

LGPC Bulletin 242 – September 2023

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

- Finance and political contacts for SAB England & Wales please review
- McCloud update (England and Wales) and McCloud update (Scotland) review documents available and start to implement
- <u>Contact for HMRC McCloud processes reminder</u> provide contact details to HMRC
- Scams reporting campaign remember to report any suspicions.

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)

Code of transparency roadshows – second London session cancelled

The SAB Secretariat has recently run free regional training sessions on investment cost transparency for local pension board and committee members, as well as fund officers.

The sessions took place in London, Manchester, Wolverhampton, Leeds, Edinburgh, Cardiff and online. They were very successful and insightful for both delegates and the Board.

The SAB Secretariat had planned to run another session on 18 October in London; however, this has had to be cancelled to accommodate the Secretariat's workstreams.

The Board thanks everyone who attended for their invaluable feedback. It will collect this feedback and share it with practitioners in due course.

Finance and political contacts - update

The SAB Secretariat would be grateful if all administering authorities would review their finance and political contacts on 'Your LGPS Contacts' as soon as possible.

It has been receiving a high volume of undeliverable messages when sending emails using these contacts.

Administering authorities are responsible for maintaining their contacts details on 'Your LGPS Contacts'. Authorities should regularly review their details to ensure they remain accurate and up to date.

Action for administering authorities

Review and update your finance and political contacts on 'Your LGPS contacts'.

Investment issues consultation: key messages from the Board

The Board has published <u>a statement setting out some key principles</u> that will form the basis of its response to the Department for Levelling Up, Housing and Communities (DLUHC) <u>consultation on investment issues</u>.

The statement confirms that the Board welcomes the consultation and will engage fully and positively with DLUHC, administering authorities and pools to build as broad a consensus as possible on the way forward. It then goes on to set out key principles on investment pooling, levelling up and the proposed private equity target.

The Board will submit a full response to the consultation, which closes on 2 October 2023.

Update on SAB's cost control mechanism

The Board is considering its own cost control mechanism following changes made to HM Treasury's mechanism. The assumptions on which this process is based are currently being agreed.

HM Treasury changed its mechanism after a review by the Government Actuary and public consultation. We covered the changes in <u>Bulletin 215</u>.

Working group membership update

The Board recently asked for volunteers for two working groups. One group will decide what to do next after the publication of the Gender Pensions Gap report commissioned by the SAB. The other group will deal with the possible issues that may arise from more funds being in surplus.

Many practitioners showed interest in both working groups and they now have full membership.

The Board thanks all those who have volunteered their time to be involved in these important workstreams. The first meetings will take place in October 2023.

Website

<u>The SAB's website</u> provides information about the Board's work. Use the links below to find out more about:

- latest news
- SAB meeting and agenda papers
- committee meetings and agenda papers
- Responsible Investment Advisory Group meetings and agenda papers.

LGPS England & Wales

McCloud update

Consultation outcome and regulations laid

The Department for Levelling Up, Housing and Communities (DLUHC) announced the outcome of the consultation on supplementary McCloud issues and draft regulations on 8 September 2023. It also laid The Local Government PensionScheme (Amendment) (No. 3) Regulations 2023, which take effect from 1 October 2023. Lorraine Bennett emailed administering authorities on 11 September 2023 to let them know.

DLUHC issued <u>a correction slip to the regulations</u> on 20 September 2023 to fix a couple of minor typographical errors.

The regulations implement the McCloud remedy and amend the underpin rules to make sure they work correctly. Part 2 of the regulations replaces the underpin rules in the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014. It also makes some related changes to the LGPS Regulations 2013. Part 3 requires administering authorities to check past calculations for events that happened between 1 April 2014 and 30 September 2023. We will shortly update the timeline regulations on www.lgpsregs.org.

You can find the consultation documents, including our response, on the <u>Scheme consultations</u> page of <u>www.lgpsregs.org</u>.

Statutory guidance for administering authorities

After the regulations come into force, administering authorities will need to consider a range of McCloud-affected cases. To encourage a broadly consistent approach, DLUHC will shortly provide statutory guidance on how authorities should prioritise this work.

It is also in the process of setting up an implementation group to decide what other statutory guidance is needed.

The Government Actuary's Department is updating actuarial guidance to reflect the changes and DLUHC will publish this as soon as it is available.

McCloud member factsheet

DLUHC published <u>a new version of the McCloud member factsheet</u> with the consultation response. The new version reflects the final regulations.

LGA support

We are:

- looking at the regulations and will provide administrator guidance in the next few weeks
- working on member communications see <u>Bulletin 241</u> for more information.

We also plan to run McCloud online pension surgeries at the end of October. We will give more details soon.

Pensions software

We recommend you check your software supplier's timetable for implementation and make use of any training they are offering on the changes.

Transfers out

If a member qualifies for underpin protection, the method for calculating a transfer out will be different from 1 October 2023. This method will be set out in actuarial guidance which has not yet been published. You will need to put these transfers on hold until the guidance is published.

Club transfers

There will be significant changes to the Club rules to reflect the McCloud remedy from 1 October 2023. There will be changes to the calculation and to the information that will need to be exchanged when a member protected by the McCloud remedy transfers between Club Schemes. The Club memorandum is currently being updated to reflect these changes.

You will need to suspend calculating Club transfers in and out where the member is protected by the McCloud remedy until the revised Club memorandum is published. Where a member is not protected, you can continue to process Club transfers.

The Club factors have also been revised as part of the SCAPE rate review. The Cabinet Office has already shared these with pension software suppliers. We are awaiting confirmation on whether the effective date will be 1 or 2 October 2023. These new factors will apply to all Club transfers.

When deciding if a member is protected, you will need to consider that a member can qualify for protection on unaggregated LGPS and other public service pension scheme membership.

Further consultation

Further regulations to implement the remedy will be needed, primarily for excess teacher service. DLUHC will publish a technical consultation on these changes in 2024.

Action for administering authorities

Review the documents available and start implementing the remedy.

LGPS Scotland

Investment regulations updated

The Scottish Government laid <u>The Local Government Investments (Scotland)</u> <u>Amendment Regulations 2023</u> on 11 September 2023. These regulations take effect from 6 November 2023.

The regulations update the Local Government Investments (Scotland) Regulations 2010 by referring to the most recent versions of the codes of practice that administering authorities must have regard to for borrowing and treasury management.

McCloud update

Regulations laid

The Scottish Government laid <u>The Local Government Pension Scheme</u> (Remediable Service) (Scotland) Regulations 2023 on 30 August 2023. They come into force on 1 October 2023.

The regulations implement the McCloud remedy and amend the underpin rules to make sure they work correctly. Part 2 of the regulations replaces the underpin rules in the LGPS (Transitional Provisions and Savings) (Scotland) Regulations 2014. It also makes related changes to the LGPS (Scotland) Regulations 2018. Part 3 requires administering authorities to check past calculations for events that happened between 1 April 2015 and 30 September 2023. We have updated the timeline regulations on www.scotlgpsregs.org.

The Scottish Public Pensions Agency (SPPA) consulted on the regulations from 26 June 2023 to 31 July 2023. We responded on 21 July 2023. SPPA told administering authorities in an email on 20 September 2023 that it will reply to the consultation soon. You can see the consultation documents, including our response, on the Scheme consultations page of www.scotlgpsregs.org.

Statutory guidance for administering authorities

In an email to administering authorities on 20 September 2023, SPPA said that:

- it knows the Department for Levelling Up, Housing and Communities will provide statutory guidance on how administering authorities should prioritise McCloud cases in England and Wales and plans to do the same
- the Government Actuary's Department is updating Scottish Ministers actuarial guidance to reflect the changes and SPPA will publish this as soon as it is available
- it will participate in the implementation group to decide what other statutory guidance is needed.

LGA support

We are currently:

- looking at the regulations and will provide administrator guidance in the next few weeks
- working on member communications see Bulletin 241 for more information.

We also plan to run McCloud online pension surgeries at the end of October. We will give more details soon.

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You will need to suspend calculating Club transfers in and out where the member is protected by the McCloud remedy until the revised Club memorandum is published. Where a member is not protected, you can continue to process Club transfers.

The Club factors have also been revised as part of the SCAPE rate review. The Cabinet Office has already shared these with pension software suppliers. We are awaiting confirmation on whether the effective date will be 1 or 2 October 2023. These new factors will apply to all Club transfers.

When deciding if a member is protected, you will need to consider that a member can qualify for protection on unaggregated LGPS and other public service pension scheme membership.

Action for administering authorities

Review the documents available and start implementing the remedy

Revaluation date consultation update

Craig Finlay, Policy Officer at the SPPA, emailed administering authorities on 20 September 2023 with an update on the consultation to change the annual revaluation date from 1 April to 6 April.

SPPA has considered all feedback and plans to lay the regulations, as consulted on, as soon as possible. The regulations will apply retrospectively from 31 March 2023.

SPPA consulted on the changes from 14 March 2023 to 27 March 2023. We responded on 21 March 2023. You can see the consultation documents, including our response, on the Scheme consultations page of www.scotlgpsregs.org. For more details, see Bulletin 234A.

SAB September bulletin

The SAB recently published its <u>September 2023 Bulletin</u>.

The bulletin covers the following topics:

- regulation of investments
- gender pensions gap
- National Care Service
- CARE revaluation date
- training
- scheme cost management.

HMRC

Abolishing the LTA – our response

On 12 September 2023, we responded to the policy paper from HM Revenue and Customs (HMRC) on abolishing the lifetime allowance (LTA).

The Government announced in the Spring Budget 2023 that it will abolish the LTA completely from April 2024. HMRC then released draft legislation and a policy paper on 18 July 2023 to achieve this and asked for responses by 12 September 2023. We covered the consultation in Bulletin 240.

In our response, we said:

- we do not think the proposals simplify the pension tax regime for the local authority workforce and other LGPS employers
- having two limits for lump sums will be confusing for members
- the limit for pension commencement lump sums should go up with inflation (instead of being frozen)
- trivial commutation lump sums should not be part of the £1.073 million limit
- it will be difficult to get relevant information from members
- there is no rule on how to value lump sums paid before 6 April 2006
- there is not enough time to implement the changes for April 2024, especially for public service schemes who are already busy implementing the McCloud remedy
- it will be tough to explain the changes to members as the policy, in our view, is confused and unclear.

You can see the consultation documents, including our response, on the non-scheme consultations pages of www.lgpsregs.org and www.scotlgpsregs.org.

Contact for HMRC McCloud processes – reminder

We let you know in <u>Bulletin 240</u> that HMRC will be launching tools and resources for members affected by the McCloud remedy and past pension tax charges.

HMRC let us know that not all administering authorities have provided a named contact to receive information about the process. Thank you to the administering authorities that have already provided a named contact.

Rachel Abbey emailed pension managers of those administering authorities that have not provided a named contact on 8 September 2023.

Action for administering authorities

Contact <u>publicservicepensionsremedy@hmrc.gov.uk</u> with details of a named contact at your administering authority for McCloud tax issues if you have not already done so.

Managing Pension Schemes service newsletter

HMRC published <u>the September 2023 Managing pension schemes service</u> newsletter on 19 September 2023.

The newsletter covers various topics, including:

- event reports
- Accounting for Tax (AFT) returns
- pension scheme returns
- migrating to the service.

HMT

Cost control directions made

HM Treasury (HMT) published The Public Service Pensions (Valuations and Employer Cost Cap) Directions 2023 on 31 August 2023. They explain how to assess HMT's cost control mechanism for public service schemes. The directions replace those published in 2014 and apply to the 2020 valuations and later ones.

The 2023 directions reflect the changes to the mechanism announced in 2021. We covered these in <u>Bulletin 215</u>.

John Glen, Chief Secretary to HMT, made a <u>written ministerial statement</u> on 19 September 2023. He said the 2020 valuation results will be confirmed later this year. Any changes to scheme rules to meet the target cost will be backdated from 1 April 2023.

You can find the 2023 directions on the related legislation pages of www.lgpsregs.org and www.scotlgpsregs.org.

Pensions dashboards

PDP webinar – introduction to pensions dashboards

The Pensions Dashboards Programme (PDP) will be hosting an open webinar on 4 October 2023 to re-introduce dashboards.

You will hear from Chris Curry, PDP's Principal, and others from PDP. They will talk about the dashboard goals, the roles of regulators and the steps that industry can take to prepare.

To register, use the booking link on PDP's website.

Why are dashboards needed article

On 13 September 2023, the Pensions Dashboards Programme (PDP) published an article reiterating the reasons why dashboards are needed.

TPR

Blog on working more closely with administrators

On 13 September 2023, the Pensions Regulator (TPR) published <u>a blog titled 'Why we are building relationships with pension administrators'</u>.

The blog emphasises the importance of fostering closer relationships with administrators, as it allows TPR to gain a better understanding of the challenges they face and address risks more effectively.

The blog also highlights several instances of TPR's work in this area. For example, TPR has been actively supervising several strategically important administrators and has initiated voluntary engagements with third-party administrators.

Independent review of TPR

The Department for Work and Pensions published the results of the independent review of TPR on 19 September 2023.

The review assessed whether TPR remains fit for purpose, and whether it is still required as a public body.

It found that TPR is broadly well-run and well-regarded, with notable achievements, such as automatic enrolment.

It also made seventeen recommendations across three themes: risk and growth, compliance and enforcement, digital transformation and value for money.

Scams reporting campaign

TPR launched a new industry-facing campaign on LinkedIn encouraging trustees and administrators to not let scams go unreported.

The campaign slogan is: Spot it. Discuss it. Report it.

TPR believes that trustees and administrators are best placed to help protect savers from pension scams by reporting any suspicions. Reporting can defend members' retirement income from scammers – and stop these actions having such a devasting effect on victims' lives.

According to the National Fraud Intelligence Bureau, there were only 35 reports of pension fraud on average per month in 2022. The more trustees and administrators report their suspicions, the more effective the industry can be in defending savers against pension scams. Reporting is vital intelligence in TPR's efforts to understand and respond effectively to the threat of scamming.

Action for administering authorities

Remember to report any suspicions you have, however small. See <u>TPR's reporting</u> <u>quide</u> for more details.

Other news and updates

Economic Activity of Public Bodies (Overseas Matters) Bill –

The LGA has submitted <u>written evidence on the Bill</u> to the Public Bill Committee. The Scottish Scheme Advisory Board (SAB) also sent <u>a letter to the Committee</u> about the Bill.

The <u>Economic Activity of Public Bodies (Overseas Matters) Bill</u> aims to stop public bodies being influenced by political or moral disapproval of foreign states when making certain economic decisions, with some exceptions. This would apply to LGPS investment decisions.

Our evidence focussed mainly on the practical implication of the Bill's current wording on local government pensions and procurement. We do not expect the bill to have any significant effects on local authority investment or procurement practices. However, we have significant concerns about the effects the current drafting will have on the operation of the LGPS.

The letter from the Scottish SAB expressed concerns that the Bill is vague and could clash with other well-established legal obligations that apply to the LGPS, such as the fiduciary duty. It also believes there are some practical issues that could make parts of the Bill unworkable.

Pensions (Extension of Automatic Enrolment) Act 2023

On 18 September 2023, the <u>Pensions (Extension of Automatic Enrolment) Act 2023</u> received Royal Assent.

The Act gives the UK Government the power to make regulations that will lower the minimum age for automatic enrolment from 22 to 18 and remove the lower earnings limit for contributions.

The regulations will apply in England, Scotland and Wales.

The UK Government will shortly launch a consultation on implementing the changes.

Salary sacrifice AVC Framework

Portsmouth City Council has established a single supplier framework agreement for salary sacrifice additional voluntary contributions (AVCs). The single supplier is AVC Wise.

You can find more details about the framework on the Council's website.

Training

Apprenticeships and qualifications: next steps survey

Thank you to those of you who completed the apprenticeships and qualifications: next steps survey. We asked administering authorities for their views on our apprenticeship and qualification proposal. We received 57 responses representing 69 administering authorities. 48 responses were from in house administrators, 7 from shared service providers and 6 from third party administrators.

Summary of results:

- 54 per cent of respondents think they will use the new pensions administrator apprenticeship, a further 29 per cent said that they may use the apprenticeship in the future.
- 84 per cent of respondents are interested in attending an information session or webinar giving further information about the pensions administrator apprenticeship.
- Some of the additional comments about the apprenticeship related to needing more information on the content, time commitments, structure, funding and assessment methods.
- All respondents support our proposal to partner with the Pensions Management Institute (PMI) to provide a level three LGPS specific qualification.

- Some of the additional comments relating to the LGPS specific qualification expressed interest in a level 4 or 5 qualification in the future. Some administering authorities stated that they would prefer the qualification to cover pensions more broadly and not just the LGPS.
- 78 per cent of respondents would like to see a session at the Pension Managers' Conference in Torquay covering the pensions administrator apprenticeship and our proposal for an LGPS specific qualification.
- We received 37 offers to participate in a qualification working group to shape the LGPS specific qualification.

What we are doing next:

- we have started talking to the PMI about the LGPS specific qualification
- we will run an information session at the Pension Managers' Conference about the apprenticeship and the qualification
- we will facilitate a webinar to give more information about the apprenticeship and answer some of the questions from the survey
- we will set up a working group to make sure the new qualification meets the needs of the sector.

LGPS Governance Conference 2024

Booking is now open for the LGPS Governance Conference 2024.

The conference will take place on 18 and 19 January 2024 at the Principal Hotel in York. You can attend the conference in person or join us online.

The conference is aimed at councillors and others who attend pension committees/panels and local pension boards. Past delegates include trade union and employer representatives as well as officers who attend and support committees.

Cost

In person - £525 plus VAT. The price is inclusive of overnight accommodation and all meals.

Online - £400 plus VAT.

You can book and view the programme using the links below.

- book to attend in person
- book to attend virtually.

You can view the programme and book via the <u>conference flyer</u>. The booking page for all LGA events is <u>www.local.go.uk/events</u>.

Fundamentals training 2023

We have a few places left on our Fundamentals training programme.

The course provides a scheme overview and covers current issues affecting administration, investments and governance of the LGPS. All sessions are delivered by experts in their field.

See the <u>course programme</u> for full details – the timings shown only apply to the in person sessions. We are running the training in person in two locations - London and Manchester, and online.

We will be delivering each day of the online sessions over two half days. You only need to complete one booking per day – this will automatically book you on both of the half days. It is not possible to book for a half day. The online sessions will be delivered using Zoom.

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

Cost

In person - £280 plus VAT per session. The price is inclusive of lunch and refreshments.

Online - £240 plus VAT per session.

You can book online through the <u>LGA events page</u>. We are unable to take manual bookings. Please find links to the individual sessions below.

- <u>Day 1 Manchester, 5 October 2023</u> Marriott Victoria and Albert Hotel two places left
- Day 1 London, 12 October 2023 LGA offices
- Day 1 online, 19/26 October 2023
- Day 2 London, 2 November 2023 LGA offices
- Day 2 Manchester, 8 November 2023 The Edwardian Hotel Fully booked
- Day 2 online, 16/23 November 2023
- Day 3 London, 5 December 2023 LGA offices
- Day 3 Manchester, 13 December 2023 The Edwardian Hotel two places left
- Day 3 online, 11/19 December 2023

Wider landscape

FCA pension transfer guidance

The Financial Conduct Authority (FCA) published <u>guidance for financial advisers</u> on 30 August 2023. The guidance sets out how advisers can support consumers with characteristics of vulnerability when providing pension transfer advice.

Retained firefighters' consultation

On 8 September 2023, the Home Office published <u>its response to the consultation</u> on the proposed changes to the firefighters' pension scheme in England for retained firefighters.

The consultation, which ran from 31 March to 9 June 2023, sought views on the proposals to allow retained firefighters employed between 7 April 2000 and 5 April 2006 to buy their pre-July 2000 service for pension purposes.

Legislation

Acts

Pensions (Extension of Automatic Enrolment) Act 2023 [2023 c.44]

Statutory Instruments

The Local Government Pension Scheme (Amendment) (No. 3) Regulations 2023 [SI 2023/972]

Correction slip to SI 2023/972

Scottish Statutory Instruments

The Local Government Pension Scheme (Remediable Service) (Scotland)
Regulations 2023 [SSI 2023/240]

<u>The Local Government Investments (Scotland) Amendment Regulations 2023</u> [SSI 2023/255]

Useful links

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.

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)

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Further information

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