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TPR enforcement strategy consultation

I respond on behalf of the Local Government Association (LGA) and the Local Government Pensions Committee (LGPC).

The LGA is a politically led, cross-party membership organisation that works on behalf of councils to ensure local government has a strong, credible voice with national government. 315 of the 317 councils in England are members of the LGA. These include district, county, metropolitan and unitary authorities along with London boroughs and the City of London corporation. The 22 Welsh unitary authorities are also in membership via the Welsh Local Government Association (WLGA).

The LGPC is a committee of councillors constituted by the LGA. The LGPC considers policy and technical matters affecting the Local Government Pension Scheme (LGPS).

This response is submitted in the context of the Local Government Pension Schemes (LGPS) in England and Wales, and Scotland. The LGPS is one of the largest defined benefit (DB) schemes in the world. In England and Wales there are 22,102 employers, 6.9 million members and assets valued at £402 billion. The scheme is administered locally by 86 administering authorities in England and Wales, and 11 in Scotland.

Yours faithfully



Lorraine Bennett
LGPC Secretary

Consultation questions

1. Do you agree with the overall direction of the proposed enforcement strategy?

Yes, we agree with the overall direction. Moving towards to a more agile, risk based approach that focusses on prevention should deliver better outcomes for pension scheme members.

2. Is our approach sufficiently transparent and accountable?

The approach is clear. However, we are unclear how the objectives will be achieved and success measured. We would be interested to hear how you plan to engage better with public service pension schemes. We support publishing enforcement outcomes; however, as the new approach is aimed at prevention, how will you quantify and explain what you do?

Currently there is a lack of transparency around what happens when breaches and/or poor performance are reported/whistle blown where no enforcement action is taken. There have been several occasions in recent years when the LGPS sector has collectively reported concerns to TPR, but no feedback has ever been received and no enforcement outcome published. We appreciate it is not always possible to share information when investigations are ongoing and there are often commercial sensitivities; however, not receiving any feedback about what intervention action was taken leaves whistleblowers feeling like they have been ignored and undermines confidence in the process.

3. Does the strategy clearly explain how enforcement decisions will be made and prioritised from a strategic perspective?

Yes. The framework of impact, scale, complexity and outcomes is clear and logical.

4. Are there any areas where the proposed strategy could be clearer or more accessible?

The strategy states that enforcement effort will focus on issues that matter most and those that post the greatest risk to savers and the pensions system. How will you consider what matters most to members? In our view, you should explicitly incorporate administration quality and data integrity as key factors in your risk assessment methodology, recognising their critical role in ensuring scheme resilience and member outcomes.

It would be useful to have some examples of cross-functional working and how you will work with external partners.

The strategy states you will use data and digital tools to spot trends, guide decisions and track results. However, there is no detail on what data you will use to do this. Will there be new data requirements placed on public services pension schemes to facilitate this?

5. How well do you feel the strategy aligns with our broader shift toward a more prudential, risk-based regulatory model?

The strategy aligns well. The emphasis on acting early to prevent harm is welcome.

6. Are there any risks or unintended consequences arising from our new strategy you think we should consider?

Using data to guide decisions poses a risk if that data is not reliable, especially if you are using data that is self-reported.

Deploying staff more flexibly across different types of cases sounds good, but in practice will the staff have the knowledge of how different schemes work? TPR's engagement with LGPS administering authorities has previously highlighted a lack of knowledge of how the LGPS works and how it is different to other public service pension schemes.

7. Are there additional safeguards or clarifications you would like to see?

We would like more information on what data you will be utilising to guide decision making and how you will collaborate with other bodies to obtain information. It would be helpful to know if you will be looking at the outcomes of independent governance reviews being introduced by MHCLG for LGPS administering authorities as part of this work.

8. How can we best measure the success of this strategy in delivering real-world outcomes for savers?

Success could be measured by:

- a reduction in enforcement activity
 - a reduction in the number of breaches / whistle blowing incidents
 - increased up take of accreditation standards
 - a reduction in the number of complaints to pension schemes
 - improvements in data quality scores reported to TPR
- evidence of an increase in members' confidence in pensions.

9. We expect to review and update our wider suite of enforcement policies in light of this strategy. Are there any specific areas or policies you believe should be prioritised for review?

No

10. Do you have any other comments, suggestions, or concerns about the draft enforcement strategy?

No