

LGPC Bulletin 253 – July 2024

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

- [new and updated actuarial guidance](#) (England and Wales)
- [GAD interest calculator for retrospective McCloud cases](#) (England and Wales)
- [Annual benefit statement technical guide updated](#)
- [McCloud implementation statutory guidance](#) (Scotland)
- [McCloud, annual benefit statements 2024 and possible breaches of the law](#)
- [Annual reports for 2023/24](#) (England and Wales)
- [New legislation planned following the abolition of the lifetime allowance](#)

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	3
DLUHC reverts to MHCLG.....	3
New Minister for the LGPS.....	3
Government launches pensions review	3
Updated and new actuarial guidance.....	4
GAD interest calculator for McCloud calculations	4
New version of annual benefit statement technical guide published.....	5
Teachers’ excess service – update (England and Wales).....	5
LGPS Scotland	6
Update on exit credit consultation	6
McCloud implementation statutory guidance	7
Updated trivial commutation actuarial guidance.....	7

McCloud	7
Annual benefit statements – reporting breaches.....	7
Public service pensions remedy newsletter	8
LGPS England & Wales Scheme Advisory Board (SAB)	9
Board Chair sends welcome letter to Minister.....	9
Fund annual reports for 2023/24.....	9
The King’s Speech 2024	9
SAB Cost Management Process now complete.....	9
SAB website.....	10
Your LGPS contacts – stay connected.....	10
HMRC	10
Abolition of the lifetime allowance – plans for new legislation	10
TPO	11
Stakeholder forum.....	11
Other news and updates	11
New Pensions Minister.....	11
National LGPS Frameworks.....	12
Court of Appeal dismisses Virgin Media appeal.....	12
LGPS Jobs page.....	12
Communications working group minutes published	13
Backdated pay award FAQs updated	14
Training	14
Fundamentals training 2024.....	14
Annual conference – save the date.....	15
PMI Award in Pensions Essentials.....	15
Training programme 2024.....	16
Training focus group	17
Wider landscape	17
High Court decision – Farley v Paymaster.....	17
King’s Speech 2024	17

PASA publishes white paper on digital administration	18
Useful links	18
LGPS pensions section.....	18
Raising a query	18
Team contacts	18
Further information.....	20
Copyright.....	20
Disclaimer	20

LGPS England & Wales

DLUHC reverts to MHCLG

Following the Labour Party's victory at the 2024 General Election, Angela Rayner was appointed Deputy Prime Minister and Secretary of State for Levelling Up, Housing and Communities on 5 July 2024. The department reverted to its former name, the Ministry of Housing, Communities, and Local Government (MHCLG), on 8 July 2024.

New Minister for the LGPS

On 6 July 2024, [Jim McMahon MP](#) was appointed Minister of State at MHCLG. The role includes ministerial responsibility for local government, including the LGPS.

Government launches pensions review

On 20 July 2024, the [Government announced a pensions review](#) as part of its mission to 'boost growth and make every part of Britain better off'. The review will be jointly led by HM Treasury and the Department for Work and Pensions.

Working closely with Jim McMahon, the review will look at how to 'unlock the investment potential of the £360 billion LGPS' and 'tackle the £2 billion that is being spent on fees'. As part of this, the Government will consider legislating to mandate pooling if insufficient progress is made by March 2025. The review will also consider the benefits of further consolidation to cut down on 'fragmentation and waste' in the LGPS.

A roundtable discussion on pensions was hosted by the Chancellor at 11 Downing Street on 22 July 2024. Jo Donnelly, the LGA Head of Pensions, attended the meeting with other representatives from the pensions industry. Also

present for the LGPS were Chris Rule, Chief Executive of the Local Pensions Partnership, and Rachel Elwell, Chief Executive of the Border to Coast Pensions Partnership.

Updated and new actuarial guidance

On 5 July 2024, Lorraine Bennett informed administering authorities that the MHCLG had published the following updated and new actuarial guidance. The guidance came into force immediately.

- individual incoming and outgoing transfers – errors in the examples have been corrected and the guidance clarifies how to calculate a CETV for a member protected by McCloud who is over their critical retirement age or normal pension age for all or part of their pension
- pension debits – transfer date after 1 April 2014
- CETVs on divorce
- new guidance on applying the McCloud remedy to retrospective cases.

The guidance notes provide additional information about how the McCloud remedy affects the relevant calculations. They do not contain new factors. You can find all the guidance notes on the [Actuarial guidance page](#) of www.lgpsregs.org.

GAD interest calculator for McCloud calculations

GAD has produced calculators for administering authorities in England and Wales to use in retrospective McCloud calculations.

The ‘macros’ version of the spreadsheet uses a macro to refresh the inputs automatically when data is added or amended. GAD has also produced a ‘no macros’ version of the spreadsheet for administering authorities who are unable to use macro-enabled spreadsheets. This version will require a manual refresh to produce the relevant outputs.

Please see the user guide for more information on using the calculators.

You can find the calculators and user guide in the McCloud section of the [Actuarial guidance](#) page on www.lgpsregs.org.

We would like to thank the funds who helped GAD test the calculator. If you have any feedback on the calculators or the user guide, please contact query.lgps@local.gov.uk.

GAD will issue calculators to be used for LGPS Scotland shortly.

Action for administering authorities

Use the calculators to work out interest due on retrospective McCloud calculations. Provide feedback on the calculators and user guide by contacting query.lgps@local.gov.uk.

New version of annual benefit statement technical guide published

We have updated the technical guide on annual benefit statements. The latest version (v3.0) reflects our understanding of what must be included in annual benefit statements as a result of the McCloud remedy and the introduction of pensions dashboards from 2025.

The MHCLG consultation on regulation changes relating to the McCloud remedy and annual benefit statements ended earlier this month - see [Bulletin 252](#). When updating the guide, we have assumed that MHCLG will proceed with the proposals in that consultation. We will review and update the guide as necessary when the LGPS regulations are amended.

You can find the annual benefit statement technical guide on the [Administrator guides and documents](#) page of www.lgpsregs.org.

Action for administering authorities

Discuss the content of the guide with your software supplier in preparation for issuing annual benefit statements in 2025.

Teachers' excess service – update (England and Wales)

We meet regularly with representatives from MHCLG, the Department for Education and Capita to discuss the operation of the McCloud remedy for teachers with excess service. You can read more about how the remedy will apply to these members in [Bulletin 229](#).

Secure portal access

We understand that all administering authorities have registered for the secure portal that will allow them to share member data with the Teachers' Pension Scheme (TPS). Thank you for giving this your attention. Please email lgps@teacherspensions.co.uk if you need to change your registration details for the portal.

Process update

TPS webpage [Managing LGPS linked excess service](#) sets out a brief summary of the process for teachers with excess service. Most employers should be in the process of validating the excess service data TPS has supplied to them. Some

employers have now finished that step and are ready to move on to Step 5 – providing data to the administering authority.

Administering authorities will have broadly two significant tasks in relation to members in this group:

1. Collect the employer data that you will need to set up a pension record for members who will be rolled back to the LGPS. Members in this group will be protected by the underpin, so you will need to collect both CARE and final salary information for the remedy period.
2. Request payment of employer and employee contributions from TPS for the membership that is rolling back.

TPS is currently finalising a spreadsheet to be used for 2. above. The spreadsheet will be shared with you as soon as it has been approved. We recommend that you use the same spreadsheet to gather the information from the employer under 1. above. Using the TPS spreadsheet should improve efficiency and reduce the likelihood of errors as data does not have to be re-formatted and moved from one spreadsheet or system to another.

TPS is working on the details of the next stages of the process. We will provide further updates and more detailed guidance in the coming weeks as final decisions are made.

LGPS Scotland

Update on exit credit consultation

Jan Scott, Policy Officer at the Scottish Public Pensions Agency (SPPA), emailed administering authorities on 1 July 2024, giving an update on the recent consultation on exit credits.

“We are still considering the larger than expected number of comments received during the consultation. We intend to have further dialogue with stakeholders and the Scheme Advisory Board has set up a subgroup which is currently working on draft guidance.

Therefore possible changes to the draft regulations have been put on hold over the summer recess.

This delay will affect the ‘coming into force’ date but is unlikely to affect the ‘effective’ date, as set out in the draft regulations.

SPPA consulted on the changes between 9 May 2024 and 30 May 2024, which we covered in [Bulletin 251](#). The consultation documents are available on the [Scheme consultations](#) page of www.scotlgpsregs.org.

McCloud implementation statutory guidance

SPPA has issued final statutory guidance on McCloud implementation. The guidance is intended to support administering authorities implement the McCloud remedy by providing:

- Scottish Ministers' view on the approach that should be taken in certain types of cases to achieve consistent application of the remedy across the LGPS
- additional guidance on how certain technical issues that may arise should be approached.

The guidance is an adapted version of the guidance DLUHC sent to administering authorities in England and Wales on 17 June 2024.

We have published the guidance on www.scotlgpsregs.org on the following pages:

- [Administrator guides and documents page](#) – use the 'subject' filter to find all McCloud documents
- [LGPS Regulations 2018](#) – in the 'statutory guidance' section.

Updated trivial commutation actuarial guidance

SPPA issued new actuarial guidance on trivial commutation on 24 July 2024 which took effect immediately. The guidance:

- provides additional information on how the McCloud remedy affects trivial commutation calculations
- clarifies that authorities must request factors on a case-by-case basis from GAD (via SPPA) for all members who retired in ill health looking to commute, regardless of whether the member is under or over age 55.

You can find the guidance on the [Actuarial guidance](#) page of www.scotlgpsregs.org.

McCloud

Annual benefit statements – reporting breaches

MHCLG recently carried out a limited technical consultation on potential changes to the LGPS regulations concerning underpin information and annual benefit statements.

The consultation proposed removing the requirement to include McCloud information in the 2023/24 statements and allowing a discretion not to include the information in 2024/25 statements for certain members. The consultation closed on 9 July 2024.

We understand that MHCLG plans to make regulations before the 31 August 2024 deadline to remove the requirement to include McCloud information in the 2023/24 statements.

SPPA has indicated that it plans to make similar changes to the LGPS Scotland regulations. We do not currently know when SPPA will make these amendments.

If the Scheme regulations concerning McCloud and annual benefit statements are not changed before 31 August 2024, the Pensions Regulator (TPR) has confirmed it expects all administering authorities to report not including McCloud information in the statements as a material breach of the law.

TPR's website has detailed information about [reporting breaches of the law](#).

Action for administering authorities

If you do not include McCloud information in your 2023/24 annual benefit statements, prepare to report the breach to TPR if the regulations to exclude this information are not made by 31 August 2024.

Public service pensions remedy newsletter

HMRC published the latest [public service pensions remedy newsletter](#) on 23 July 2024. The newsletter covers:

- improvements to the 'calculate your public service pension adjustment service' planned for September when the service re-opens
- a reminder about the interim process for members while the service is unavailable
- a request for volunteers to email publicservicepensionsremedy@hmrc.gov.uk if they would like to influence the development of the service
- a reminder to email publicservicepensionsremedy@hmrc.gov.uk with any questions about legislation, guidance, processes and digital service related to the remedy.

LGPS England & Wales Scheme Advisory Board (SAB)

Board Chair sends welcome letter to Minister

The Board Chair, Cllr Roger Phillips, has written a [letter of welcome](#) and asked for an early meeting with the new Local Government Minister, Jim McMahon MP. In his letter, Cllr Phillips gives the Board's view of the key priorities that await in the Minister's in-tray and asks for urgent clarity on the status of the 1 April 2025 deadline for pooling assets that was set under the previous government. The Board Secretariat team has also met with officials from MHCLG to discuss initial priorities.

Fund annual reports for 2023/24

The SAB publishes fund annual reports on its website and uses the data from these reports to compile the Scheme Annual Report. In the coming months, as fund reports are produced, please send completed annual reports for 2023/24 to sabsecretariat@local.gov.uk.

Action for administering authorities

Please send final (or draft awaiting final audit report) 2023/34 annual reports to sabsecretariat@local.gov.uk when available.

The King's Speech 2024

Following the general election on 4 July 2024, the State Opening of Parliament took place on 17 July 2024 and the [King's Speech](#) set out the Government's plans and priorities for the first parliamentary session.

Of potential interest is the Bill on Audit Reform and Corporate Governance. This could be a potential vehicle for separation of pension fund from host authority audit in England, as is already the case for LGPS funds in Scotland and Wales. The Board called for this in a [letter to MHCLG in August 2022](#). The idea was supported by the Chartered Institute of Public Finance and Accountancy (CIPFA), the Institute of Chartered Accountants in England and Wales (ICAEW) and the Levelling Up Select Committee in the last Parliament. The Board was previously assured that its recommendation would be taken forward once a suitable legislative vehicle had been identified.

SAB Cost Management Process now complete

The Government's Actuary Department has now completed the scheme cost assessment required under Regulation 116 of the LGPS Regulations 2013. The [SAB cost management process final report](#) was completed using [methodology and](#)

[assumptions](#) determined by the Board, following discussion at the Cost Management, Benefit Design and Administration (CMBDA) Committee.

Scheme costs were assessed as being 20.5 percent of pensionable pay, 1 percent above the 19.5 percent target cost. This is within the range where the Board may make recommendations to amend benefits to bring scheme costs back towards the target cost but is not obliged to. Following discussion, the Board agreed not to recommend any changes in its [letter to the Secretary of State about the outcome of the scheme cost assessment](#).

SAB website

[The SAB website](#) provides information about its work. Use the links below to find out more about:

- [a summary of the last Board meeting](#)
- [latest news](#)
- [SAB meeting and agenda papers](#)
- [committee meetings and agenda papers](#)
- [Responsible Investment Advisory Group meetings and agenda papers](#)

Your LGPS contacts – stay connected

The SAB secretariat uses the Your LGPS Contacts database to keep practitioners informed about its ongoing and future workstreams. Unfortunately, emails often result in a high number of ‘undeliverable’ messages.

Administering authorities are responsible for maintaining their contacts details on [‘Your LGPS Contacts’](#). Authorities should regularly review their details so they remain accurate and up to date.

Action for administering authorities

Review and update the information on ‘Your LGPS contacts’.

HMRC

Abolition of the lifetime allowance – plans for new legislation

HMRC has acknowledged that there are technical inaccuracies in the legislation introduced to implement the new regime following the abolition of the lifetime allowance. It plans to introduce new legislation to address these issues after the parliamentary recess. HMRC is undertaking a short technical consultation on the draft legislation over the summer.

Some of the changes relate to transitional tax-free amount certificates (TTFACs). These include:

- members who hold a TTFAC will have to supply a copy to all their pension scheme administrators
- members will have to tell those administrators if their TTFAC is cancelled
- pension schemes will only have to convert a lifetime allowance percentage to a lump sum amount if they are aware that the member is relying on a TTFAC.

Administering authorities should note the third bullet point. The current legislation requires that lifetime allowance percentages reported annually must all be converted to a lump sum amount. This is reflected in the current version of the abolition of the lifetime allowance guide. We will update the guide when the new legislation is in force.

You can find the latest version of the guide (version 2.3) on the:

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

TPO

Stakeholder forum

On 27 June 2024, the Pensions Ombudsman (TPO) held a forum for stakeholders from across the industry. You can read more about the event in the [TPO stakeholder forum - blog](#).

TPO encourages you to join their future events and to [subscribe to the TPO mailing list](#) to receive updates and event invitations directly.

Other news and updates

New Pensions Minister

On 9 July 2024, [Emma Reynolds MP](#) was appointed Parliamentary Secretary across both HM Treasury and the Department for Work and Pensions (DWP). Emma has ministerial responsibility for pensions.

National LGPS Frameworks

The National LGPS Framework for Additional Voluntary Contribution (AVC) Services launched this month. The framework is split into two Lots:

- AVC services
- Consultancy services associated with AVCs.

The new framework is designed to help administering authorities easily access AVC services for Scheme members and consultancy services to assist with their AVC provision.

You can find out more about:

- the new AVC framework in the [National LGPS Frameworks press release](#)
- the work and purpose of frameworks, and the frameworks that are currently in operation and planned on the [new National LGPS Frameworks website](#) which launched in June 2024.

Court of Appeal dismisses Virgin Media appeal

On 25 July 2024, the Court of Appeal dismissed the appeal in the [Virgin Media Ltd v NTL](#) case. The High Court had previously ruled that:

- amendment of pension scheme rules in respect of Section 9(2B) rights were void unless the scheme actuary certified that the scheme still met the contracting-out adequacy test
- this applied to rights built up before and after the change in rules
- all amendments are affected by the ruling, not just those that have a negative impact on section 9(2B) rights.

The appeal concerned the second bullet point only, and Court of Appeal upheld the High Court's ruling.

We understand the ruling will apply to the LGPS and that HM Treasury is currently assessing the implications for all public service pension schemes.

We will provide a further update when we have more clarity on the position.

LGPS Jobs page

We would like to remind you about our webpage dedicated to [LGPS job vacancies](#). We no longer send details of vacancies by email. You can find a link to the jobs page in the menu at the top right of the screen on www.lgpsregs.org and www.scotlgpsregs.org.

If you would like to advertise an LGPS job, email query.lgps@local.gov.uk and use 'Job advert' as the subject of your email. Please let us know:

- employer
- job title
- application link
- location
- closing date.

We will update the page every Monday. Please email us by the end of a Thursday with details of any job you want us to advertise the following week.

If you are advertising / promoting vacancies on social media, we strongly encourage you to use #LGPSJobs. This will enable potential candidates to find job opportunities more easily.

Action for administering authorities

Let your teams and anyone in your organisation responsible for advertising LGPS vacancies know about the jobs page and video www.lgpsregs.org/jobs.php.

Use #LGPSJobs on social media platforms.

Communications working group minutes published

We have published the minutes of the Communications working group meeting held on 4 July 2024. At the meeting the group discussed:

- producing resources for employers to promote the LGPS
- the latest on the McCloud remedy, including a plan to produce a template form for requesting details of previous public scheme membership to establish eligibility
- McCloud webinars for members
- other McCloud communication issues
- resources for Pension Awareness Week
- abolition of the lifetime allowance, including producing a template tax-free transitional amount certificate and application form.

You can find the minutes from past meetings and the group's workplan for 2024/25 on the:

- [Communications working group \(England and Wales\)](#) page of www.lgpsregs.org
- [Communications working group \(Scotland\)](#) page of www.scotlgpsregs.org.

Backdated pay award FAQs updated

We have published new versions of the employer FAQs on backdated pay awards (version 1.1). We have added a new question after receiving a number of queries about whether assumed pensionable pay (APP) should be re-calculated when a member later receives a backdated pay award. The FAQs confirm that APP for a current or past reduced/nil pay period should not be re-calculated when the member receives backdated pay.

You can find the employer FAQs on the:

- [Employer guides and documents \(England and Wales\)](http://www.lgpsregs.org) page of www.lgpsregs.org
 - [Employer guides and documents \(Scotland\)](http://www.scotlgpsregs.org) page of www.scotlgpsregs.org.
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Training

Fundamentals training 2024

Our 2024 Fundamentals training is open for booking and selling well.

Fundamentals is a three day training course aimed at councillors and others who attend pension committees and local pension boards. The course provides a scheme overview and covers current issues in relation to administration, investment and governance in the LGPS. Attending all three days will help delegates meet the relevant requirement for knowledge, skills and understanding required in statute or encouraged by relevant guidance. All sessions are delivered by experts in their field.

See the [Fundamentals 2024 draft course programme](#) for full details. The timings shown apply to the in-person sessions.

We are running the training online using Zoom and in person in London and York. We will deliver each day of the online sessions over two half days. You only need to complete one booking for each day, this will automatically book you on both the half days. It is not possible to book for a half day.

Cost

In person: £290 plus VAT per day (includes lunch and refreshments)

Online: £250 plus VAT per day.

Booking your place

We recommend early booking as places are limited. You can book online through the [Local Government Association \(LGA\) events website](#). Only member councils of the LGA can pay by invoice. All other organisations must pay by credit/debit card.

Each event listed below has a link to the booking page for that day.

[Fundamentals day 1: York 10 October 2024](#)

[Fundamentals day 1: London \(LGA offices\) 16 October 2024](#)

[Fundamentals day 1: Online 23 and 30 October 2024](#)

[Fundamentals day 2: York 5 November 2024](#)

[Fundamentals day 2: London \(LGA offices\) 13 November 2024](#)

[Fundamentals day 2: Online 21 and 28 November 2024](#)

[Fundamentals day 3: York 4 December 2024](#)

[Fundamentals day 3: London \(LGA offices\) 10 December 2024](#)

[Fundamentals day 3: Online 12 and 17 December 2024](#)

Annual conference – save the date

Our annual conference is taking place on 30 and 31 January 2025 at the Highcliff Marriott Hotel in Bournemouth. It retains its popular lunchtime to lunchtime schedule. We are currently finalising the programme and securing speakers.

Booking will open later in the year. If you would like to be notified when booking opens, please [register your interest online](#).

PMI Award in Pensions Essentials

A pilot of the Award in Pensions Essentials (APE) began in April 2024 with 18 students from eight different administering authorities. The students have now completed two rounds of examinations with a pass rate of above 83 percent.

We anticipate the next intake of students will start their studies from October 2024, with subsequent start dates available if there is sufficient interest.

To register your interest, please complete the [APE expression of interest form](#).

The APE is a pensions qualification awarded by the Pensions Management Institute (PMI). It is a level two qualification, broadly equivalent to a GCSE and gives an introduction to UK pension arrangements. It does not contain any LGPS specific content.

This qualification is delivered by Barnett Waddingham. They provide online learning materials and examinations for each unit. This is a self-study qualification, and no tuition is provided.

See the [Award in Pensions Essentials key information document](#) for full details including timescales and pricing.

We understand PMI also works with other organisations to deliver the APE. If you would like to know more about this, please email pmiqualifications@pensions-pmi.org.uk.

Training programme 2024

All 2024 training events are available to book via the [LGA events website](#). The link for each course contains the course programme, pricing and booking link. Bookings are on a first come, first served basis. Each topic is capped at five delegates per organisation over the course of the training programme.

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

We also accept requests for commissioned training. If you would like us to run training for your authority, or a group of authorities, please email training.lgps@local.gov.uk.

Employer role training (England and Wales)

- [7 November 2024 – online](#)
- [6 December 2024 – online](#)

Insight training (England and Wales)

- [25-29 November 2024 - online](#)

Aggregation training (England and Wales)

All courses are currently at capacity.

Survivor benefits training (England and Wales)

All courses are currently at capacity.

Action for administering authorities

Share information about the employer role training with your Scheme employers.

Discuss potential for commissioned training at Pension Officer Group meetings.

Training focus group

The [minutes of the Training focus group](#) held on 11 July 2024 accompany this bulletin. Topics discussed include:

- administrator and employer training since the meeting held on 17 January 2024
- the Award in Pensions Essentials qualification and LGPS specific qualification.

The next meeting is provisionally scheduled for January 2025.

Wider landscape

High Court decision – Farley v Paymaster

In [Farley v Paymaster](#), a group of members took legal action against a pension administrator because personal pension correspondence had been sent to incorrect addresses. The correspondence was marked ‘private and confidential’ and a return address was displayed on the outside of the envelope.

The High Court dismissed most of the claims against the pension administrator. The claims were unsuccessful because they relied on an assumption that the correspondence had been opened by a third party. Claims from 14 members were allowed to proceed because they claim that correspondence meant for them **had been opened** by a third party, not that it **could have been opened**.

The case highlights the importance of:

- data quality and accuracy
- marking correspondence that includes personal information as ‘private and confidential’
- including a return address on the outside of envelopes.

King’s Speech 2024

On 17 July 2024, His Majesty King Charles III delivered his [Government’s legislative programme](#) to the House of Lords. The [background notes to the King’s Speech](#) contain the detail.

The Speech unveiled a new Pensions Bill. Most of the Bill covers the private pensions market. However, it does include the Government’s intention to reaffirm the Pensions Ombudsman (TPO) as a competent court. Once enacted, administering authorities will no longer need to apply to the courts to enforce a TPO decision concerning recovery of an overpayment.

PASA publishes white paper on digital administration

On 8 July 2024, the Pensions Administration Standards Association (PASA) published [a white paper on digital administration](#). The paper explores 'where we are in 2024' and follows an industry survey conducted to understand the attitudes and progress towards digital administration.

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 \(Scotland\)](#)

[Current LGPS job vacancies](#)

[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

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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Further information

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