

LGPC Bulletin 197 – April 2020

Local Government Pensions Committee (LGPC)
Secretary, Lorraine Bennett

Foreword

This bulletin contains important updates for administering authorities, scheme employers and software suppliers. It also provides a general update for all LGPS stakeholders.

This bulletin contains important articles on:

- [Obtaining IRMP opinions during the COVID-19 pandemic](#)
- [New procurement Framework for pensions administration software](#)
- [TPR guidance on member communications during the COVID-19 crisis](#)
- [Temporary changes to pensions tax for returning workers](#)

which need action by certain stakeholders.

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

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Coronavirus (COVID-19)

Dedicated COVID-19 web pages

Please check our web pages dedicated to COVID-19 regularly as we continue to update them as more information becomes available. Use the links below to read more about:

- [COVID-19 news and information for LGPS administrators \(England & Wales\)](#)
- [COVID-19 news and information for LGPS administrators \(Scotland\)](#)
- [COVID-19 FAQs for LGPS administrators](#)
- Scheme Advisory Board England & Wales ([SABEW](#)) [information and updates](#)

Questions covering ill health retirement applications, tier three reviews, life assurance payments and abatement of compensatory added years have been added to the FAQs in the past week.

Obtaining IRMP opinions during the pandemic

We have received queries from administering authorities and employers about obtaining opinions from Independent Registered Medical Practitioners (IRMPs) during the current crisis. We queried the position with the Association of Local Authority Medical Advisers (ALAMA), who confirmed that ill health applications should continue to progress during the pandemic. The following statement has been published on the ALAMA website:

“During the current COVID-19 crisis, it is important to continue to progress ill health retirement applications. It is also particularly important that assessments remain fair and reasonable, and that should include requesting GP and specialist reports as required. There has never been a requirement for these assessments to be face to face, therefore paperwork reviews, with telephone clarification if needed, is the most appropriate way to progress these.

If it is not possible to get reports, an assessment should be based on whether reports are likely to influence your decision further, and whether you have enough objective evidence to make an opinion. Opinions should always be ‘on balance of probability’. There will be times when you simply don’t have sufficient objective evidence to support ill health retirement, and you have been unable to get clinical reports. You should suggest that the applicant requests copies of clinical reports direct from their GP.”

Employers and administering authorities may experience delays in obtaining an IRMP’s opinion in relation to an ill health retirement application or a Tier 3 ill health review. Any such delay could affect the date from which an ill health pension is payable, or the date that a Tier 3 pension is upgraded to Tier 2. To help them make their decisions, employers and administering authorities may wish to ask IRMPs to include in their report information about any delays due to COVID-19 that have affected the member’s application.

Action for administering authorities

Please share the information in this article with your scheme employers.

Death in service guarantees for frontline COVID-19 staff

The Department of Health and Social Care issued a press release on 27 April 2020 about a new [guaranteed life assurance scheme for frontline health and care workers in England](#). Families of eligible workers in England who die from coronavirus will receive a £60,000 payment, funded by the Government. Full details of the scheme are not yet available. We understand that any payment would be in addition to death in service benefits payable in respect of care workers who are also LGPS members.

Funding has been made available to support similar schemes in Scotland, Wales and Northern Ireland.

The Scottish Government announced on 22 April 2020 that it is in the process of putting together its own death in service benefits for NHS staff who die after catching coronavirus. The Scottish Government published details of the [new benefit for all health service staff](#) on 29 April 2020. The scheme currently covers NHS workers only. The Scottish Government is in discussion with colleagues in the social care sector to consider what provision to make for social care staff.

Cash flow survey

Thank you to all funds that responded so quickly to the recent cash flow survey that took place between 1 April and 14 April 2020. The survey results show that a small minority of funds anticipate issues due to loss of dividend income or delayed employer contributions. Any new issues identified in the survey responses that are not covered in existing regulations have been referred to the new SABEW practitioner advisory group and/or Government to consider. You can read a [summary of the cash flow survey responses](#) on the SABEW website.

Job retention scheme

Employers can now [claim for wages through the Coronavirus Job Retention Scheme](#) on the Government website. On 15 April 2020, the Chancellor made a [Treasury Direction under the Coronavirus Act](#) which sets out the legal framework for the Scheme. The Schedule to the Direction confirms that HMRC is responsible for making payments and managing the amounts of payments under the Scheme.

On 17 April 2020, HMRC published guidance on working out [how much to claim through the Job Retention Scheme](#).

On 24 April 2020, the Government announced that [furloughed workers will receive full parental leave entitlement](#). On the same date, The Maternity Allowance, Statutory Maternity Pay, Statutory Paternity Pay, Statutory Adoption Pay, Statutory Shared Parental Pay and Statutory Parental Bereavement Pay (Normal Weekly Earnings etc.) (Coronavirus) (Amendment) Regulations 2020 [SI2020/450] were laid. The purpose of [these new Regulations](#) is to make sure workers who take family-related leave are not worse off because they have been furloughed.

LGPS England & Wales Scheme Advisory Board (SAB)

Supreme Court Judgment on LGPS boycotts

On 29 April 2020, the Supreme Court handed down its judgment in the case of [R \(on the application of Palestine Solidarity Campaign Ltd and another\) \(Appellants\) v Secretary of State for Housing, Communities and Local Government \(Respondents\)](#). The case was originally heard on 20 November 2019. The Supreme Court found in favour of the appellants and would appear to take the position that the Government has the power to direct authorities on the approach they take to investment decisions, but not on the investments they make.

A [summary of the judgment \(PDF 180kb\)](#) published by the practice at [11KBW](#) is available. Please note that this summary represents the views of 11KBW and not the SAB.

McCloud subgroup meetings

We reported in recent bulletins that the SAB has set up two working groups to work with MHCLG in developing and implementing the LGPS McCloud remedy. Due to the current restrictions, Lorraine Bennett, the chair of the implementation group, has formed three subgroups that will meet virtually. The subgroups are made up of representatives from employers, administering authorities, pension administration software suppliers, unions, actuarial firms, NILGOSC and the LGA.

Data collection: the data collection subgroup held their first virtual meeting on 22 April 2020. In order to implement the McCloud remedy, most administering authorities will need to gather service information from 1 April 2014 (2015 in Scotland) for members in scope of protection from employers. The group will produce a data collection template for employers and payroll providers to use to supply that information. To ensure the message to employers remains consistent, the group will draft key bullet points for administering authorities to include within their employer communications.

Communications: the communications subgroup met on 24 April 2020. The group will produce templates for administering authorities to use to request service data from employers. The group agreed that their priority is to produce communications for members that explain the scheme changes and make it clear that they do not need to make a legal claim, they will get the protection they are entitled to automatically.

Software: the software subgroup will consider what system changes are needed to implement the remedy.

LGPS England & Wales

Regulations on virtual council meetings

In [Bulletin 196](#), we informed you that the [Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) Regulations 2020](#) enabled councils to hold electronic and digital meetings. These regulations apply only to meetings held in England.

The [Local Government \(Wales\) Measure 2011](#) already permits virtual meetings of local authorities in Wales. You can read more about [remote attendance at council meetings in Wales](#) in the Statutory Guidance covering this issue.

Regulations extend accounting deadlines

[The Accounts and Audit \(Coronavirus\) \(Amendment\) Regulations 2020](#) [SI2020/404] come into force on 30 April 2020. The Regulations extend the publication date for local authority audited accounts to 30 November 2020. The public inspection period will start on 1 September 2020. The Government has published an [Explanatory Note to accompany the regulations](#).

There are no plans for an automatic extension to the publication date for LGPS fund reports and accounts. MHCLG will keep this matter under consideration. Please email query.lgps@local.gov.uk to inform us of any issues arising from these regulations.

Pensions Made Simple – member videos

The [‘Pensions Made Simple’ member videos](#) were launched in November 2019. ‘Your annual allowance’ and ‘Your lifetime allowance’ videos have been updated to reflect the new limits that apply for the 2020/21 year.

LGPS Scotland

Accounts deadlines

On 14 April 2020, Kimberley Linge (SPPA) forwarded an email to all Scottish administering authorities from Hazel Black (Head of Local Authority Accounting) concerning local authority accounts deadlines. The email confirms that ‘The Scottish Government considers that the provisions made in [The Coronavirus \(Scotland\) Act 2020](#) are sufficient to allow each local authority to determine its own timetable for Annual Accounts’. Scottish Ministers consider that ‘it seems reasonable that a local authority publishes its Annual Accounts no later than 30 November 2020’.

Draft version of transfer guidance for comment

On 15 April 2020, Kimberley Linge (SPPA) contacted all Scottish administering authorities to ask them to review draft GAD guidance on Individual Incoming and Outgoing Transfers. No new transfer factors are included, but there are significant changes in the guidance, particularly relating to GMP, late retirement increases and the survivor benefit amount used in the transfer value calculation. SPPA welcomes your comments and questions on the guidance. Your early response would be appreciated so that the finalised guidance can be published as soon as possible.

New GAD guidance published

On 28 April 2020, Kimberley Linge (SPPA) contacted all Scottish administering authorities to let them know that new versions of GAD guidance on Trivial Commutation and Early Retirement have been published.

The early retirement factors are already in use, but the guidance has been updated. The guidance applies to all benefits, including those built up before 1 April 2015, and for members who left active service before that date. The guidance also applies to councillor members.

The trivial commutation factors are already in use, but there has been a change in methodology. The calculation should use the survivor benefit amount that would be payable to a pre-leaving female spouse, regardless of the member's relationship status or gender. The guidance takes immediate effect. Any trivial commutation quotation that has been issued should be revised based on the new guidance, if this changes the amount payable.

You can find the new and existing GAD guidance on the [Actuarial Guidance](http://www.scotlgpsregs.org) page of www.scotlgpsregs.org.

HMT

Consultation on Reform to Retail Prices Index Methodology

In [bulletin 196](#) we let you know that the Government and the UK Statistics Authority had launched a [consultation on the Reform to Retail Prices Index \(RPI\) Methodology](#). The consultation period has been extended by four months because of the coronavirus pandemic. The consultation will close on 21 August 2020.

Temporary changes to pensions tax for returning workers

Members of certain public service pension schemes retain the right to retire (in normal health) before age 55. Under normal circumstances, rules covering re-employment must be followed if the pension and lump sum payments are to be considered authorised. Protected pension ages and re-employment are covered in Part 3 of Schedule 36 to the Finance Act 2004.

John Glen, the Economic Secretary to the Treasury issued a [written statement on temporary changes to pensions tax](#) on 22 April 2020. The statement confirms that the Government intends to ‘temporarily suspend tax rules that would otherwise apply significant tax charges to pension income received by recently retired individuals aged between 50 and 55’. The measure will only apply to those people returning to work as a result of COVID-19. HMRC have provided more information about this change in [Pension schemes newsletter 119](#).

Although we expect that these provisions will mainly affect employees returning to the NHS, it is possible that employees who recently retired from a ‘uniformed’ role who return to employment, including in a civilian role, in the fire or police service could be affected.

HMRC

Pension schemes administration – latest documents

HMRC has updated various web pages and forms following the end of the tax year. You can find out about the [latest changes to pension scheme administration resources](#) online.

Pension schemes newsletter 119

On 30 April 2020, HMRC published [Pension schemes newsletter 119](#). The newsletter sets out some temporary changes to help administrators during the coronavirus pandemic, including:

- Changes to the tax position for some individuals with a protected pension age who return to employment. See the [Temporary changes to pension tax for returning workers](#) article earlier in this bulletin for more information
- HMRC will not issue any notices to file pension schemes returns for 2019 to 2020.

The newsletter also confirms that:

- The [HMRC annual allowance calculator](#) has been updated to reflect the changes to threshold income, adjusted income and the minimum tapered annual allowance. Members can now use the calculator for the 2020 to 2021 tax year.
- The timeline for delivering features on the Managing pension schemes service has been pushed back due to the pandemic. HMRC will provide an update as soon as more information is available.
- HMRC have provided guidance on [Pension schemes and unauthorised payments](#), which covers how to operate the mandating procedure and the information you must supply to HMRC about the member and the unauthorised payment.
- Transfers to Gibraltar are not subject to the overseas transfers charge, and there has been no change since the UK left the EU. HMRC will amend the Pensions Tax Manual as soon as the position after the transitional period becomes clear.

TPO

TPO COVID-19 update

We let you know in [bulletin 196](#) that the Pensions Ombudsman (TPO) was providing a restricted service due to the pandemic. TPO have announced that from 22 April 2020 they will accept new applications by email, and that their phone lines are open from 9am to 5pm Monday to Friday. TPO will not have access to correspondence sent by post during the lockdown period. Please be aware that TPO response times may be longer than usual.

TPR

COVID-19: member communications and transfer warning

The Pensions Regulator (TPR) published guidance on [communicating to members during COVID-19](#) on 29 April 2020. The guidance covers information you may wish to include on websites, emails and standard correspondence about changes to your service delivery and response times.

The guidance emphasises the importance of supporting members to make an informed decision when they are considering a pension transfer.

TPR recognises that members are at risk of making decisions that reduce the value of their pensions, or of losing them entirely to pension scams during the current crisis. On 29 April 2020, the Pensions Regulator (TPR) announced that [Pension schemes are to issue a COVID-19 transfer warning](#) to members considering transferring from a defined benefit to a defined contribution pension during the crisis.

TPR, working with the FCA and the Pensions Advisory Service, has produced a [letter template \(PDF, 171kb\)](#) to issue to members requesting a CETV quote. The letter as currently drafted includes references to the Pension Protection Fund (PPF) and its role in paying pensions when employers become insolvent. This does not apply to the LGPS and could confuse members. We have requested that TPR supply a version of the letter for public sector schemes that does not include any references to the PPF. We will publish this public sector version as soon as it is available. In the meantime, administering authorities may choose not to send the template letter, or to send it with an explanation that the references to the PPF do not apply.

TPR has also requested that:

“You should actively monitor the number of requests for CETV quotes you receive and which advisers are supporting members’ requests. If you identify unusual or concerning patterns, such as spikes in CETV requests or the same adviser across a multitude of requests, please contact the FCA at DBTransferSchemeInformation@fca.org.uk.”

Action for administering authorities

Please review the review the template letter and your transfer process and:

- Consider any changes you wish to make to your standard correspondence
- Introduce a method of monitoring CETV quote requests so that you can identify any patterns

[Appendix 1: TPR member CETV warning](#)

Other COVID-19 guidance

TPR has published useful guidance for pensions administrators and employers covering issues affected by COVID-19. Visit [COVID-19: What you need to consider](#) to find out more about the TPR guidance.

On 9 April 2020 TPR published the following guidance:

- [Automatic enrolment and DC pension contributions](#). Although not aimed at defined benefit pension schemes such as the LGPS, the guidance confirms that there is no change in employers' responsibilities under automatic enrolment rules. The guidance also includes a reminder that employers must not encourage staff to opt out of the scheme or pay reduced contributions.
- [An update on reporting duties and enforcement activity](#). The update provides more detail about the flexible approach that TPR will adopt in response to certain breaches during the COVID-19 pandemic. The easements will remain in place until 30 June 2020, but this may be extended.

Other news and updates

LGA LGPS pensions team

We are very pleased to welcome a new pensions adviser to the LGPS pensions team. Steven Moseley joined the team from LPP on 27 April 2020. Steven will be the lead contact for LGPS Scotland but will also be working on LGPS England and Wales. You can find contact details for Steven and the rest of the team in the [LGPS pensions section contact details](#) section.

MaPS provide a pensions dashboard update

On 8 April 2020, the Money and Pensions Service (MaPS) published [Pensions Dashboard Programme – Progress Update Report](#). The MaPS intends to release a progress report every six months. The first report sets out:

- the pensions dashboards goals and some of the challenges associated with delivery
- that Primary legislation will provide certainty about the requirements placed on schemes and the timescales for compliance
- the importance of secure and accurate identity verification
- the challenge of specifying a consistent set of data standards so that information from different schemes can be displayed consistently
- the need to identify when in the staged onboarding process the dashboards should be made available to the public

- the focus of the Pensions Dashboards Programme over the coming months.

The MaPs published two further papers in April 2020. [Pensions Dashboards Data Definitions – Working Paper](#) lists the set of data items that could be included in the dashboards data standards. This covers both data items that are needed to find a member's pensions and those that would be useful for users to see on a dashboard. The list will be developed further in response to user and sector research. Options for achieving early breadth of coverage are considered in [Pensions Dashboards Data Scope: Working Paper](#). This paper confirms that initial dashboards will only include information that is already available on annual statements. This should enable the maximum number of pension schemes to onboard at an early stage. More information is likely to be included in pensions dashboards in the future.

The MaPS will be asking for formal feedback at a later stage and welcomes informal feedback from stakeholders now.

National knowledge assessment

In [Bulletin 194](#) we let you know that Hymans Robertson had launched the LGPS National Knowledge Assessment (NKA). The NKA will look at the knowledge levels of Pension Committee and Pension Board members. [Hymans have announced an extension to the NKA](#), which will now continue into May 2020. For further information, please contact marketing@hymans.co.uk.

Parental bereavement leave and pay

In [Bulletin 196](#), we told you about the change in the LGPS regulations (in England & Wales and Scotland) in respect of parental bereavement leave. Assumed Pensionable Pay will apply during a **paid** period of parental bereavement leave. If a period of parental bereavement leave is unpaid, the rules covering unpaid absence with permission will apply.

New procurement framework for pensions administration software

The National LGPS Frameworks launched the Pensions Administration Software Framework on 27 April 2020. You can read more about the launch in Appendix 2: [National LGPS Frameworks press release](#).

The following providers have been appointed to the National LGPS Framework for Pensions Administration Software:

- Aquila Heywood Ltd
- Civica UK Ltd
- Equiniti.

You can access further information about the framework on the [National LGPS Frameworks website](#). If you need more details about the framework or would like to see copies of the supporting documentation, please contact NationalLGPSframeworks@norfolk.gov.uk.

Updates to guides and factsheets

[Bulletin 195](#) published in March 2020 contains the annual updates for 2020/21. We have updated the member website and calculators to reflect these changes. We are in the process of reviewing and updating our guides and factsheets to reflect these and other recent changes. You can find tracked and clean versions of all our guides on:

- the [Guides and Sample documents page \(Scotland\)](#) of www.scotlgpsregs.org and
- the [Guides and Sample documents page \(E&W\)](#) of www.lgpsregs.org.

You can find the most recently updated guides by clicking the 'Publication date' column header twice. The following documents have been updated:

England and Wales

- Annual allowance factsheet for members (v1.7)
- APC technical guide (v2.0)
- Lifetime allowance factsheet (v1.7)
- Aggregation technical guide (v2.0)
- Member's guide to AVCs (v2.2)

Scotland

- Annual allowance factsheet for members (v1.7)
- Lifetime allowance factsheet for members (v1.7).

Training

Our face to face training programme has been put on hold due to the COVID-19 pandemic. The courses below have all been cancelled and re-arranged for later in the year:

- Employer role – 17, 24, 31 March and 7 April 2020
- Death and survivor benefits - 16, 21, 23, 30 April and 5 May 2020
- Insight residential course (Bournemouth) – 18-21 May 2020

All delegates should have been notified of the new event dates. If you have any queries about training that you have already booked, please email elaine.english@local.gov.uk.

We are currently working on online training, including a COVID-19 webinar for employers.

Wider landscape

Unions file court proceedings over cost control mechanism ‘pause’

Four unions including the FBU and the GMB have filed court proceedings against the Government. They claim that the pause in the cost control mechanism is unlawful. The 2016 valuation found that the cost of providing public service pension schemes was below target. The unions are arguing for an improvement in member benefits as a result of the valuation results.

In January 2019, the [Government announced a pause in the cost control mechanism process](#) due to the McCloud decision. The Government plans a new valuation once the remedies to remove the age discrimination have been finalised and the true cost of providing public service pension schemes can be assessed.

Legislation

Acts

[The Coronavirus \(Scotland\) Act 2020](#)

Statutory Instruments

[The Accounts and Audit \(Coronavirus\) \(Amendment\) Regulations 2020](#)

[SI2020/404]

[The Maternity Allowance, Statutory Maternity Pay, Statutory Paternity Pay, Statutory Adoption Pay, Statutory Shared Parental Pay and Statutory Parental Bereavement Pay \(Normal Weekly Earnings etc.\) \(Coronavirus\) \(Amendment\) Regulations 2020](#) [SI2020/450]

Useful links

[LGA Pensions page](#)

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

[LGPS member website \(Scotland 2015\)](#)

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

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

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

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

[Public Sector Transfer Club](#)

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

LGPS pensions section contact details

If you have a technical query, please email query.lgps@local.gov.uk and one of the team's LGPS pension advisers will get back to you.

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Further information

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