



LGPC Bulletin 204 – December 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 the following, which need action by certain stakeholders:

- [Consultation on SAB guidance on new employer flexibilities](#)
- [Draft GAD guidance for the exit cap](#)
- [Member FAQs on the public sector exit cap](#)
- [Transfer out declaration forms – marital status confirmation](#)
- [Cost cap mechanism](#)
- [Pledge to combat pension scams](#)
- [FCA information on transferring to an international SIPP](#)
- [ICO issue new statutory code of practice on DSARs](#)
- [Webinars on exit payment reforms for local authorities](#)
- [Webinar on exit payment reforms for non-local authorities](#)
- [NI database and tracing lost members](#)
- [Interfund contact added to Your LGPS contacts](#)
- [NHS annual allowance charge compensation policy](#)

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

Index

Foreword1

Index1

LGPS England & Wales Scheme Advisory Board4

Consultation on SAB guidance on new employer flexibilities	4
MHCLG reforming local government exit pay – SAB response.....	4
Public sector exit payments cap.....	5
LGPS England & Wales.....	5
Draft GAD guidance for the exit cap	5
2020 Scheme valuation data collection update.....	5
Member FAQs on the public sector exit cap	6
LGPS Scotland	6
AVCs to provide additional pension	6
Cost cap mechanism.....	7
DWP.....	7
Thank you from the Tell Us Once team.....	7
HMRC.....	8
Pension schemes newsletter 126	8
HMT.....	8
Ambition for future of UK financial services after leaving the EU	8
TPR.....	9
Guidance on protecting schemes from employer distress or insolvency.....	9
Latest news and guidance	9
Pledge to combat pension scams	10
Public service governance and administration survey 2019.....	10
Other news and updates	10
Communications Working Group	10
COVID-19 follow up survey – results	11
FCA information on transferring to an international SIPP.....	11
ICO issue new statutory code of practice on DSARs	12
NI database and tracing lost members.....	12
PASA launch cybercrime guidance	12
Pension fund annual reports 2020	13
PMI launch new competency framework.....	13

Interfund contact added to Your LGPS contacts	14
Transfers out declaration forms – marital status confirmation	14
Training	15
Webinars on exit payment reforms for local authorities.....	15
Webinar on exit payment reforms for non-local authorities	15
Wider landscape	16
DB schemes must equalise past GMP transfers.....	16
DfC NI consultation on amendments to the statutory underpin	16
Independent Schools and the TPS consultation	16
NHS annual allowance charge compensation policy	17
RPI consultation response	17
Social security benefit and pension up-rating 2021/22.....	18
Teachers’ Pension Scheme Grant	18
Universal catch up premium & national tutoring programme.....	18
Useful links	18
LGPS pensions section contact details.....	19
Further information.....	20
Copyright.....	20
Disclaimer	20

LGPS England & Wales Scheme Advisory Board

Consultation on SAB guidance on new employer flexibilities

On 2 December 2020, Bob Holloway emailed pensions managers for comment on a draft guide to employer flexibilities. This was prepared by the Scheme Advisory Board (SAB) in conjunction with representatives from administering authorities and scheme employers.

The purpose of the guide is to provide operational and practical assistance to administering authorities and employers when implementing employer flexibilities introduced by the Local Government Pension Scheme (Amendment) (No. 2) Regulations 2020.

Comments on the draft guidance should be submitted by 9 January 2021 to Robert.holloway@local.gov.uk.

Action for administering authorities

Ensure your employers are aware of this consultation and the deadline for responding.

MHCLG reforming local government exit pay – SAB response

On 9 December 2020, the Scheme Advisory Board (SAB) published their [response to the MHCLG exit reform regulations](#). In summary, the major issues and suggested solutions are:

- The apparent overlap between regulations 3 and 4, but difference in timescales.
- No provision to allow a member to pay extra if the strain cost is reduced by the Statutory redundancy payment under regulation 2. We believe regulation 3 is intended to deliver this policy, but amendments are needed to do so.
- Providing different deadlines for members electing to pay extra based on the reason for the strain cost reduction, adds complexity and makes it necessary for the administering authority to know additional information about the exit. Aligning the deadlines (and combining regulations 3 and 4) would reduce complexity.
- We believe that introducing retirement provisions to the compensation regulations could lead to unintended and anomalous consequences unless a significant number of further regulation amendments are made. In our view it would be preferable to have any provisions relating to retirement in the LGPS Regulations 2013.

- The definition of ‘relevant Scheme member’ must be clarified to confirm whether it includes only those who are active members on their termination date.
- More detail is needed to confirm the position for a member who retires from active status under regulation 30(5) and the employer waives some or all the early payment reduction under regulation 30(8).

To find out more and view other documents, visit the [Scheme consultations](#) page of www.lgpsregs.org.

Public sector exit payments cap

The Public sector exit payments page of www.lgpsboard.org is regularly updated.

Action for administering authorities

Please review the [Public Sector Exit Payments](#) page on a regular basis to keep up to date with the latest developments on this subject.

LGPS England & Wales

Draft GAD guidance for the exit cap

On 19 November 2020, Rachel Abbey emailed administering authorities to let you know that the draft strain cost guidance linked to from the [MHCLG Reforming local government exit pay](#) consultation page was an old version. This has been replaced with the latest version titled ‘Benefits for exits subject to exit payment cap – Factors and guidance’.

You can find a link to this latest guidance on the [Scheme consultations](#) page of www.lgpsregs.org.

Action for administering authorities

We are aware administering authorities are making comparisons between their current strain cost calculations and the draft strain cost calculation. Please make sure you use the latest version when making these comparisons.

2020 Scheme valuation data collection update

As at 11 December 2020, GAD has received 74 of 88 datasets, with 57 administering authorities providing a questionnaire response alongside their data.

GAD is very grateful for the responses, especially for all the details shared via data questionnaires. There is still a little time for outstanding data to be included and they will be in touch with relevant administering authorities to understand when it is feasible to provide remaining data. GAD is keen to repeat the success of the 2019 data exercise by including data from all funds as part of the 2020 scheme valuation.

GAD is also happy to receive any further questionnaire responses - this is the primary opportunity under the 2020 valuation for you to tell GAD about features of your data.

Reminder: There will be no individual fund 2020 data reports, but a 2020 scheme valuation data report will be published with the results of the 2020 valuation.

Member FAQs on the public sector exit cap

On 24 November 2020, Lorraine Bennett emailed you to let you know that we have published [member FAQs on the public sector exit cap](#).

You can link to them from the [Latest news page](#) on www.lgpsmember.org.

Action for administering authorities

Please make your employers and active members aware of the FAQs.

LGPS Scotland

AVCs to provide additional pension

In [Bulletin 202](#), we told you that Kimberly Linge had issued new factors for working out additional pension purchased by AVCs. These were effective immediately from 25 September 2020.

On 20 November 2020, Roddy MacLeod emailed administering authorities with updated guidance for the Use of accumulated AVCs to provide additional pension under the Scheme, which incorporates the new factors. The updated guidance does not change the methodology.

If you have any queries please raise them with Roddy.MacLeod@gov.scot or Kimberly.linge@gov.scot.

The guidance can be found on the [Actuarial guidance page](#) of the [SPPA website](#) and on the [Actuarial guidance page](#) of www.scotlgpsregs.org.

Cost cap mechanism

On 8 December 2020, Roddy MacLeod emailed administering authorities for views on the cost cap mechanism ('the mechanism') applied under section 12 of the Public Service Pensions Act 2013. Your response will help SPPA input into GAD's review of the mechanism. Views on the following are requested:

- how the mechanism is meeting its objectives
- how regularly it would be reasonable to expect there to be breaches of the mechanism, include examples of events that might be expected to lead to a breach and what type of events should be outside its scope
- any specific aspects of the mechanism for example: member versus employer costs; treatment of past and future service costs; differences between employer contribution rate and the mechanism; inter-generational impacts
- scheme-specific elements - such as whether the mechanism should have any bespoke tailoring
- other points to consider

Your views should be sent to Roddy.MacLeod@gov.scot or Kimberly.linge@gov.scot by 17 December 2020.

Action for administering authorities

Send your views on the cost cap mechanism to SPPA by 17 December 2020.

DWP

Thank you from the Tell Us Once team

Emma Moralee from DWP has asked us to pass on the message below:

"2020 has been an unusual and difficult year for all of us. I would like to thank you for the ongoing commitment, support and passion you demonstrate daily to support and deliver Tell Us Once.

Not only have you continued to provide an exemplary service to our customers, but we have on-boarded another four LGPS administering authorities since April. This brings the total to 87. We are in the final stages of three more funds joining us and we hope to have the necessary action completed before the end of 2020.

Moving forward into next year, we will continue to identify opportunities to improve our service offering by working closely with our partners and Digital colleagues.

As the New Year approaches, we would like to remind you that:

- Good system housekeeping is vital, we need to ensure access is given appropriately and removed promptly when it is no longer required
- All of our Users, including Organisation Administrators, need to access the Employee Authentication System and Change Reporting System at least once a month to ensure continued access.

And finally, we are delighted to announce that the Tell Us Once service won the **Digital Public Service Innovation of the Year National Digital Leaders 100 Award** for 2020. This is such well-deserved recognition for the incredible work and collective efforts of everyone involved in continuing to deliver this valuable service.

Thank you once again and we hope you have a fantastic Christmas. All the best for 2021.”

HMRC

Pension schemes newsletter 126

On 3 December 2020, HM Revenue & Customs (HMRC) published pension schemes newsletter 126. It has articles on the following that may be of interest to you:

- managing pension schemes - multiple scheme administrator IDs and user research
- pension scheme returns for 2019 to 2020
- signing into online services
- annual allowance charge - members declaring their annual allowance charge on their self-assessment tax return

To find out more, visit the [HMRC Guidance page](#) on www.gov.uk.

HMT

Ambition for future of UK financial services after leaving the EU

On 9 November 2020, the Chancellor Rishi Sunak set out the Government's ambition for the future of UK financial services following the UK's departure from the

European Union (EU). The Government intends to position the UK at the forefront of green finance by:

- issuing its first Sovereign Green Bond in 2021- subject to market conditions
- ensuring that the UK will become the first country in the world to make Task Force on Climate-related Financial Disclosures (TCFD) aligned disclosures fully mandatory across the economy by 2025 - going beyond the 'comply or explain' approach

To find out more, visit the [Financial Services News story page](#) on www.gov.uk.

TPR

Guidance on protecting schemes from employer distress or insolvency

On 12 November 2020, the Pensions Regulator (TPR) published guidance to help administrators of defined benefit (DB) schemes spot the warning signs of employer distress or insolvency. Although the guidance does not directly apply to LGPS administering authorities, there are common themes and much of the information will be relevant.

TPR observes that despite government economic support packages, COVID-19 continues to have a profound impact on the economy, challenging scheme employers and the pensions industry. They recommend administrators actively monitor their employer's health to look for warning signs and are ready to act as the economic impact of global events develop. They should also be prepared for any issues arising from Brexit.

To find out more, visit the [Protecting schemes from sponsoring employer distress](#) page on [TPR website](#).

Latest news and guidance

In November 2020, the Pensions Regulator (TPR) published its Latest news and guidance for pension schemes covering:

- TPR scams pledge
- new guidance for DB trustees
- a climate change roadmap
- TPR user research survey
- TPR latest enforcement activity

To find out more, visit the [Latest news and guidance for pension schemes page](#) on [TPR website](#).

Pledge to combat pension scams

On 10 November 2020, the Pensions Regulator (TPR) launched the pledge to combat pension scams campaign. The campaign is supported by the Pension Scams Industry Group (PSIG).

TPR urges you to help protect scheme members thinking of transferring their pensions. According to complaints filed with Action Fraud, more than £30 million has been reportedly lost to pension scammers since 2017. By making a pledge and following the principles of PSIG you show your intent to protect scheme members. You also tell the pensions industry that you are committed to stopping scammers.

To find out more, visit the [Pledge to combat pension scams page](#) on [TPR website](#).

Action for administering authorities

Consider whether you wish to make a pledge to combat pension scams.

Public service governance and administration survey 2019

On 20 November 2020, the Pensions Regulator (TPR) published the outcome of the Public service governance and administration survey 2019.

Results were consistent with the 2018 survey for five of the six key processes, with between 92 and 97 per cent of Public service schemes having these in place. Around two-thirds of you who responded to the survey had all six processes in place. The six key processes are:

- Conflicts of interest
- Knowledge and understanding
- Assessing and managing risks
- Record monitoring
- Contribution monitoring
- Breaches of the law

To find out more, visit the [Research and analysis page](#) on [TPR website](#).

Other news and updates

Communications Working Group

The Communications working group (CWG) met virtually on 1 December 2020. The group discussed:

- COVID-19 post solutions

- national member website
- member video on transferring out
- digital engagement
- McCloud communications including feedback from the Pensions' Managers Conference
- exit cap communications
- 2020/21 workplan

We would like to remind readers that the annual workplan sets out the communications that the Group plans to work on during the year. You can read the workplan and the minutes from the meeting on the [CWG page](#) of www.lgpsregs.org, and the [CWG page](#) of www.scotlgpsregs.org.

COVID-19 follow up survey – results

On 2 November 2020, the England and Wales Scheme Advisory Board (SAB) published the results of the follow up survey which ran over the summer. The aim of the survey was to find out how the position for all administering authorities (England and Wales, Scotland and Northern Ireland) had changed since the beginning of the pandemic.

To find out more, visit the [Coronavirus and the LGPS information and updates page](#) of the England and Wales [SAB website](#).

FCA information on transferring to an international SIPP

The Financial Conduct Authority (FCA) has been contacted by consumers about overseas advisory firms advising expatriates to transfer or switch their UK pensions into a self-invested personal pension (SIPP), often one marketed as an international SIPP. The FCA are concerned that consumers who invest in this way may be exposed to high and/or unnecessary charges.

The FCA believes transferring out of a defined benefit pension scheme is unlikely to be in the best interests of most consumers.

To find out more, visit the [Information for consumers on transferring to an international SIPP page](#) on the [FCA website](#).

Action for administering authorities

If you are asked to transfer a member's benefits to an international SIPP, you should advise the member [to contact the Pensions Advisory Service](#), for impartial guidance before taking any further action.

ICO issue new statutory code of practice on DSARs

At the end of October 2020, the Information Commissioner's Office (ICO) issued its new statutory code of practice on data subject access requests (DSARs). It is aimed at data protection officers and those with specific data protection responsibilities in larger organisations. Along with providing additional guidance and clarity, the new code of practice is particularly relevant for administrators dealing with increased data requests from members, independent financial advisers and claims management companies in respect of past transfers.

To find out more, visit the [Right of access page](#) on the [ICO website](#).

Action for administering authorities

Apply the new statutory code of practice when responding to DSARs.

NI database and tracing lost members

We have been informed that some administering authorities are not aware that the National Insurance (NI) database can be used to trace lost members.

In 2019, we made changes to the Database to comply with data protection legislation and to extend the use of the database beyond its original purpose of preventing the double payment of death grants. The new Data Sharing Agreement (DSA) sets out that one of its purposes is to enable information sharing to trace lost members. All authorities that use the Database have signed the new DSA.

If you are contacted by another administering authority who is using the NI database to trace members, you can share contact information with them. Scottish authorities can only share information with other Scottish authorities - likewise for English and Welsh authorities.

For information, every fund in England and Wales is now using the NI Database and has uploaded data. Nine of the eleven administering authorities in Scotland are using the Database and have uploaded data; the remaining two are in the process of doing so.

Action for administering authorities

If appropriate, update your processes to allow contact information to be shared with other administering authorities using the NI database.

PASA launch cybercrime guidance

On 9 November 2020, the Pensions Administration Standards Association (PASA) launched their new cybercrime guidance for pensions administrators.

The guidance aims to help you by outlining four key areas covering different elements of cybercrime:

1. legal and regulatory standards
2. understanding your organisation's vulnerability to cybercrime
3. ensuring resilience
4. in case of an attack - remaining able to fulfil critical functions

To find out more, visit the [Press release page](#) on the [PASA website](#).

Pension fund annual reports 2020

Please email a copy of your annual report (or hyperlink) to liam.robson@local.gov.uk when it is available. The LGPS regulations require the annual report and accounts to be published by no later than 1 December 2020.

England and Wales

The Accounts and Audit (Coronavirus) (Amendment) Regulations 2020 extend the publication for local authority accounts (England and Wales) to 30 November 2020. Currently, there are no plans for an automatic extension of the publication date for the annual report and accounts under the LGPS regulations. MHCLG requests that administering authorities inform the LGA (query.lgps@local.gov.uk) of any knock on issues arising from the Accounts and Audit (Coronavirus) (Amendment) Regulations 2020, to enable them to keep matters under consideration.

Scotland

The view of the Scottish Government is that:

“the provisions made in the Coronavirus (Scotland) Act 2020 are sufficient to allow each authority to determine its own timetable for Annual Accounts...it seems reasonable that a local authority publishes its Annual Accounts no later than 30 November 2020.”

PMI launch new competency framework

On 11 November 2020, the Pensions Management Institute (PMI) launched a new competency framework. This sets out the pensions management functional and technical competences needed to be effective in the pensions industry at all career levels. The framework provides a method to assess, maintain, and monitor the knowledge, skills, and attributes of people within the sector. Both you and your employers will be able to use the framework to identify your strengths and areas for development and help you choose which qualifications and learning interventions would best help you.

To find out more, visit the [Competency framework page](#) on the [PMI website](#).

Interfund contact added to Your LGPS contacts

On 27 November 2020, Lorraine Bennett emailed all administering authorities to let you know that we have added a new section to the [Your LGPS contacts](#) system for interfund contacts. You can use it to:

- confirm the secure email address(es) that you want correspondence about interfunds to be sent to, and
- download a csv list of those contacts for all administering authorities

As a reminder, the Pensions Regulator's [\(TPR's\) COVID-19 guidance for trustees and public service pension schemes](#) states that pension schemes 'should allow electronic signatures and documents and encourage other third-party providers to do the same'. We recommend that all interfund documentation is sent electronically via secure email in line with the approach recommended by TPR. The Government has published [information on securing government email](#) which you may find useful.

Action for administering authorities

The person responsible for updating the [Your LGPS contacts](#) system at your administering authority should enter at least one interfund contact. To download a list of contacts for all funds just click on the 'download all interfund contacts csv' button.

Transfers out declaration forms – marital status confirmation

The current suite of transfer declaration forms located on the Administrator guides and documents pages of www.lgpsregs.org and www.scotlgps.regs.org, include confirmation of the member's marital status. This information is no longer required following the implementation of the revised guidance covering Individual Incoming and Outgoing transfers, implemented with effect from 1 November 2020.

We will update and refresh the transfer declaration forms in 2021. Meanwhile you should remove the requirement to confirm marital status from your forms locally.

Action for administering authorities

Remove the requirement to confirm marital status from your transfer declaration forms.

Training

Webinars on exit payment reforms for local authorities

On 6 November 2020, the LGA pensions and workforce teams jointly hosted a second webinar (first webinar held on 23 September 2020) for local authorities on the exit payment cap and wider exit payment reforms.

Recordings of both webinars, including captions, transcripts and slides can be found on the [past events page](#) of the [LGA website](#).

Action for administering authorities

Please inform your employers of the publication of the webinars and accompanying documents.

Webinar on exit payment reforms for non-local authorities

On Thursday 17 December, the LGA pensions and workforce teams will jointly host a webinar on exit payment reforms. The webinar will run for one hour from 12:30pm. It will cover the latest position on the £95k cap and proposals for further exit payment reforms for:

- teaching and non-teaching staff at academies
- non-uniformed staff of police authorities and fire and rescue authorities

It will cover the:

- impact of the £95k cap
- process for waiving the cap
- considerations for employers in the interim period between the cap coming into force and pension regulations being changed to accommodate it
- impact of wider reforms

The webinar is aimed at business managers / finance directors and HR managers of academies, police authorities and fire and rescue authorities. The cost to attend is:

- £25 plus VAT for LGA members
- £25 plus VAT for current employer link subscribers
- £99 plus VAT for non-members

To find out more and book the webinar, visit the [LGA's events page](#).

Action for administering authorities

Please publicise the webinar to your academies, police and fire and rescue authorities.

Wider landscape

DB schemes must equalise past GMP transfers

On 20 November 2020, the High Court ruled that trustees who do not equalise a member's guaranteed minimum pension (GMP) benefits at the time of calculating a cash equivalent transfer value (CETV) have committed a breach of duty. Defined benefit (DB) schemes providing GMPs should revisit historic CETVs made in the past 30 years and top them up where necessary. The judgment does not force organisations to actively correct all pensions transfers; however, employers may look to do so to avoid legal proceedings from members affected.

This [latest judgment](#) comes after the initial judgment was made in October 2018 (see [bulletin 177](#)) involving Lloyds banking group.

MHCLG has confirmed that GAD will issue guidance on the impact of the ruling for public service pension schemes in due course.

DfC NI consultation on amendments to the statutory underpin

On 11 November 2020, the Department for Communities (DfC) in Northern Ireland (NI) [published a consultation on amendments to the statutory underpin](#). The consultation seeks views on proposed changes to the LGPS in NI to remove the unlawful age discrimination identified in the McCloud judgment. The consultation closes on 31 January 2021.

Independent Schools and the TPS consultation

On 11 November 2020, [the Government published its response](#) to the consultation it published in September 2019. It concluded that it intends to proceed with the change to allow phased withdrawal. This will result in current teachers being able to continue participation in the TPS if their independent school employer decides to freeze participation in the TPS, with new teachers being enrolled into an alternative pension scheme.

To support this, the Government will produce draft regulations for consultation. It is intended that regulations will come into force in the spring of 2021, and independent schools in England and Wales will be able to request phased withdrawal from then.

NHS annual allowance charge compensation policy

In November 2019, the National Health Service (NHS) England and NHS England Improvement (NHSEI) announced that clinical staff who go over their annual allowance for the 2019/20 tax year and who use Scheme Pays to pay the tax charge can be compensated in retirement for any reduction to their NHS Pension Scheme benefits (see [Bulletin 193](#) for details).

Clinicians in England who receive a pensions saving statement for the 2019 /20 tax year or think they may have an annual allowance charge in respect of their NHS Pension Scheme benefits, can find more information about the 2019/20 Pension Annual Allowance Charge Compensation Policy and how to apply on the [NHSEI website](#).

NHS England and NHSEI have published resources for employers, FAQs and infographics explaining the 2019/20 Pension Annual Allowance Charge Compensation Policy on the [NHSEI website](#).

Action for administering authorities

Please bring this article to the attention of employers who employ staff who are members of the NHS Pension Scheme.

RPI consultation response

On 11 March 2020, the Government and the UK Statistics Authority (UKSA) launched a joint consultation on UKSA's proposal to address the shortcomings of the Retail Prices Index (RPI) measure of inflation. On 25 November 2020, the Government and the UKSA published the response.

The response indicates that RPI will be reformed to align with the Consumer Prices Index (including housing costs – CPIH). The reform will take place no earlier than February 2030. The Government acknowledges that the reforms could have an impact on defined benefit schemes but confirms that the later effective date of the changes will help to mitigate this.

Members who made an election to purchase additional pension (LGPS England & Wales and Scotland) before 1 April 2012 receive annual increases on the additional pension purchased based on RPI. The increase on these benefits will be impacted if the reforms to RPI take place.

To find out more, visit the [Consultation page](#) on www.gov.uk.

Social security benefit and pension up-rating 2021/22

On 25 November 2020, the Government outlined in a [Written ministerial statement](#), the proposed benefit and state pension rates that will apply in the tax year 2021 to 2022, coming into effect on 12 April 2021. Dr Coffey (the Secretary of State for Work and Pensions) stated:

“State pensions will be increased by 2.5 per cent, in line with the Government’s manifesto commitment. The full rate of the new state pension will now be worth £179.60 per week.”

Teachers’ Pension Scheme Grant

[Bulletins 191 and 194](#) contain articles about the Teachers’ Pension Scheme (TPS) employer contribution grant. The Government has updated their [TPS guidance](#) on the employer contribution grant. The guidance covers the grant for the financial year 2020 to 2021.

Universal catch up premium & national tutoring programme

Working with colleagues from the Department of Education (DoE), the LGA has produced [a fact sheet](#) on the Universal catchup premium and national tutoring programme. Academic Mentors (AM), employed by local authorities are eligible to join the LGPS and this programme will apply to them.

The fact sheet provides brief descriptions on the different ‘catch up’ funding programmes available and sharing guidance, to support schools wishing to employ AM’s for the 2020/21 academic year.

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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