

LGPC Bulletin 236 – March 2023

This bulletin contains updates for all LGPS stakeholders. It includes important articles on the following which need action by certain stakeholders:

- [SCAPE discount rate](#) – update processes and communications
- [spring budget 2023](#) – update processes and communications
- [England & Wales](#) and [Scotland](#) annual revaluation date change – update processes and communications
- [commentary on the tax rules for McCloud](#) – consider the actions
- [knowledge and skills framework survey](#) – complete by 19 April 2023
- [apprenticeship and qualification survey](#) – complete by 21 April 2023
- [teachers' pensions survey](#) – complete by 30 April 2023

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)

Knowledge and skills framework survey

On 22 March 2023, Gareth Brown emailed administering authorities asking them to complete [a survey regarding the knowledge and skills framework](#).

The SAB is reviewing and updating the CIPFA guidance on the [Knowledge and Skills Framework](#) for committee members and officers. Feedback from the survey will aid this process. The survey closes on 19 April 2023.

Action for administering authorities

Complete the survey by 19 April 2023.

McCloud data issues guidance

On 3 March 2023, Lorraine Bennett emailed administering authorities letting them know the SAB has published guidance to help them with McCloud data issues.

The guidance sets out what options administering authorities may consider if they are unable to collect data needed to implement the McCloud remedy. It covers both missing data and data the authority is not confident is accurate. The guidance should be read in conjunction with the legal advice provided by Eversheds on McCloud data issues – this is referenced within the guidance document.

The SAB thanks members of the working group who helped prepare the guidance.

The SABs in Scotland and Northern Ireland will decide whether to publish similar guidance.

You can view the guidance on the [Administrator guides and documents](#) page of www.lgpsregs.org.

SAB responds to cost management consultation

On 6 March 2023, the SAB responded to the consultation on changes to their cost management process. The response is generally supportive of the Department for Levelling Up, Housing and Communities' (DLUHC) approach. See [bulletin 233](#) for more information.

The consultation documents, including SAB's response, are on the [Scheme consultations](#) page of www.lgpsregs.org.

Updates

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

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

LGPS England & Wales

Annual revaluation date change

On 9 March 2023, the Department for Levelling Up, Housing and Communities' (DLUHC) published its response to the consultation on changing the annual revaluation date. On the same day, they laid [the LGPS \(Amendment\) Regulations 2023](#), effective on 31 March 2023.

On 17 March 2023, Lorraine Bennett emailed administering authorities and pension software suppliers confirming we have published [bulletin 234A](#). The bulletin covers the changes in detail, including examples.

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

We will update the [timeline regulations](#) shortly.

Action for administering authorities

Make sure your processes and communications are in line with the changes.

Apprenticeships and qualifications survey

On 30 March 2023, Lisa Clarkson emailed administering authorities with an [apprenticeship and qualification survey](#). The survey will close on 21 April 2023.

We are looking at ways to assist administering authorities with pension administration apprenticeships and/or qualifications. To help us to understand the issues and requirements, we are gathering information on how apprenticeships and external qualifications are currently used. We are also interested in ideas for future development in this area.

The survey should be completed by the organisation that provides the pensions administration. If administration is outsourced, the third party administrator should complete it. If administration is provided by a shared service provider, the provider should complete it. If the third party or shared service provider completes the survey, only complete one survey on behalf of all the administering authorities they look after.

Action for administering authorities

Complete the survey by 21 April 2023.

GAD 2022 data request

We reported in [bulletin 234](#) that GAD would be requesting membership data as at 31 March 2022 for the 2022 Section 13 project from administering authorities.

On 30 March 2023, GAD emailed pension managers with a formal request for that data. If you are a pensions manager and did not receive the request, please email datazone@gad.gov.uk by 1 April 2023.

GAD will be using a secure online data transfer system to facilitate the data collection process. Please read the formal request carefully as it contains important information about access to the data transfer facility and the data that you must supply, and the timescales. The deadline for submitting data is 5 May 2023.

The plan and timescales are set out below:

- 30 March 2023: GAD requested data from pension managers
- by 7 April 2023: authorities to confirm scheme contact or provide an alternative contact(s) for data submission by email to datazone@gad.gov.uk
- by 12 April 2023: GAD will send invitations to submit data to scheme contacts
- by 5 May 2023: authorities to submit full membership data for their fund via the GAD central data zone – do not send any membership via email
- by 5 May 2023: respond to the questionnaire using either the questionnaire link or the Word template.

Action for administering authorities

Email datazone@gad.gov.uk by 7 April 2023 to let them know your scheme contact(s) for data submission.

Local Government structural changes

On 1 March 2023, [the Local Government \(Structural Changes\) \(Supplementary Provision and Amendment\) Order 2023](#) was made. It is effective on 1 April 2023.

The order amends the LGPS regulations, reflecting structural changes in Cumbria, North Yorkshire and Somerset. It ensures no exit payments or credits are due in respect of councils winding up because of those structural changes.

As Cumbria County Council is winding up, the Order specifies the new Westmorland and Furness Council will become the administering authority for the Cumbria LGPS fund. It also reflects the name change from North Yorkshire County Council to North Yorkshire Council.

We will shortly update [the timeline regulations](#).

Teachers' pensions survey reminder – McCloud remedy and the LGPS

Teachers' Pensions need help from administering authorities with the group of teachers who will be retrospectively eligible for the LGPS as part of the McCloud remedy in the Teachers' Pension Scheme (TPS).

Please provide the information below by completing the [survey](#):

- your contact information
- the local authority areas that fall within your remit
- clarification about whether certain establishments are LGPS employers.

Affected TPS members are those with a part time employment in addition to a full time employment who are being rolled back into the TPS legacy scheme as part of the McCloud remedy. See [bulletin 229](#) for more information.

Action for administering authorities

Complete the [TPS survey](#) by 30 April 2023.

LGPS Scotland

Consultation on the annual revaluation date change

On 14 March 2023, the Scottish Public Pensions Agency (SPPA) published a consultation and draft regulations on changing the annual revaluation date in the

LGPS. If laid, the regulations will come into force on 25 May 2023, with backdated effect to 31 March 2023.

The draft regulations replicate the changes made to the LGPS (England and Wales) Regulations 2013. On 21 March 2023, we responded to the consultation.

The consultation closed on 27 March 2023. You can find our response on the [Scheme consultations page](#) of www.scotlgpsregs.org.

On 17 March 2023, Lorraine Bennett emailed administering authorities, SPPA and pension software suppliers confirming we have published [bulletin 234A](#) covering the proposals in detail.

Action for administering authorities

Consider the impact of the proposals on your processes and communications.

SAB publishes March 2023 bulletin

On 27 March 2023, the SAB published '[Bulletin March 2023](#)'. The bulletin outlines key decisions it took at its last meeting on 8 February 2023 covering:

- cost transparency
- actuarial support costs
- LGPS structures
- National Care Service.

Section 13 report published

On 24 March 2023, the Government Actuary's Department (GAD) published [the section 13 report on the valuations as at 31 March 2020](#). GAD consider whether the following aims were achieved:

- compliance
- consistency
- solvency
- long-term cost efficiency.

DWP

Expansion of auto enrolment

On 3 March 2023, the Department for Work and Pensions (DWP) issued a [press release](#) confirming it will support the private members bill expanding auto

enrolment. The [Pensions \(Extension of Automatic Enrolment\) \(No.2\) Bill 2023](#) proposes to give Government regulatory powers to:

- abolish the Lower Earnings Limit for contributions – currently £6,250, and
- reduce the age of auto enrolment for eligible jobholders from 22 to 18.

Government has not given a timetable for when they intend to use these new powers.

State Pension age review

On 30 March 2023, DWP [published its 2023 review of the State Pension age](#). The Government is required to undertake a regular review of the State Pension age in accordance with the Pensions Act 2014.

State Pension age (SPa) is currently age 66 and will rise to age 67 between 2026 and 2028 before rising again to age 68 between 2044 and 2046. At the first review in 2017, the Government accepted the recommendation that the State Pension age should rise to age 68 over the period 2037 to 2039; however, it outlined this would be subject to further review.

The 2023 review confirms the rise to age 67 between 2026 and 2028 is still appropriate. However, the Government does not intend to change existing legislation to implement the recommendation of the 2017 review at the current time. It plans to have a further review within two years of the next Parliament to consider whether the rise to age 68 should occur earlier. The Government must publish the report no later than 29 March 2029.

HMT

Spring budget 2023

On 15 March 2023, [the Chancellor of the Exchequer delivered his Spring budget](#). See [HMRC's newsletter 148](#) and [Policy paper](#) for more information.

The [Finance \(No.2\) Bill 2022/23](#) was published on 23 March 2023. With effect from 6 April 2023, the Bill proposes to enact some of the changes announced at the Spring budget. In particular:

- increasing the annual allowance (AA) from £40,000 to £60,000
- increasing the money purchase AA from £4,000 to £10,000
- increasing the adjusted income level for the tapered AA from £240,000 to £260,000
- increasing the minimum tapered AA from £4,000 to £10,000

- abolishing lifetime allowance (LTA) charges arising in relation to benefit crystallisation events (BCE) occurring on or after 6 April 2023
- allowing members to accrue new pension benefits, join new arrangements or transfer, without losing enhanced protection or fixed protection where the protection was applied for before 15 March 2023
- changing the taxation of the LTA excess lump sum, so that it is taxed as pension income (ie taxable at marginal rate rather than 55 per cent)
- ensuring that payments of (or any part of) serious ill-health lump sums defined benefit lump sum death benefits or an uncrystallised funds lump sum death benefits that would have incurred an LTA charge remain taxable payments, with the excess taxed as pension income (ie taxable at marginal rate rather than 55 per cent).

The LTA will be abolished completely from the 2024/2025 tax year. This will be done through a future Finance Bill.

Except where protections apply, the maximum pension commencement lump sum (PCLS) a member can take remains the lower of 25 per cent of:

- the capital value of the pension benefits the member is taking, or
- their remaining LTA (the standard LTA is £1,073,100 and 25 per cent of this is £268,275).

Administering authorities will need to continue to operate lifetime allowance checks in the 2023/24 tax year when paying benefits; however, there will be no requirement to report LTA charges on the accounting for tax return.

An administering authority assesses a member for the LTA at the date of the benefit crystallisation event (BCE). A BCE for a scheme pension occurs when the member has an actual right to the pension without having to fulfil any further conditions or take any further actions. The BCE for the PCLS occurs immediately before then. This means that even if a member elected to take payment of their benefits before 6 April 2023, if the BCE does not take place until after 5 April 2023, the member will not pay an LTA charge. See [PTM088200](#) for more information.

HMRC lifetime allowance guidance newsletter

On 27 March 2023, HMRC published a [Lifetime allowance guidance newsletter](#). The newsletter provides further information on:

- PCLSs and LTA protections, including examples
- how to pay and report lump sums that would have incurred an LTA charge that are now taxable as pension income

- the opportunity to join an LTA working group.

The examples in the newsletter do not refer to individual protection because there is no change in how it operates. Individual protection is not lost if a member continues to build up pension savings. The member is allowed to take a PCLS up to 25 per cent of their protected LTA.

Lifetime allowance statutory guidance

We have asked DLUHC and SPPA to instruct GAD to update the LTA statutory guidance to take account of the changes.

[Paragraph 2.21 of the England & Wales guidance](#) and [paragraph 2.22 of the Scotland guidance](#) set out the options if a member's post-commutation pension is above the remaining available LTA. It is our understanding, as the guidance currently stands, a member is still able to commute the pension for further lump sum. This will be paid as an LTA excess lump sum and subject to tax at the member's marginal rate.

Paragraph 2.28 of the England and Wales guidance confirms the amount of pension commuted must satisfy the contracting-out requirements. These are set out in the Occupational Pension Schemes (Schemes that were Contracted-out) (No 2) Regulations 2015. The regulations do not permit a member to commute contracted-out pension for an LTA excess lump sum. This means a member cannot commute their GMP or any Section 9(2B) rights for an LTA excess lump sum.

Action for administering authorities

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

SCAPE discount rate and impact on actuarial factors

On 30 March 2023, Lorraine Bennett emailed administering authorities in England and Wales letting them know the superannuation contributions adjusted for past experience (SCAPE) discount rate reduced on 30 March 2023 to the consumer price index (CPI) plus 1.7 per cent. This is a change from CPI plus 2.4 per cent. This was announced in [a written ministerial statement](#) by the Chief Secretary to the Treasury.

On 31 March 2023, the Scottish Public Pensions Agency (SPPA) sent a similar email to administering authorities in Scotland.

The SCAPE discount rate is used to set the employer contribution rates in the unfunded public service pension schemes (PSPS) and determine the actuarial factors across all PSPS. New employer contribution rates will be implemented

across the unfunded PSPS from April 2024. The Government has committed to funding these increases for employers who are centrally funded through departmental expenditure.

The Government also published its [response](#) to the June 2021 consultation on the methodology used to set the SCAPE discount rate. See [bulletin 211](#) for more information. The response confirms the rate will continue to be based on the expected long-term gross domestic product (GDP) growth figures. Going forward, the Government will aim to review the level of the discount rate once per scheme valuation cycle (four years) rather than every five years.

All the documents relating to the consultation are on the non-scheme consultation pages of www.lgpsregs.org and www.scotlgpsregs.org.

Impact to actuarial factors

The reduced SCAPE discount rate is effective from 30 March 2023. DLUHC and SPPA have confirmed the following calculations should be immediately suspended until new factors are issued:

- certain non-club transfers and interfund / intrafund calculations
- certain non-club cash transfer sums
- all cash equivalent values (CEV) for divorce.

SCAPE tables for [England & Wales](#) and [Scotland](#), setting out the transitional arrangements in detail, accompanies this bulletin. We have updated the table to include cash transfers sums and contribution refunds.

We understand DLUHC and SPPA will issue new transfer factors in April / May. They have also confirmed the remainder of the Scheme's actuarial factors will be amended in due course. Their intention is to introduce revised factors over a four-month period starting in April 2023.

We recommend administering authorities:

- communicate the impending changes to actuarial factors to members, when providing retirement quotations with an effective date on or after 1 April 2023
- notify the court where they have provided a CEV for divorce purposes but a pension sharing order has not yet been made. This will allow for the change in the CEV to be taken account in the financial settlement.

Action for administering authorities

Make sure your processes and communications are in line with the changes.

HMRC

Pension schemes newsletter 148

On 16 March 2023, HMRC published [pension schemes newsletter 148](#). It contains articles on the Spring Budget 2023, net pay arrangements for low earners, accounting for tax returns and event reporting.

The newsletter also confirms where unfunded public service pension schemes operate final salary and CARE scheme as different arrangements, the Government will introduce legislation later this year treating them as one arrangement when calculating the annual allowance.

Pension schemes newsletter 147

On 28 February 2023, HMRC published [pension schemes newsletter 147](#). It contains articles on public service pensions remedy and accounting for tax returns.

The newsletter confirms there will be new questions on the accounting for tax returns when reporting and paying charges. The questions apply to public service pension schemes impacted by the McCloud remedy. As a consequence, the bulk upload templates will also change for annual allowance and lifetime allowance.

Pension dashboards ('dashboards')

DWP announce delays to dashboards connection deadlines

On 2 March 2023, Jayne Wiberg forwarded an email to stakeholders on behalf of the Pensions Regulator (TPR). The email confirms the Government's intention to legislate to amend schemes' connection deadlines. This follows a [written ministerial statement](#) issued by DWP announcing the delays. The statement says delays are necessary to give the Pensions Dashboards Programme (PDP) the time it needs to meet the challenges in developing the digital architecture. DWP will provide an update on dashboards to Parliament before summer recess.

It is not clear if connection deadlines for public service pension schemes will change.

TPR confirms it:

- will write to those schemes affected by the announcement to confirm when new deadlines are set – [example communication](#)
- has [published updated guidance and checklist](#) to help schemes focus on what they should be doing now to prepare for their dashboard duties

- will produce a ‘content toolkit’ with key messages for administering authorities to use, as appropriate, in their communications.

GAD blog on dashboards

On 22 March 2023, the Government Actuaries Department (GAD) [published a blog](#) on matching members for dashboards. The blog looks at the questions administrators need to ask when deciding what matching data to use. It also emphasises the need for regular data quality reporting and cleansing.

Latest news

In March 2023, PDP published their latest news on dashboards. This can be found [on their homepage](#). There are articles on:

- DWP’s written ministerial statement on pensions dashboards connection times
- FAQs on connection deadlines and revised timeline
- pensions dashboards myth busting videos
- signing up for a new FAQs newsletter
- new PDP website homepage.

PASA dashboards guidance

On 29 March 2023, the Pensions Administration Standards Association (PASA) [released two new pieces of dashboards guidance](#).

The first covering communications for savers. The second looks at matching without a national insurance number and possible match responses.

TPR

Blog from chief executive

In March 2023, Charles Counsell stood down from the role of Chief Executive at the Pensions Regulator (TPR). On leaving, Charles [published a blog](#), reflecting on developments since becoming Chief Executive in 2019.

The blog also confirms TPR expect to launch its long-awaited single code of practice later this spring. The code will be called the ‘General Code of Practice’.

Nausicaa Delfas has replaced Charles as the Chief Executive.

EDI guidance published

On 28 March 2023, TPR published guidance, which aims to help pension schemes to improve equality, diversity and inclusion (EDI) of their scheme’s board.

The guidance is also aimed at scheme managers and pension board members of public service pension schemes.

For more information, see [the press release from TPR](#).

Other news and updates

Bulletin 235 – annual update

On 22 March 2023, we published bulletin 235 setting out the rates and bands that apply from April 2023 for various purposes.

The bulletin can be found on the Bulletin pages of www.lgpsregs.org and www.scotlgps.org.

LGPC minutes published

On 6 March 2023, the draft minutes of the LGPC meeting held on 20 February 2023 were published. The minutes will be agreed at the next meeting on 22 May 2023.

Topics discussed include:

- unpaid subscriptions
- regulatory updates
- Teachers Pensions McCloud remedy and the LGPS
- pensions dashboards.

The minutes can be found on the LGPC minutes page of www.lgpsregs.org and www.scotlgpsregs.org.

McCloud - commentary on tax rules

On 6 February 2023, the [Public Service Pension Schemes \(Rectification of Unlawful Discrimination\) \(Tax\) Regulations](#) 2023 were laid. They apply to relevant public service pension schemes and are in force on 6 April 2023. See [bulletin 231](#) for more information.

[A commentary on the impact of the changes](#) accompanies this bulletin.

Action for administering authorities

Consider the actions set out in the commentary.

McCloud – Judgment on cost cap mechanism handed down

On 10 March 2023, [the High Court ruled](#) that HM Treasury’s decision to include the McCloud remedy in the cost cap mechanism was not unlawful. The unions consulting with their legal team regarding any appeal.

National LGPS Technical Group minutes published

On 27 March 2023, the minutes of the National LGPS Technical Group meeting held on 10 March 2023 were published. Topics discussed include:

- dashboards
- McCloud remedy
- transfer out process where a member holds multiple records
- additional voluntary contributions.

The next meeting will be held on 9 June 2023.

The minutes can be found on the Technical group pages of www.lgpsregs.org and www.scotlgpsregs.org.

PSIG interim practitioner guide published

On 20 March 2023, the Pension Scams Industry Group (PSIG) published version 3 of [the Practitioner guide on Combating Pension Scams](#) ('the guide') and a [short summary](#). The guide takes effect immediately.

The guide has been updated to reflect the Occupational and Personal Pension Schemes (Conditions for Transfers) Regulations 2021 ('[the regulations](#)'). It is published as an interim guide because of the mismatch between the DWP stated policy intent and the regulations. The areas of greatest concern to the PSIG are the inclusion of widely defined 'overseas' investments in the receiving scheme as an amber flag and the broad definition of an 'incentive' as a red flag. A further version of the guide will be issued when the key regulatory issues are resolved.

The guide forms part of [the Code of Good Practice on Combating Pension Scams](#). It summarises the regulations, setting out information on how schemes can comply with them, including practical steps for sending schemes.

We will update our non-club transfers out technical guide in due course. You can find it on the Administrator guides and documents pages of www.lgpsregs.org and www.scotlgpsregs.org.

Action for administering authorities

Review the interim guide and consider amending your processes and communications.

Reporting concerning transfer requests

The Financial Conduct Authority (FCA) wants to hear from administering authorities who have serious concerns about a pension transfer.

In particular, it wants authorities to tell it about:

- individuals who provide unauthorised advice on transfers
- increases in the volume of transfers advised by the same adviser
- if a member requested a transfer following a cold call or unsolicited contact
- if the member has been offered an incentive to make a transfer
- if the receiving scheme has high risk or unregulated investments
- if the receiving scheme's charges are unclear or high
- if the receiving scheme's investments structure is unclear, complex or unorthodox
- potential scam activity.

For more information, including what information authorities should provide and helpful things to consider, [see the relevant page of their website](#).

Training

Training programme 2023

All available training courses can be booked on the [LGA events website](#). The link for each course contains course details and how to book.

Bookings are on a first come, first served basis. For fairness, each course is capped at five delegates per organisation.

If you are unable to book a place on a course, email training.lgps@local.gov.uk with details of the course you would like to attend. Include how many places you require and the format - online or in person. If you require in person training, state the location you would prefer. We will keep a waiting list and will consider running additional training if the demand is high enough.

Survivor benefits training (England and Wales)

- [25 April 2023 - London](#)
- [10 May 2023 - Liverpool](#)

Employer role training (England and Wales)

- [25 April 2023 - Online](#)
- [1 June 2023 - Online](#)
- [20 June 2023 - London](#)
- [31 August 2023 - Online](#)
- [26 September 2023 - Online](#)
- [24 October 2023 - Online](#)

- [7 November 2023 - Online](#)
-

Wider landscape

McCloud remedy consultations

Over the last month, relevant Government departments published consultations setting out the proposed McCloud remedy for the:

- [Armed Forces Pension Scheme](#) - closes on 29 May 2023
 - [Firefighters Pension Scheme](#) – closes on 23 May 2023
 - [National Health Service Pension Scheme](#) - closes on 6 June 2023
 - [Police Pension Scheme](#) - closes on 23 May 2023
 - [Principle Civil Service Pension Scheme](#) - closes on 14 May 2023
 - [Teachers' Pension Scheme](#) - closes on 4 June 2023.
-

LGPS pensions team

Raising a query

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. To avoid delays in receiving a response, please do not email advisers directly.

Team contacts

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Statutory instruments

- [The LGPS \(Amendment\) Regulations 2023](#) [SI 2023/279]
- [The Local Government \(Structural Changes\) \(Supplementary Provision and Amendment\) Order 2023](#) [SI 2023/187]

Useful links

[LGA Pensions page](#)

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

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

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

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

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

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

[Public Sector Transfer Club](#)

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

Further information

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