

LGPC Bulletin 225 – May 2022

Local Government Pensions Committee (LGPC)
Secretary, Lorraine Bennett

This bulletin contains updates for all LGPS stakeholders. It includes important articles on:

- [Prudential performance update](#) - share the letter from Prudential with Pensions Committees and Local Pension Boards
- [Miscellaneous Amendments Regulations 2022 laid](#) (Scotland) - ensure processes and communications are in line with the changes
- [New versions of guides published](#) (England and Wales) – update local versions and share with Scheme employers
- [New versions of employee guides published](#) (Scotland) - update local versions of the guides in line with the changes
- [Stronger nudge to pensions guidance](#) – review your processes to ensure that you comply with the new requirements to refer members to guidance

which need action by certain stakeholders.

If you have any comments or articles for future bulletins, please contact query.lgps@local.gov.uk.

Index

LGPS England & Wales Scheme Advisory Board (SAB)	4
Prudential performance update	4
LGPS England & Wales	4
DLUHC publishes statutory guidance on special severance payments	4
Recruitment and retention survey	5
New versions of guides published	5
LGPS Scotland	6
Miscellaneous Amendments Regulations 2022 laid	6

New versions of employee guides published	7
Proposed merger	8
HMRC	8
Pension schemes newsletter 138	8
TPO	8
Latest news from the Pensions Ombudsman (TPO).....	8
TPO determination CAS-29778-J8R1	9
TPR	9
Enforcement and prosecution policies consultation	9
Other news and updates	10
Data subject access requests documents published	10
Stronger nudge to pensions guidance – new documents.....	10
Communications Working Group minutes published	11
Online pension surgeries	11
New senior pensions secretary	12
Stewardship framework launched	12
Updates from the Pensions Dashboards Programme (PDP)	12
Training	13
Fundamentals training programme 2022	13
Employer and practitioner training	14
Annual governance conference 2023.....	14
Wider landscape	15
PASA good practice guidance on defined benefit (DB) transfers.....	15
PASA releases cybercrime protection checklist	15
Teachers’ Pension Scheme grant guidance updated.....	15
Legislation.....	15
Statutory Instruments	15
Scottish Statutory Instruments	15
Useful links	15
LGPS pensions section contact details.....	16

Further information.....	17
Copyright.....	17
Disclaimer	17

LGPS England & Wales Scheme Advisory Board (SAB)

Prudential performance update

Representatives from Prudential attended the SAB meeting in December 2021 to discuss the performance issues experienced by administering authorities since November 2020. At that meeting, Prudential agreed to produce a communication to explain:

- the issues that have arisen
- the steps that have and are being taken to resolve the situation, and
- the expected timescales for normal service to be resumed.

Prudential have now written to Jo Donnelly, Head of Pensions at the LGA, to provide this update. Robert Holloway shared the letter with pension managers by email on 13 May 2022.

Action for administering authorities

If Prudential is your in-house AVC provider, please share the letter from Prudential with your Pensions Committee and Local Pension Board.

LGPS England & Wales

DLUHC publishes statutory guidance on special severance payments

On 12 May 2022, DLUHC published [statutory guidance on special severance payments](#). Best Value authorities in England must have regard to the guidance in circumstances in which it may be appropriate to make special severance payments. The guidance also covers approval, disclosure and reporting requirements. The guidance does not apply to authorities in Wales. You can find a list of the bodies the guidance applies to at the end of the guidance.

The guidance confirms that:

- strain cost related to the early payment of LGPS benefits under regulation 30(6) or (7) (flexible retirement, redundancy or efficiency retirement over age 55) does not constitute a special severance payment
- strain cost of awarding additional pension under regulation 31 of the LGPS Regulations 2013 may constitute a special severance payment, depending on the terms of the individual's contract

- strain cost related to waiving an actuarial reduction when a member retires under regulation 30(5) may constitute a special severance payment, depending on the terms of the individual's contract.

DLUHC consulted on a draft version of this guidance in 2021. You can find links to the original consultation, the LGA response and the Government response on the [Scheme consultations](#) page of www.lgpsregs.org.

Action for administering authorities

Please inform your Scheme employers about the revised statutory guidance on special severance payments.

Recruitment and retention survey

Thank you to all administering authorities that responded to our recruitment and retention survey. The survey ran from 12 April to 3 May 2022 and is now closed. Please see [Bulletin 223](#) for more information about the survey.

Lorraine Bennett emailed pension managers on 19 May 2022 providing them with the confidential results of the survey. We will not be publishing the results on our website nor sharing them other than by email. We sent the results to named pension managers only. We did not send the results to any generic email addresses that do not include the manager's name, such as pensions@pensionfund.gov.uk.

If you are a pension manager in England or Wales and you did not receive the survey results, please email query.lgps@local.gov.uk to request a copy.

New versions of guides published

We have published 2022 versions of a number of scheme guides. You can find the latest versions of all our administrator guides and documents on the [Administrator guides and documents](#) page of www.lgpsregs.org.

- Employee brief guide version 2.3
- Councillor full guide version 2.2
- Update for councillors in England version 2.2
- Introductory leaflet for councillors in Wales version 1.9
- Retirement planning guide version 1.3
- Annual allowance factsheet for members version 1.9
- HR guide version 4.3 (also available on the [Employer guides and documents](#) page of www.lgpsregs.org)

We have published Word versions of the guides so that administering authorities can add contact information and any other details specific to their authority. We have published versions that include tracked changes to draw attention to the updates we have made this year.

If you plan to publish a PDF version of the guides, you may need to take additional steps to ensure that they comply with [the Public Sector Bodies \(Websites and Mobile Applications\) \(No. 2\) Accessibility Regulations 2018](#) (which we covered in [Bulletin 190](#)). You can find more information online about:

- How to [Create accessible PDFs](#)
- [Creating accessible PDFs in Adobe Acrobat](#).

You may need to take extra steps to tag tables correctly.

Action for administering authorities

Please update your versions of the guides in line with the changes and let your Scheme employers know that about the latest version of the HR guide.

LGPS Scotland

Miscellaneous Amendments Regulations 2022 laid

On 3 May 2022, the Scottish Government laid [The Local Government Pension Scheme \(Scotland\) \(Miscellaneous Amendments\) Regulations 2022](#). The regulations come into force on 1 June 2022. Several changes have backdated effect.

In the main, the regulations:

- clarify the rules allowing deferred members who left before 1 April 2015 to elect for early payment between 55 and 60 without needing their former employer's consent
- allow pension credit members who were awarded the credit under the Local Government Pension Scheme (Scotland) Regulations 1998 or under the Local Government Pension Scheme (Administration) (Scotland) Regulations 2008 to elect for early payment at a reduced rate on or after age 55, rather than on or after age 60
- amend how survivor partner pensions are calculated so that male survivors of opposite-sex marriages, survivors of same-sex marriages and surviving same-sex civil partners are placed in a similar position to female survivors of

male married members. The amendments apply to all deaths on or after 5 December 2005

- provide more flexibilities when dealing with exiting employers
- allow amendments to employer contribution rates in between valuations
- amend the cost cap figure from 15.5 per cent to 15.2 per cent, correcting an error identified by the Government Actuary's Department.

The Scottish Public Pensions Agency (SPPA) consulted on the regulations between 1 November 2021 and 21 January 2022, which we covered in [Bulletin 216](#). The SPPA published [Circular 2022/04](#) responding to the consultation on 9 May 2022. The SPPA decided not to proceed with the proposed changes to the underpin and cohabiting partner pensions. You can view the consultation documents on the [Scheme consultations](#) page of www.scotlgpsregs.org.

On 23 May 2022, we published [Bulletin 224 – Scotland](#). The Bulletin provides our commentary on the regulations. We have also updated [the timeline regulations](#) on www.scotlgpsregs.org.

Action for administering authorities

Ensure your processes and communications are in line with the changes.

New versions of employee guides published

On 25 May 2022, Steven Moseley emailed administering authorities letting them know we have published version 2.2 of the employee brief guide, version 2.1 of the councillor brief guide and version 1.1 of the retirement planning guide.

We have published Word versions of the guides so that administering authorities can add contact information and any other details specific to their authority.

If you plan to publish a PDF version of the guide, you may need to take additional steps to ensure that it complies with [the Public Sector Bodies \(Websites and Mobile Applications\) \(No. 2\) Accessibility Regulations 2018](#) (which we covered in [Bulletin 190](#)). You can find more information online about:

- How to [Create accessible PDFs](#)
- [Creating accessible PDFs in Adobe Acrobat](#).

You may need to take extra steps to tag tables correctly.

You can access the new versions (including documents showing the changes) from [the Administrator guides and documents page](#) of www.scotlgpsregs.org.

Action for administering authorities

Please update your versions of the guides in line with the changes.

Proposed merger

Lothian Pension Fund and Falkirk Council Pension Fund have announced that they are exploring the possibility of a merger of their operations. The two funds have been working successfully together for over a decade. Work to take this proposal forward will continue this year, subject to approval by the City of Edinburgh Council and Falkirk Council, and regulatory approval in Scotland and the UK.

You can direct any questions or requests for further information to:

- Lothian Pension Fund at www.lpf.org.uk or enquiry@lpf.org.uk
- Falkirk Council Pension Fund at www.falkirkpensionfund.org or pensions@falkirk.gov.uk.

HMRC

Pension schemes newsletter 138

HMRC published [Pension schemes newsletter 138](#) on 29 April 2022.

The newsletter contains articles covering:

- HMRC has updated its annual allowance calculator to include the 2022 to 2023 tax year
- changes to Scheme Pays reporting deadlines in some cases following the introduction of the Registered Pension Schemes (Miscellaneous Amendments) Regulations 2022 (see [Bulletin 223](#) for more information)
- a reminder to take action now to [migrate your pension scheme to the Managing Pension Schemes service](#)
- accounting for tax returns for the quarter ending 31 March 2022 must be submitted through the Managing Pension Schemes service.

TPO

Latest news from the Pensions Ombudsman (TPO)

New online application form launched

TPO recently launched an enhanced [online application form](#). The more user-friendly form is also smarter, with customers only required to answer relevant questions.

TPO webinars

Booking is now open for the following webinars:

- [Volunteering at TPO](#) – Tuesday 7 June, 1pm
- [How to avoid the Ombudsman](#) – Tuesday 19 July, 10am
- [How to avoid the Ombudsman](#) – Tuesday 19 July, 2pm.

TPO determination CAS-29778-J8R1

TPO recently upheld a complaint concerning an application for ill health retirement from active status in the LGPS. You can read the [Ombudsman's determination](#) on the TPO website.

The Ombudsman:

- awarded £1,000 to the complainant for the distress and inconvenience caused by her former employer's failure to consider her ill health application properly
- directed that the employer will review the application for ill health retirement from active status in the LGPS, nominating a new IRMP who has not been involved with the matter previously
- awarded the complainant a further £500 from the administering authority because of its failure to consider her complaint at stage two of the Internal Disputes Resolution Procedure in a timely manner.

TPR

Enforcement and prosecution policies consultation

On 4 May 2022, TPR launched a consultation on its new consolidated and simpler draft enforcement policy and an updated prosecution policy. The [Enforcement and prosecution policies consultation](#) will close on 24 June 2022.

The [Draft scheme management enforcement policy](#) will replace existing policies for defined benefit, defined contribution and public service pension schemes. The [Draft prosecution policy](#) explains how TPR will approach the prosecution of workplace pension criminal offences or offences that are otherwise related to TPR functions.

Both policies have been updated to include the new powers granted to TPR in the [Pension Schemes Act 2021](#).

Other news and updates

Data subject access requests documents published

On 11 May 2022, Lorraine Bennett emailed administering authorities to let them know that we have published a collection of documents to assist them in dealing with data subject access requests (DSARs). The documents were requested by the National Technical Group. They deal with the increasing number of requests from claims management companies relating to past transfers out.

The following documents have been produced by Squire Patton Boggs:

- guidance for handling DSARs
- procedure for handling DSARs
- template acknowledgement letter
- template response letter
- template acknowledgement letter requesting more information
- template acknowledgement and deadline extension letter.

You can find the documents on the:

- [Administrator guides and documents](#) page of www.lgpsregs.org
- [Administrator guides and documents](#) page of www.scotlgpsregs.org.

In the 'Filter' option on the right-hand side, select 'Subject' to display all documents related to data subject access requests.

Stronger nudge to pensions guidance – new documents

On 10 May 2022, Lorraine Bennett emailed all administering authorities to tell them that we have published version 1 of a technical guide on the new stronger nudge to pensions guidance requirements. The new requirements come into effect from 1 June 2022. On 27 May 2022, we published version 2 of the guide.

On 27 May 2022, Steven Moseley emailed administering authorities letting them know that we have published a 'getting guidance' insert document. The document is provided for authorities to insert with their relevant AVC letters. In our view, doing so will meet the legal requirement to refer members to guidance where it applies. The document also includes a Pension Wise declaration form for the member to confirm if they have received guidance or are opting out of guidance. For authorities in England and Wales, the email also told them that we have published version 2 of the AVC risk warning document. The document now reflects the new requirements to refer members to guidance.

You can access the documents on the:

- [Administrator guides and documents](#) page of www.lgpsregs.org
- [Administrator guides and documents](#) page of www.scotlgpsregs.org.

Action for administering authorities

Review the documents and ensure that you are complying with the new requirements to refer members to guidance.

[A booking tool for administrators to book a Pension Wise appointment](#) on behalf of a member is now available on the MoneyHelper website. TPR has updated its [Communicating and reporting guidance](#) to include a link to the booking tool.

Communications Working Group minutes published

We have published the minutes of the Communications Working Group meeting that took place on 26 April 2022. At the meeting, the Group discussed:

- working practices as a result of COVID-19
- the new member website
- member engagement
- McCloud communications.

You can find the minutes from this and earlier meetings of the Group, and the Group's workplan on the:

- [Communications Working Group](#) page of www.lgpsregs.org and
- [Communications Working Group](#) page of www.scotlgpsregs.org.

Online pension surgeries

We delivered our first online pension surgery on 12 May 2022. Over 120 people attended the two-hour surgery covering the non-Club transfers out guide. We would like to thank everyone who attended and participated. The surgery was structured around questions from the participants submitted before and during the event. Feedback from the event has been very positive. If you attended the event, please complete the feedback survey so that we can take your views into account as we plan future sessions.

We are currently planning the next surgery which will cover the stronger nudge regulations. We will provide more information about this session including how to book and submit questions in advance of the event in the coming weeks.

New senior pensions secretary

We are very pleased to welcome a new senior pensions secretary to the team supporting the Scheme Advisory Board (England and Wales). Jeremy Hughes joined the team from DLUHC this month. You can find Jeremy's contact details in the [LGPS contact details](#) section.

Stewardship framework launched

The National LGPS Framework for Stewardship Services went live this month. Please see the [Press release from the National LGPS Frameworks](#) for more information about the launch.

Services within the Framework are available across four specialist lots:

- Lot 1: voting services
- Lot 2: engagement services
- Lot 3: voting and engagement services
- Lot 4: stewardship reporting and projects.

You can find more information on the [National LGPS Frameworks website](#) or by contacting NationalLGPSFrameworks@norfolk.gov.uk.

Updates from the Pensions Dashboards Programme (PDP)

Progress insights April 2022

The PDP published its [April 2022 progress update report](#) on 27 April 2022. On 29 April 2022 Chris Curry, PDP Principal, published a blog covering that report and hosted a webinar expanding on its content. You can read the [PDP progress insights](#) on the PDP website. The blog covers:

- the need for pension schemes to act now to prepare for dashboards
- timelines and what to expect from DWP and the PDP
- ISP market development
- data matching and the need for improved data quality
- the process for partial matches.

Blog on consumer protection

David Reid, PDP Head of Policy, published a [blog covering the consumer protection landscape for pensions dashboards](#).

Training

Fundamentals training programme 2022

We are pleased to announce our Fundamentals training programme for 2022. We will be running the training online and in person at two locations – London and Birmingham.

Fundamentals is a three-day training course aimed at elected members and others who attend pension committees and local pension boards. Past delegates include elected members, trade union representatives, member and employer representatives, officers who support committees and private sector organisations that provide services to administering authorities. The course provides a scheme overview and covers current issues that are affecting LGPS administration, investments and governance.

Attending all three days will help delegates meet the requirements for knowledge, skills and understanding either required in statute or encouraged by relevant guidance.

Each day has a different theme and will include sessions delivered by experts in their fields. The in-person events will include refreshments and lunch and provide delegates with valuable networking opportunities.

Each day's programme will start at 10am and close by 4pm. Registration at in person events will start at 9.30am. For full details, see the [Fundamentals training programme](#).

Cost

In person - £270 plus VAT per session. The price includes lunch, refreshments and all delegate materials.

Online - £220 plus VAT per session.

We recommend early booking as places are limited. You can book online through the [LGA events page](#). We are unable to take manual bookings. Please find links to the individual sessions below.

[Fundamentals Day 1 – 18 October 2022 online](#)

[Fundamentals Day 1 – 20 October 2022 Westminster](#)

[Fundamentals Day 1 – 27 October 2022 Birmingham](#)

[Fundamentals Day 2 – 10 November 2022 Westminster](#)
[Fundamentals Day 2 – 16 November 2022 Birmingham](#)
[Fundamentals Day 2 – 22 November 2022 online](#)

[Fundamentals Day 3 – 6 December 2022 Westminster](#)
[Fundamentals Day 3 – 14 December 2022 Birmingham](#)
[Fundamentals Day 3 – 20 December 2022 online](#)

Employer and practitioner training

There are places available on the following courses:

Employer role training (England and Wales)

[7 June 2022 – Manchester](#)
[28 June 2022 – online](#)
[5 July 2022 – Cardiff](#)
[19 July 2022 – online](#)
[6 September 2022 – London](#)
[13 September 2022 – Leeds](#)
[15 September 2022 – Birmingham](#)
[20 September 2022 – Bristol](#)

Transfers (England and Wales)

[14 June 2022 – London](#)
[21 June 2022 – Cardiff](#)
[23 June 2022 – London](#)
[28 June 2022 – Manchester](#)

Please use the links above to make a booking. You can find out more information about location, prices and timings on the bookings page. If you are not able to secure a space on your chosen course, please contact us. We will consider all your requests when adding new events.

Annual governance conference 2023

Our annual governance conference retains its popular lunchtime to lunchtime schedule. It will take place on Thursday 19 and Friday 20 January 2023 at the Marriott Cardiff Hotel. We are currently finalising the programme and securing speakers. Booking will open in June.

If you would like to be notified when bookings open or if you have any questions about the conference, please email elaine.english@local.gov.uk.

Wider landscape

PASA good practice guidance on defined benefit (DB) transfers

The Pensions Administration Standards Association (PASA) has published [Good Practice Guidance on DB transfers](#). PASA President, Margaret Snowdon OBE said of the guidance:

“The guidance is designed to support transfer processes which contribute to a better end-to-end member experience, ensure members and adviser communications are timely and helpful and to protect members from pension scams. We ask for the industry to work together to make defined benefit transfers faster, safer and better in order to improve member outcomes.”

PASA releases cybercrime protection checklist

The PASA Cybercrime and Fraud Working Group has published a [Cybercrime protection checklist](#) for pension administrators. The checklist builds on cybercrime guidance published by the group in November 2020. It provides examples of steps administrators can take to assess their defences against cybercrime.

Teachers’ Pension Scheme grant guidance updated

On 28 April 2022, the Government updated its [guidance on pension grants for schools, local authorities and music hubs](#). The guidance covers the grant for the financial year 2022 to 2023.

Legislation

Statutory Instruments

[The Financial Guidance and Claims Act 2018 \(Commencement No. 9\) Regulations 2022](#)

Scottish Statutory Instruments

[The Local Government Pension Scheme \(Scotland\) \(Miscellaneous Amendment\) Regulations 2022](#) [SSI 2022/153]

Useful links

[LGA Pensions page](#)

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

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

[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.

Joanne Donnelly (Head of Pensions)

Telephone: 07464 532613

Email: joanne.donnelly@local.gov.uk

Lorraine Bennett (Senior Pensions Adviser – LGPC Secretariat)

Telephone: 07766 252847

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: 07827 307003

Email: rachel.abbey@local.gov.uk

Steven Moseley (Pensions Adviser – LGPC Secretariat)

Telephone: 07780 227059

Email: steven.moseley@local.gov.uk

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

Telephone: 07464 652886

Email: karl.white@local.gov.uk

Lisa Clarkson (Pensions Adviser (Employer) – LGPC Secretariat)

Telephone: 07464 532596

Email: lisa.clarkson@local.gov.uk

Jeremy Hughes (Senior Pensions Secretary - LGPS Scheme Advisory Board (E&W))

Telephone: 07960 513946

Email: jeremy.hughes@local.gov.uk

Bob Holloway (Pensions Secretary – LGPS Scheme Advisory Board (E&W))

Telephone: 07919 562847

Email: robert.holloway@local.gov.uk

Gareth Brown (Research and Data Analyst – Pensions)

Telephone: 07785 407657

Email: gareth.brown@local.gov.uk

Elaine English (LGPS Executive Officer)

Telephone: 07909 988968

Email: elaine.english@local.gov.uk

Further information

Copyright

Copyright remains with Local Government Association (LGA). This bulletin may be reproduced without the prior permission of LGA provided it is not used for commercial gain, the source is acknowledged and, if regulations are reproduced, the Crown Copyright Policy Guidance issued by HMSO is adhered to.

Disclaimer

The information contained in this bulletin has been prepared by the LGPC Secretariat, a part of the Local Government Association (LGA). It represents the views of the Secretariat and should not be treated as a complete and authoritative statement of the law. Readers may wish, or will need, to take their own legal advice on the interpretation of any piece of legislation. No responsibility whatsoever will be assumed by the LGA for any direct or consequential loss, financial or otherwise, damage or inconvenience, or any other obligation or liability incurred by readers relying on information contained in this bulletin.

Whilst every attempt is made to ensure the accuracy of the bulletin, it would be helpful if readers could bring to the attention of the Secretariat any perceived errors or omissions by emailing query.lgps@local.gov.uk.