

LGPC Bulletin 228 – August 2022

Local Government Pensions Committee (LGPC)
Secretary, Lorraine Bennett

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

- [TPO seminar on the ill health process](#) (LGPS Scotland)
- the latest [updates on pensions dashboards](#)
- a [Supreme Court decision concerning term-time workers](#)
- national [pension awareness campaigns](#)

which need action by certain stakeholders.

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

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LGPS England & Wales Scheme Advisory Board (SAB)

SAB update

You can use the links below to find out about the latest updates on the work of the SAB and its committees:

- the latest [SAB meeting and agenda papers](#)
- the latest [committee meetings and agenda papers](#)
- the latest [Responsible Investment Advisory Group meetings and agenda papers](#)
- the [latest news items](#).

LGPS Scotland

TPO seminar on ill health process

Representatives from the Pensions Ombudsman (TPO) will be running a seminar on the ill health process. This will allow administering authorities, Scheme employers and occupational health (OH) providers to ask any questions they have about the process, roles and responsibilities.

The seminar will be on Thursday 22 September 2022, 11.00 am to 12.00 pm, with a second session for those unable to make that date at 11.00 am to 12.00 pm on Tuesday 4 October 2022.

The Scottish Public Pensions Agency will send out invitations nearer the time.

Action for administering authorities

Share the details of the seminars with your employers and OH providers.

TPO

TPO publishes corporate plan

[The Pensions Ombudsman's \(TPO\) corporate plan for 2022 to 2025](#) has been published. The corporate plan outlines TPO's key performance indicators, strategic goals and priorities for the period, along with the actions required to deliver those priorities.

Webinar – how to avoid the Ombudsman

TPO has re-scheduled its webinar on how to avoid the Ombudsman that was due to take place in July. The webinar will now take place at 11.00 am on

14 September 2022. The session will run for 45 minutes, which includes 15 minutes for audience questions. You can [register for the webinar](#) online.

TPR

TPR publishes scam prevention strategy

The Pensions Regulator (TPR) has published a new [strategy to combat pension scams](#). The strategy sets out TPR's plan to combat pension scams. It will tackle the scourge of scammers by:

- educating savers about the threat that scams present
- encouraging higher standards and preventing practices that lead to saver harm
- fighting fraud through the prevention, disruption and punishment of criminality.

The strategy supports and complements the work of the Pension Scams Action Group (PSAG – formerly Project Bloom). The strategy sets out the importance of pension schemes protecting savers by being proactive in providing pension scams warnings, driving improvements in protection standards and reporting potential crimes to the authorities.

You can read more about the launch of the strategy in the [TPR press release](#).

Pensions dashboards

DWP confirms frozen refunds are out of scope for initial dashboards

On 3 August 2022, the Department for Work and Pensions (DWP) confirmed that frozen refunds will be out of scope for initial dashboards because they are not considered to be member benefits. Joe Stacey from DWP went on to say:

“This does not mean they cannot be included at some point in the future but for now we've had to prioritise getting the regulations right for the benefits that are in scope.

We'll keep this logged as an issue to look at again at the next suitable juncture. We want to legislate for schemes with fewer than 100 relevant members at some point, so there is bound to be further dashboards regulation in the not too distant future.”

We expressed our disappointment and informed DWP that we will keep them updated about any issues this creates for the LGPS when we first start receiving find requests.

Guidance on Value Data for pensions dashboards

The Pensions Administration Standards Association (PASA) has published [Guidance on Value Data for pensions dashboards](#). PASA recognises that the regulations are yet to be finalised and that some uncertainty remains. The guidance includes a checklist of steps administrators can take now, despite these uncertainties. These steps will help administrators to:

- gain an understanding of what the Value Data requirements mean for their scheme
- identify where gaps exist, what the options are for filling those gaps and whether they should wait to see DWP's final regulations before making a decision
- decide if there is work they can do in advance of the designated staging date.

As we reported in [Bulletin 227](#), public service pension schemes will have to provide Value Data to pensions dashboards by 1 April 2025, although they can supply it earlier if they choose to.

You can read more about the launch in the [PASA press release – Value Data guidance](#).

Data matching guidance updated

PASA has updated its guidance on dashboards data matching conventions. The [PASA dashboards data matching conventions guidance](#) was originally issued in December 2021. It has been updated to include a call to action, set out the next steps being worked on and provide links to other industry guidance.

You can read more about the updates and the reasons for them in the [PASA press release - DMC guidance](#).

LGA response to PDP's consultation and call for input on standards and guidance

We responded to this consultation on 31 August 2022.

The Pensions Dashboards Programme (PDP) launched the consultation on 19 July 2022. We covered this in [bulletin 227](#).

In our response, we call on PDP to:

- include a flow chart and checklist to assist pension schemes understand their responsibilities when they use a third-party Integrated Service Provider (ISP) to connect to the dashboard ecosystem
- make it mandatory for users to input their national insurance number in the find data
- be mindful that the LGPS has a different McCloud remedy to the unfunded public service schemes. Any McCloud warnings or wording will need to cover the unfunded schemes and the LGPS
- make it clear to users that frozen refunds are not included on pensions dashboards
- provide more information on how the complaints procedure will work.

We also expressed concern about the proposed timeframe of 30 days for connecting via a third-party connection because of the number of funds and other public service schemes that use the same pension software providers.

Our response can be found on the:

- [non-scheme consultations](#) page of www.lgpsregs.org, and
- [non-scheme consultations](#) page of www.scotlgpsregs.org.

PDP webinars – standards consultation

The Pensions Dashboards Programme (PDP) ran a series of webinars in July to assist interested parties who were preparing a response to the Pensions dashboards standards consultation.

You can find links to [recordings of the PDP webinars on the standards consultation](#) on the PDP website.

Other news and updates

HMT consultation on public sector exit payments

On 8 August 2022, HM Treasury (HMT) launched a [consultation on public sector exit payments](#). The Government is proposing to introduce:

- an expanded approval process for employee exits and special severance payments
- additional reporting requirements.

The guidance is intended to apply to all bodies that are classified as ‘Central Government’. This **does not** include local authorities or bodies under devolved administrations. The guidance will apply to academies.

The new approvals requirement would apply to decisions made by employers to agree to an exit where the total payment to be made would be more than £95,000. This includes relevant statutory, contractual or discretionary payments. This would include any strain cost where an LGPS member aged over 55 leaves due to redundancy or efficiency. A further approval will be needed if special severance payments – payments in excess of contractual obligations – are to be offered.

Employers will need to report any exit to HMT if the total payments made in relation to it exceed £95,000.

You can find more information about the proposals in the [draft HMT guidance on public sector exits](#).

The consultation closes on 17 October 2022.

Digital engagement guide published

On 2 August 2022, we published a technical guide to digital engagement. We worked with the Communications Working Group to produce the guide. We would like to extend our sincere thanks to the group members for all their hard work on this project.

The purpose of the guide is to assist administering authorities as they make decisions on developing their online presence. Those may be decisions about the earliest stages of launching a portal or developing or promoting a facility that they have operated for many years.

You can find the technical guide to digital engagement on the:

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

Supreme Court decision concerning term time workers

The Supreme Court has ruled in favour of a zero hours contract worker who works on a term-time only contract in a school. The case concerned how to calculate their holiday pay. It also has implications for workers who work varying hours during only certain weeks of the year but have a continuing contract.

The employer adopted a policy of adding 12.07 per cent to the worker's pay to cover their holiday pay entitlement. The Supreme Court ruled that it was wrong to do so. The holiday pay should instead have been based on the worker's pay for the relevant period, with any weeks of nil pay ignored. The relevant period in relation to this claim was 12 weeks. This has since been changed to 52 weeks.

LGPS Scheme employers may be reviewing their policy on calculating holiday pay for members in this category in light of this judgment. They may wish to seek specialist legal advice to establish whether to change their current practices and whether any backdated payments are due.

You can read more about the [Harpur Trust v Brazel](#) case, including a useful summary of the judgment on the Supreme Court's website.

Action for administering authorities

Share the details of the case with Scheme employers.

Transfer and liberation guidance

On 1 August 2022, Jayne Wiberg emailed pensions managers with pensions transfer and liberation guidance. This was produced by Eversheds Sutherland.

We instructed Eversheds Sutherland to produce the guidance at the request of the National LGPS Technical Group. The group agreed that a historical timeline of pension scam information would be useful when dealing with appeals.

As agreed by the group, we sent the guidance directly to LGPS pension managers only. We will not publish it online.

Action for administering authorities

If you are a pension manager and you have not received a copy, please email query.lgps@local.gov.uk.

Pension sharing for members with CARE and final salary benefits

We have received a number of queries recently about pension sharing orders that specify a different percentage share for final salary and CARE benefits. Although it is more common for the same percentage split to apply to all the member's LGPS benefits, the regulations do allow different percentages to apply.

If you receive a pension sharing order that specifies a different percentage share for final salary and CARE benefits, you should implement it as the court has instructed. You may need to contact your software supplier to find out how to update the member's record to reflect the different percentage shares.

Regulations 20(3) and 20(4) of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 are quoted below. The wording of Regulations 20(3) and 20(4) of the LGPS (Transitional Provisions and Savings) (Scotland) Regulations 2014 is almost identical. Any differences are shown in square brackets.

(3) Where a pension sharing order requires a pension debit in respect of a percentage of a member's pension benefits, any benefits accrued in the Earlier Schemes or 2014 Scheme [2015 Scheme in Scotland] shall be debited by the same percentage unless the order specifies otherwise, with the debit being calculated in accordance with actuarial guidance issued by the Secretary of State [Scottish Ministers in Scotland].

(4) Where a pension sharing order requires a pension debit in terms other than a percentage share of a member's pension benefits, the debit is to apply in proportion to the cash equivalent transfer value of the benefits accrued within the Earlier Schemes and the 2014 Scheme [2015 Scheme in Scotland] unless the order specifies otherwise.

GAD guidance on pension debits confirms that the same percentage should be applied to each 'tranche' of LGPS benefits, except where the pension sharing order specifies otherwise. Please see:

- Paragraph 3.6 of LGPS (England and Wales) guidance on application of a pension debit for divorced members dated 11 June 2020, and
- Paragraph 3.6 of LGPS (Scotland) guidance on application of a pension debit for divorced members dated 18 March 2020.

You can find this GAD guidance and all other GAD guidance currently in operation on:

- the [Actuarial guidance](http://www.lgpsregs.org) page of www.lgpsregs.org
- the [Actuarial guidance](http://www.scotlgpsregs.org) page of www.scotlgpsregs.org.

Action for administering authorities

Review your pension sharing processes to make sure that they allow a different percentage share to apply to final salary and CARE benefits. Contact your software supplier for advice on any system issues.

Retirement at age 75 and commutation options

If a member's benefits have not been put into payment before age 75, a benefit crystallisation event (BCE 5) occurs on their 75th birthday. The amount crystallising is based on the standard benefits. A further BCE does not occur when the member takes their pension.

In our view, the fact that a BCE occurred on the member's 75th birthday does not prevent the member from electing to exchange pension for lump sum after that date. There is one exception. Members of the LGPS in Scotland who left after

31 March 2015 do not appear to be able to elect to exchange pension for lump sum after their 75th birthday. This is because regulation 32(1) of the LGPS (Scotland) Regulations 2018 requires the member to make their election before the BCE.

If the member is able to and chooses to exchange part of their pension for a tax-free lump sum, the capital value of their benefits will be different from the amount crystallised at age 75. That earlier BCE should not be re-visited. The percentage of lifetime allowance used up and any lifetime allowance tax charge must be based on the standard benefits at age 75.

We are aware that we have previously expressed the opinion that a member in this position always loses the right to exchange pension for lump sum in response to earlier queries.

LGPS benefits first paid after age 75 are not unauthorised. However, paying benefits after age 75 is technically a breach of the Scheme rules. If such a breach occurs and you consider it to be materially significant, you must report it to the Pensions Regulator.

National LGPS Frameworks news bulletin

National LGPS Frameworks has published the [August 2022 edition of the National LGPS Frameworks news bulletin](#). The news bulletin includes important updates about:

- the second iteration of the stewardship services framework that went live in May 2022
- the new pensions administration operational support services framework that went live in May 2022
- the planned launch of the third iteration of the investment management consultancy services framework in November 2022
- the planned launch of the third iteration of the legal service framework in January 2023
- the nine live frameworks available to all LGPS administering authorities
- the importance of completing a contract award before the expiry date of the framework.

Training

Annual and lifetime allowance – practitioner training

We recently announced that we will be running training on annual allowance and lifetime allowance in October and November. At the time of writing, places at the dates we announced are nearly all sold out.

We will put on more courses in response to the demand for this training. If you would like to register your interest in attending this training, please email elaine.english@local.gov.uk by **23 September 2022**. Please let us know:

- how many places you would like
- whether you want to book an in-person or virtual session
- which administering authority you represent.

We will use this information to decide how many additional courses we will offer, and the location of any in-person sessions. Any additional courses will be offered to those on the waiting list before being advertised. We will do our best to accommodate all requests, but it may not be possible to satisfy everyone's requirements.

Cost

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

Online - £230 plus VAT per session. The price includes the course notes in pdf format.

Online practitioner and employer training

Our practitioner and employer training courses are limited to a maximum of 15 attendees. This is to ensure that everyone has sufficient opportunity to interact with the trainer and other attendees. For this reason, and as a revenue protection measure, we ask that all attendees have their cameras turned on for the duration of the training.

Action for administering authorities and employers

Please make sure your staff are aware they will need to keep their cameras turned on for the duration of any online practitioner and employer training.

Fundamentals 2022

Our Fundamentals training programme will be run face to face in London and Birmingham, and we will also run a separate online session.

Fundamentals is a three-day training course aimed at elected members and others who attend pension committees/panels and local pension boards. Attending all three days will assist delegates in meeting the relevant 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 field. The event also offers valuable networking opportunities. We recommend early booking because places are limited. We are unable to take manual bookings.

Each event below has a link to take you directly to the booking page for that session.

[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](#)

The booking page for all LGA events is: www.local.gov.uk/events.

LGPS Governance Conference 2023

Booking is now open for the LGPS Governance Conference 2023.

The conference will take place on 19 and 20 January 2023 at the Cardiff Marriott Hotel. You can attend the conference in person or join us online.

The conference is aimed at elected members and others who attend pension committees/panels and local pension boards. Past delegates include elected members, trades union representatives, member and employer representatives, as well as a variety of officers who attend and support committees.

You can book and view the programme using the links below. An updated programme with confirmed speakers will be published shortly. Please note we do not take manual bookings.

- [book to attend in person](#)
- [book to attend virtually](#).

The booking page for all LGA events is www.local.go.uk/events.

Wider landscape

Collective Money Purchase Schemes launched

A new type of pension scheme officially opened for applications on 1 August 2022. Collective Money Purchase Schemes (also known as Collective Defined Contribution or CDC schemes) are designed to provide improved retirement returns for savers with more predictable costs for employers. The new schemes were made possible by the [Pension Schemes Act 2021](#).

A transfer to a CDC scheme would satisfy the first condition for the purposes of the Occupational and Personal Pension Schemes (Conditions for Transfers) Regulations 2021. TPR will publish a list of authorised CDC schemes. We expect that Royal Mail will be the first organisation to launch a CDC scheme.

You can read more about the conditions for transfers and other rules affecting transfers out of the LGPS in the Non-Club transfer out technical guide. You can find the guide on the:

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

We expect the DWP to consult on introducing new types of CDC schemes later in 2022. You can read more about the launch in the [DWP press release on CDC schemes](#).

Government launches Public Sector Fraud Authority

The [Government has launched the Public Sector Fraud Authority](#) (PSFA) to tackle fraud committed against public funds.

The PSFA aims to modernise the Government's counter-fraud response. It will work with public bodies to test their fraud defences and help them build stronger safeguards.

The PSFA builds on the success of the National Fraud Initiative which detected and prevented more than £200 million of public sector pension fraud between 2020 and 2022.

Pension awareness campaigns

Pension Awareness Day takes place on 15 September 2022. You can find a timetable of live events for members that will take place between 12 and 16 September 2022 on the [Pension Awareness Day website](#).

The [pension awareness 2022 promotional toolkit](#) includes posters, leaflets and other resources that you and your employers can use to promote the campaign to Scheme members.

The Association of British Insurers (ABI) and the Pensions Lifetime Savings Association (PLSA) are leading a campaign to boost the nation's 'Pension Attention'. The campaign will run from September to November.

You can find files and guidance for the Pay Your Pension Some Attention brand and logo on the [ABI website](#).

We will be adding an article to the [LGPS \(England and Wales\) member website](#) about the national campaigns shortly.

Consultation on civil service compensation scheme

The Government published a supplementary [Consultation on reform of the Civil Service Compensation Scheme 2017](#) on 15 August 2022. The consultation has been ongoing since 2017. The consultation seeks views on reforms to the Civil Service Compensation Scheme, including:

- changes to the maximum payments made under compulsory redundancy, voluntary redundancy and voluntary exit
- allowing employer-funded top-up to pension from age 56 to track ten years behind State Pension Age
- clawback arrangements for those who return to an organisation that uses the Civil Service Compensation Scheme within six months of receiving a compensation payment.

These proposals do not apply to local government. We expect DLUHC to introduce amendments to the regulations covering LGPS members in England and Wales to limit exit payments. We await details of how that will be achieved.

Legislation

Statutory Instruments

[The Finance Act 2021, Schedule 5 \(Pension Schemes: Collective Money Purchase Benefits\) \(Appointed Day\) Regulations 2022 \[SI2022/874\]](#)

Useful links

[LGA Pensions page](#)

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

[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.

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Further information

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