime allowance will be going up to £1,030,000 from 6 April 2018. This increase is in line with the policy that the Government announced in the March 2015 Budget.

### **Pensions Dashboard update**

During October, there were a couple of significant announcements regarding the development of the [Pensions Dashboard](#):

- The Association of British Insurers (ABI), the organisation which steered the development of the Dashboard prototype, [published a report](#) containing a series of policy recommendations on how to develop a Dashboard that would bring about lasting benefits for pensions savers in the UK.
- At the PLSA Conference, Guy Opperman MP, Minister for Pensions and Financial Inclusion, announced that DWP will take over responsibility for the introduction of the Pensions Dashboard from HM Treasury. DWP's involvement will begin with the undertaking of a feasibility study in the coming months, with the Department due to provide a fuller update on its plans in Spring.

### **LGPS Frameworks – request for information**

At Technical Group in September, it was agreed that the LGPC Secretariat would begin to host a list of current frameworks available for use by LGPS administering authorities on [www.lgpsregs.org](http://www.lgpsregs.org) and [www.scotlgpsregs.org](http://www.scotlgpsregs.org). In maintaining this list, it will be the responsibility of host organisations to ensure that the information held by the Secretariat is accurate and kept up-to-date.

Accordingly, in Bulletin 163 we requested the necessary information from those organisations who run LGPS frameworks, with the intention of hosting this information on our websites in early December. As at 28 November 2017 the Secretariat has not received a response to our request.

### **Launch of Your LGPS Contacts**

On 21 November 2017, the LGA launched [Your LGPS Contacts](#), a web-based system via which LGPS administering authorities in England, Scotland and Wales can maintain and update the following contacts held by the LGA pensions team:

- Pensions manager details for display on [www.lgpsregs.org](http://www.lgpsregs.org) and [www.scotlgpsregs.org](http://www.scotlgpsregs.org)
- Administration contracts for our administration distribution list e.g. for the monthly bulletin
- Scheme member contacts for display on [www.lgpsmember.org](http://www.lgpsmember.org) (and [www.scotlgpsmember.org](http://www.scotlgpsmember.org) once launched)
- Finance and investment contacts for our finance and investments distribution list
- Political contacts (pensions committees and local pension boards).

At launch, individual emails were sent to all LGPS administering authorities containing a user guide for the system and log-in details for their section of the site. Emails sent to funds by the LGA will now be sent based on the contacts contained on Your LGPS Contacts and so we strongly urge funds to review these details and update them where necessary.

### **Communications working group**

Minutes of the 23 October 2017 meeting of the communications working group, along with the group's work plan for 2017/18, have now been uploaded to [www.lgpsregs.org](http://www.lgpsregs.org) and [www.scotlgpsregs.org](http://www.scotlgpsregs.org), at <http://lgpsregs.org/bulletinsetc/cwgminutes.php> and <http://scotlgpsregs.org/bulletinsetc/cwgminutes.php> respectively.

### The LGA has moved back to Westminster

As of 27 October 2017, the LGA have moved back to our offices at Smith Square, Westminster. The refurbished offices are now known as 18 Smith Square (replacing the old name of Local Government House). Funds and employers can therefore contact the LGPC Secretariat by writing to:

LGPC Secretariat  
Local Government Association  
18 Smith Square  
Westminster  
London  
SW1P 3HZ

### Documents added/withdrawn from:

- [England & Wales - http://www.lgpsregs.org/index.php](http://www.lgpsregs.org/index.php)
- [Scotland - http://www.scotlgpsregs.org/index.php](http://www.scotlgpsregs.org/index.php)

### Guides and sample documents added / updated

05 September 2017	Automatic enrolment	Sample letters	Pension Funds, Employers	Version 1.0
05 September 2017	Automatic enrolment	Technical guide - brief	Pension Funds, Employers	Version 7.0
3 November 2017	Freedom & Choice	Transfer declaration forms	Pension Funds	Version 5.0
13 November 2017	Automatic enrolment	Technical guide - brief	Pension Funds, Employers	Version 8.0
6 December 2017	Freedom & Choice	Transfer declaration forms	Pension Funds	Version 6.0
6 December 2017	Annual Allowance	Technical guide	Pension Funds	Version 3.3



## Guides and sample documents withdrawn

7 June 2017	Automatic enrolment full guide – version 6.2	Full guide to automatic enrolment for LGPS and TPS employers. This guide will not be updated going forward - employers should instead refer to the Pension Regulator's website for detailed guidance on automatic enrolment.
30 June 2016	Freedom & Choice Guide	Technical guide for LGPS pension funds on the implications for the LGPS of the introduction of Freedom and Choice in April 2015. This guide has been temporarily withdrawn whilst the LGPS Secretariat make a series of updates to its content.

## Bulletins and Circulars

164	November 2017	
163	October 2017	Appendix 1 - List of LGPS frameworks (summer 2014) Appendix 2 - Tell Us Once guide to changing passwords Appendix 3 - Tell Us Once newsletter Appendix 4 - TPOS newsletter
162	September 2017	

## Technical group minutes

	None published since those of 16 June 2017	
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## Communications working group

23 October 2017	General Data Protection Regulations (GDPR), the national member website, annual benefit statements, AVCs in relation to Freedom and Choice, cohabiting partner pensions and the communications work plan for 2017/18.	Minutes
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