

LGPC Bulletin 203 – November 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:

- [public sector exit payment cap](#)
- [MHCLG consultation on exit payment reform](#)
- [new GAD guidance \(LGPS Scotland\)](#)
- [September 2020 CPI rate announced](#)
- [deletion of inactive TUO accounts](#)

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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LGPS England & Wales Scheme Advisory Board (SAB)

SAB responds to consultation on amendments to the underpin

The SAB has responded to the MHCLG consultation on changes to the statutory underpin. You can read the SAB response on the [Scheme consultations](#) page of www.lgpsregs.org. The consultation closed on 8 October 2020.

Public sector exit payments cap

The [Public Sector Exit Payments](#) page of www.lgpsboard.org is regularly updated. The latest developments are summarised below.

14 October 2020: Legislation signed

[The Restriction of Public Sector Exit Payments Regulations 2020](#) [SI2020/1122] ('the exit cap regulations') were signed on 14 October 2020, a [correction slip](#) was published on 27 October 2020 and the regulations came into force on 4 November 2020.

There is a conflict between the exit cap regulations and the LGPS regulations when a scheme member aged 55 or over is made redundant and the total exit payment exceeds £95,000. The LGPS regulations require the member to take payment of an unreduced pension, but the exit cap regulations prevent the employer from paying the full strain cost.

In respect of exits that occur between 4 November 2020 and the date the LGPS regulations are amended:

- only exits from employers in scope of the cap will be affected. You can find a full list of employers in scope of the cap in the [Schedule to the Restriction of Public Sector Exit Payment Regulations 2020](#)
- only exits where the cost exceeds £95,000 will be affected
- the proposed standard strain cost calculation will not apply. Local methods of calculating strain costs should continue
- proposals in the MHCLG consultation to limit discretionary compensation payments and reduce strain cost by the value of statutory redundancy pay will not apply.

28 October 2020: Letter from MHCLG

Luke Hall MP wrote to Chief Executives of Councils and LGPS administering authorities concerning the implementation of the exit payment cap. You can read [Luke Hall's letter to councils](#) on the SAB website www.lgpsboard.org. The Minister's recommended course of action in cases where the cost of an exit including pension strain cost would exceed the £95,000 cap is that:

“LGPS members in that position should be able to elect to receive an immediate but fully reduced pension or, if they do not so elect, a deferred pension plus a lump sum equal to the capped strain cost.”

29 October 2020: HMT publishes Directions, Guidance and Equalities impact assessment

HMT published additional documents to support the implementation of the exit payment cap on 29 October 2020. You can find links to these documents on the Gov.uk [Restriction of Public Sector Exit Payments](#) page. The Guidance and Directions set out the obligations on individuals and employers and the waiver process for exit payments over £95,000.

30 October 2020: SAB publishes commentary on legal advice

The SAB obtained legal advice on the conflict between the LGPS regulations and the exit cap regulations. A commentary of that legal advice was published on 30 October 2020 on the [Public Sector Exit Payments](#) page of www.lgpsboard.org. Administering authorities and LGPS employers should take their own view and may wish to seek their own legal advice.

The commentary sets out the SAB's opinion on the course of action that presents the lowest risk when the cap is breached in respect of an LGPS member aged 55 or over. In SAB's view, the risks are lowest if:

- the LGPS administering authority offers the member a choice between deferred benefits or a fully reduced pension
- the LGPS employer delays payment of a cash alternative under regulation 8 of [The Restriction of Public Sector Exit Payments Regulations 2020](#)

This approach would allow the maximum flexibility for the administering authority and employer to minimise the financial risks associated with a legal challenge from the scheme member.

4 November 2020: Information note for employers published

The LGPC published an [information note for employers](#) on the exit payment cap. The document is available on the [Employer guides and documents](#) page of www.lgpsregs.org.

The note sets out a process for employers to follow from 4 November 2020 when a scheme member aged 55 or over leaves due to redundancy or business efficiency.

9 November 2020: Information note for administering authorities published

The LGPC published an [information note for administering authorities](#) on the exit payment cap. You can find the note on the [Administrator guides and documents](#) page of www.lgpsregs.org.

The note sets out:

- policy considerations for administering authorities and
- a process to follow

in respect of redundancy and efficiency exits of members aged 55 or over that occur from 4 November 2020.

Other resources

The [Reform of Local Government Exit Payments](#) webpage is maintained by the LGA Workforce team. The page is regularly reviewed to provide up to date information for local government employers and includes:

- links to consultations and responses, regulations, draft regulations and guidance
- a summary of the HM Treasury Directions and Guidance that accompany the exit payment cap regulations
- a position statement on the exit payment cap for employers.

The House of Commons Library has published a [briefing paper: Public Sector Exit Payment Cap](#). The paper is designed to assist MPs in their work and provides an overview of the exit cap provisions and a summary of the reaction to them. The paper was published on 16 October 2020 and updated on 5 November 2020.

Action for administering authorities

Please share this article with your scheme employers and draw their attention to the Information note for employers on the [Employer guides and documents page](#) of www.lgpsregs.org.

Consider the policy issue raised and the suggested process suggested in the [information note for administering authorities](#).

Regularly visit the [Public Sector Exit Payments](#) page of www.lgpsboard.org to keep up to date with the latest developments.

LGPS England & Wales

Revised GAD guidance – Incoming transfers

We let you know that revised GAD guidance came into effect from 1 November 2020 in [Bulletin 202](#). You can find the new guidance, factor spreadsheet, covering letter and transitional measures document on the [Actuarial guidance](#) page of www.lgpsregs.org.

Paragraph 9.10 of the Individual Incoming & Outgoing Transfers guidance covers late retirement increases that apply to transfer credits:

‘If the member subsequently retires after attaining 65 (for salary-related transfer credits) or normal pension age (for earned pension transfer credits), their transferred in benefits will be subject to the normal late retirement increase applicable to the respective benefits, as described in the Late Retirement guidance applicable at the time the benefits are drawn. Any late retirement increase should be based on the period to retirement from the later of the Guarantee date and age 65 (for salary-related transfer credits) or normal pension age (for earned pension transfer credits).’

MHCLG has confirmed that the change in the calculation of late retirement increases applies only to transfer credits completed under the new guidance.

Action for administering authorities

Discuss the change with your software supplier to ensure the new rules are correctly applied.

MHCLG consultation on reforming local government exit pay

We let you know in [Bulletin 202](#) that MHCLG had launched a [consultation on reforming local government exit pay](#).

The LGA responded to the consultation before it closed on 9 November 2020.

On 14 October 2020, MHCLG published draft regulations to accompany the policy consultation: The Local Government Pension Scheme (Restriction of Exit Payments) (Early Termination of Employment) (Discretionary Compensation and Exit Payments) (England and Wales) Regulations 2020. Their purpose is to amend the LGPS regulations and compensation regulations to accommodate the exit payment cap and introduce wider exit payment reforms.

MHCLG has invited comments on the draft regulations. Please send your responses to LGExitPay@communities.gov.uk by 18 December 2020. The SAB will share its comments on the draft regulations in advance of this deadline.

You can read the LGA response, draft regulations and other consultation documents on the [Scheme consultations](#) page of www.lgpsregs.org.

Action for administering authorities

Please share the latest information about this consultation with your scheme employers.

Public sector exit payments cap

Please see the [earlier article in this bulletin](#) on this topic for the latest developments.

We have updated the [Related legislation](#) page of www.lgpsregs.org to include the latest documents and links. You can find the Regulations and link to the relevant page of www.legislation.gov.uk in the 'Other SIs' section. We have published the HMT Directions and Guidance in the 'Directions and guidance' section.

Please visit the [News and Updates](#) page of www.lgpsregs.org for the latest information on this and other important topics.

SF3 data published

On 4 November 2020, MHCLG published [Local government pension scheme statistics](#) (SF3 statistics) for England and Wales: 2019 to 2020. Highlights include:

- total expenditure of £13.4 billion, an increase of 5.6% on 2018/19
- total income of £16.0 billion, an increase of 2.6% on 2018/19
- employer contributions increased by 7.7% on 2018/19 to £7.7 billion
- employee contributions of £2.3 billion
- the market value of LGPS funds in England and Wales on 31 March 2020 was £272.4 billion, a decrease of 5.1%
- there were 6.1 million scheme members on 31 March 2020, 2.0 million active members, 1.8 million pensioners and 2.2 million deferred members
- there were 88,232 retirements in 2019/20, an increase of 5.7% compared with 2018/19.

Discretionary policies list updated

The Secretariat has published version 1.10 of the Technical guide – list of discretions. We have made minor amendments to Section 1 of the guide covering the waiver of actuarial reductions when a member voluntarily takes their benefits before normal pension age. You can find the guide on the [Administrator guides and documents](#) page of www.lgpsregs.org.

LGPS Scotland

LGPC responds to SPPA consultation

On 22 October 2020, Steven Moseley contacted all administering authorities in Scotland to let them know that the LGPC has submitted a response to the Addressing discrimination – amendments to the statutory underpin consultation.

The consultation closed on 23 October 2020. You can read the consultation documents, draft regulations and the LGPC response on the [Scheme consultations](#) page of www.scotlgpsregs.org.

GAD guidance published

On 29 October 2020, Roddy MacLeod (SPPA) contacted all administering authorities by email to share details of newly published GAD guidance. The implementation date for the new guidance is 29 October 2020, unless a different date is shown below:

- Pension Sharing on Divorce
- Pension Credits pre 2015
- Pension Debits pre 2015
- Pension Debits post 2015
- Additional Pension Guidance pre 2012, implementation date 1 April 2019.

SPPA is currently engaging with GAD to request that they include the implementation date in the guidance.

The newly issued guidance does not include new factors. The guidance incorporates factors already published by GAD since the SCAPE rate changed in October 2018. The Pension Sharing on Divorce guidance includes a methodology change. GMP adjustments should no longer be applied when calculating a CEV for divorce purposes in respect of a member with a State Pension age after 5 April 2016.

Action for administering authorities

Review your process and training notes to refer to the latest versions of GAD guidance. You may wish to discuss the change in methodology for calculating a CEV for divorce purposes with your software supplier.

HMRC

Update on pension schemes newsletter 124

We let you know in [Bulletin 202](#) that HMRC [Pension schemes newsletter 124](#) was published on 29 September 2020. The newsletter was updated on 6 October 2020 to confirm that the protected pension age easement will not be extended and expired on 1 November 2020.

HMRC has confirmed that the easement relating to submitting Accounting for tax (AFT) returns also covers AFT returns for 1 October to 31 December 2020 and for 1 January to 31 March 2021.

Event reporting

On 9 October 2020, Lorraine Bennett forwarded an email from HMRC to all administering authorities. The email confirms details about the submission of annual and lifetime allowance data for the Event Report. All scheme events for the 2019/20 year other than those set out below must be submitted via Pensions Online.

Annual allowance

HMRC will accept scheme data about pension savings statements for 2019/20 in a password-protected Excel spreadsheet instead of through the Event Report. You must submit the data by 31 January 2021.

Lifetime Allowance

The Event Report has not been amended to include lifetime allowance protections that members applied for online. You can submit these details to HMRC on a password-protected spreadsheet. Please send the data to pensions.businessdelivery@hmrc.gov.uk, and include 'Lifetime allowance – Event Reporting' as the subject line of the email.

Pension schemes newsletter 125

On 30 October 2020, HMRC published [pension schemes newsletter 125](#). The newsletter includes articles about:

- the protected pension age easement ending on 1 November 2020
- enhancements to the financial information relating to AFT returns that is available on the Managing Pension Schemes service
- an update on the programme to delete user IDs and passwords for users who have not accessed an online tax service in the last three years. Users are encouraged to log in to avoid their credentials being deleted.

HMT

Public service pensions GMP indexation consultation

On 7 October 2020, HM Treasury (HMT) published [Public Service Pensions: Guaranteed Minimum Pension Indexation consultation](#).

Prior to 6 April 2016, the payment of public service pensions and the earnings-related State Additional Pension (AP) worked together to provide a mechanism that fully indexed most public service pensions. The introduction of the new State Pension on 6 April 2016 removed the payment of AP. This meant that members who reached State Pension age (SPa) on and after that date would not have their pension payments fully indexed. To compensate for the removal of AP, the Government introduced an interim solution on 1 March 2016, which ends on 5 April 2021. This ensured that public service pensioners who reach SPa after 5 April 2016 continued to receive a fully indexed pension from their public service pension scheme.

The consultation sets out how the Government proposes to ensure it continues to meet its commitments to the full indexation of public service pensions, including any Guaranteed Minimum Pension (GMP) element.

You can read the consultation document and Written Ministerial Statement on:

- the [Non-scheme consultations](#) page of www.lgpsregs.org and
- the [Non-scheme consultations](#) page of www.scotlgpsregs.org.

The 12-week consultation will close on 30 December 2020. The LGA will respond in due course. We will share our response with you in advance of the closing date.

LGA responds to HMT McCloud consultation

The LGA has responded to the [HMT Public service pension schemes consultation: changes to the transitional arrangements to the 2015 schemes](#). The response deals with the impact of the proposals on the Firefighters' Pension Schemes and the Teachers' Pension Scheme. You can read the full response on:

- the [Non-scheme consultations](#) page of www.lgpsregs.org and
- the [Non-scheme consultations](#) page of www.scotlgpsregs.org.

LGA responds to call for evidence on pension tax relief

As we reported in [Bulletin 200](#), HMT published [Pensions tax relief administration: call for evidence](#) in July 2020. The LGA and LGPC submitted a joint response on 13 October 2020.

You can read the LGA / LGPC response on the:

- [Non-scheme consultations page](#) of www.lgpsregs.org and
- [Non-scheme consultations page](#) of www.scotlgpsregs.org.

DWP

Government responds to simpler annual benefit statement consultation

The DWP ran a consultation seeking views on simpler annual benefit statements in 2019. See [Bulletin 191](#).

The DWP published the [Government response to the consultation](#) on 19 October 2020. Although defined benefit and public sector schemes were not in scope, the response acknowledges that there will be opportunity to learn lessons about the potential applicability to them in the future.

The response includes a commitment to a further consultation later this year on mandatory simpler statements for defined contribution schemes that are used for automatic enrolment.

Government plans to encourage use of appropriate pensions guidance

On 28 October 2020, the DWP published a policy paper - [Stronger nudge to pensions guidance: statement of policy intent](#). The statement sets out the Government's intention to introduce regulations that require trustees of occupational pension schemes to 'nudge' members to appropriate guidance when they seek to access their pension through the appropriate freedoms. The policy is one of a package of measures designed to help people make informed decisions about accessing their pension savings and avoid scams.

The Government will consult on draft regulations in due course, which will apply in England, Wales and Scotland. It is expected that the Department of Communities will bring in parallel provisions for Northern Ireland.

The policy applies only to defined contributions arrangements. There will be no requirement for LGPS administering authorities to encourage members to seek guidance before taking their main scheme pension benefits. It is likely that the regulations will affect communications with members who have an in-house AVC.

TPO

TPO factsheet: complaining on behalf of a deceased's estate

On 19 October 2020, the Pensions Ombudsman (TPO) published a factsheet for survivors who may want to bring or continue a complaint on behalf of a deceased person's estate. You can find the [Complaining to TPO on behalf of a deceased's estate factsheet](#) on the [TPO website](#).

TPR

2019/20 Scheme return

We let you know in [Bulletin 201](#) that TPR would be sending warm-up emails in the first half of September 2020, informing administering authorities that the Scheme return would be issued in September 2020. TPR has confirmed that there has been a slight delay. We understand TPR's intention was to send all public service pension scheme return notices in the week commencing 2 November 2020.

Other news and updates

LGPC minutes published

You can read [draft minutes of the 7 September 2020 LGPC meeting](#) on www.lgpsregs.org. The committee discussed:

- Responsible Investment guidance
- the MHCLG consultation on changes to the statutory underpin
- changes to the rules concerning exit credits
- the exit payment cap and wider exit payment reform.

The committee also received updates from the three LGPS schemes and the National LGPS Technical Group. The minutes were confirmed at the meeting held on 2 November 2020.

COVID-19 death data collection

At the meeting of the National LGPS Technical Group on 12 June 2020, the group agreed to assist the England and Wales SAB to understand the impact of COVID-19 on the LGPS by collecting death data. You can read the [minutes of the June National LGPS Technical Group meeting](#) on www.lgpsregs.org.

Going forward, the chair of each pensions officer group will request the data from the funds in their region quarterly instead of monthly. The data for September, October and November is due by 11 December 2020.

Communications Working Group (CWG)

The CWG met through MS Teams on 29 September 2020. The group discussed:

- the impact of COVID-19 on administration teams and LGPS employers
- public sector website accessibility regulations, accessibility statements, the use of pdfs and methods of publishing benefit statements
- digital engagement
- exit payment cap and wider exit payment reform and the communications challenge to keep members and employers informed
- McCloud and the different approaches adopted to collect missing service data.

You can read the minutes from the meeting on the:

- [CWG page](#) of www.lgpsregs.org, and
- [CWG page](#) of www.scotlgpsregs.org.

National LGPS Technical Group

The National LGPS Technical Group met virtually on 1 October 2020. Topics discussed included:

- an update on administering authorities signing up to and uploading data to the National Insurance database
- COVID-19 and death data collection
- the Pension Schemes Bill
- McCloud consultation, remedy and administrator concerns
- employer flexibilities and planned publication of guidance
- exit payment reforms.

You can read the minutes from the meeting on the:

- [Technical group](#) page of www.lgpsregs.org and
- [Technical group](#) page of www.scotlgpsregs.org.

September 2020 rate of CPI

On 21 October 2020, the Office for National Statistics announced the [Consumer Prices Index \(CPI\) rate of inflation for September 2020](#) as 0.5%.

Government policy in recent years has been to base increases under the Pensions (Increase) Act 1971 and revaluation of pension accounts under section 9 of the Public Service Pensions Act 2013 on the rate of CPI in September of the previous year. We await confirmation from Government that the revaluation and pensions increase that will apply to LGPS active pension accounts, deferred pensions and pensions in payment in April 2021 will be 0.5%.

MaPS provide a pensions dashboard update

On 28 October 2020, the Money and Pensions Service (MaPS) published their second [Pensions Dashboards Programme progress update report](#). The report includes updates on:

- the Pension Dashboards Programme's (PDP) high level activity plan
- resourcing to deliver next phases of the programme
- market engagement to help finalise digital architecture requirements
- refining requirements for identity verification
- setting up a working group to ensure consumer focus
- reviewing feedback.

The timetable in the report reveals that the PDP expects the dashboard to be available to retirement savers for the first time in 2023.

PDP publishes responses to data standards call for input

As we reported in [Bulletin 200](#), the PDP ran a call for input on data standards that closed on 31 August 2020. The PDP received 61 responses to the call for input. They have made a [summary of the responses](#) available online.

GAD updates staff transfers guidance

GAD has updated [Staff transfers: public service pension schemes](#) guidance. The guidance confirms that GAD will continue to assist with staff transfer cases. GAD is considering the proposed changes to public service pension schemes in response to the McCloud judgment and how these will affect staff transfers.

It may be necessary for GAD to pause work on some transfers while the implications of the judgment are considered.

Coronavirus Job Retention Scheme extended

On 5 November 2020, the Government announced an [extension to the Coronavirus Job Retention Scheme](#) (CJRS). Commonly known as ‘furlough’, the CJRS will now run until the end of March 2021. Furloughed employees will receive 80 per cent of their current salary for hours not worked, up to a maximum of £2,500 per month. Employers will be asked to cover National Insurance and employer pension contributions for hours not worked.

You can read more about the extension of the CJRS and other Government policy announcements related to COVID-19 in the [Economic support factsheet](#).

COVID-19 FAQs updated

We have updated the [COVID-19 FAQs for employers](#) and the [COVID-19 FAQs for administrators](#). The updates cover:

- the extension of the CJRS
- the service provided by the Pensions Ombudsman
- Scottish and Welsh life assurance schemes
- flexibilities when dealing with an exiting employer in England and Wales
- HMRC relaxation in reporting rules.

Tell Us Once – Bulletin

On 14 October 2020, DWP issued a bulletin to all Tell Us Once (TUO) users about the deletion of inactive accounts. An automated deletion exercise will start from 9 November 2020. Any user accounts that have been inactive for three months will be closed. Closed accounts can be re-opened via the EAS-R system. Any user accounts that have been in the ‘Closed’ status for more than 14 months will be permanently removed.

Action for administering authorities

Any users who have lost access to the TEO system should contact the TEO service desk.

If you have lost access or have any queries, please contact the TEO Helpdesk:

By email: tell-us-once.servicedesk@dwp.gov.uk

By telephone: 0191 218 3184 (for urgent queries).

Training

Webinar on exit payment reforms

On 6 November 2020, the LGA pensions and workforce teams jointly hosted a webinar on the exit payment cap and wider exit payment reforms. The webinar covered:

- the introduction of the exit payment cap from 4 November 2020
- considerations for LGPS employers and administering authorities for the period before the LGPS regulations are amended to accommodate the cap
- the impact of wider exit payment reforms due to come into effect in early 2021.

Once a transcript of the webinar has been produced we will make it available, alongside a recording of the webinar and the slides. You will be able to find these resources on the [Past events presentations](#) page of the LGA website later in November.

Wider landscape

No plan to reduce £30k threshold for transfer advice

Guy Opperman, Minister for Pensions and Financial Inclusion, [responded to a question concerning the financial advice requirement](#) on 1 October 2020. He confirmed that the Government currently has no plan to change the £30,000 threshold at which individuals are required to take financial advice when transferring a defined benefit pension. The Government must review this requirement and publish its findings before 6 April 2023.

Government rules out review of pensions tax relief

The Government has ruled out the Public Accounts Committee's recommendation that HMRC should investigate the impact of pensions tax relief. The Government's position was confirmed in [Treasury Minutes – September 2020](#). The minutes confirm that the Government will continue to engage with stakeholders and gather views and evidence on the impact of pensions tax relief, but will not undertake a formal evaluation.

Legislation

Statutory Instruments

[The Restriction of Public Sector Exit Payments Regulations 2020](#) [SI2020/1122]

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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