

# **LOCAL GOVERNMENT PENSIONS COMMITTEE (LGPC)**

## **Minutes of the NATIONAL LGPS TECHNICAL GROUP meeting Published on 19 June 2019**

**Held at the offices of:  
PWC, 7 More London Riverside, London, SE1 2RT  
at 11:00 am on  
Friday 14 June 2019**

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### *Attendees*

Standing (voting) members of the group		Present / Apologies / Substitute / Absent
Kevin Gerard (Chairman)	Welsh Pension Officer Group (WPOG)	Present
Joanne Griffiths	Welsh Pension Officer Group (WPOG)	Present
Ian Howe (Deputy Chairman)	East Midlands Pension Officer Group (EMPOG)	Apologies
Gary McLellan	East Midlands Pension Officer Group (EMPOG)	Present
Karen Gibson	South West Pension Officer Group (SWPOG)	Present
Kate Shore	South West Pension Officer Group (SWPOG)	Present
Claire Lewis-Smith	Southern Area Pension Officer Group (SAPOG)	Present
Clare Chambers	Southern Area Pension Officer Group (SAPOG)	Apologies
Louise Savage	South Eastern Counties Superannuation Officer Group (SECSOG)	Present
Joel Ellner	South Eastern Counties Superannuation Officer Group (SECSOG)	Present
Richard Smyth	London Pension Officer Group (LPOG)	Present
Neil Mason	London Pension Officer Group (LPOG)	Present
Steven Moseley	Shrewsbury Pension Officer Group (SPOG)	Present
Debbie Sharp	Shrewsbury Pension Officer Group (SPOG)	Apologies
Heather Chambers	North East Pension Officer Forum (NEPOF)	Present
Heather Currie	North East Pension Officer Forum (NEPOF)	Present
Erin Savage	Scottish Pensions Liaison Group (SPLG)	Present
Zena Kee (temporary substitute)	Northern Ireland Local Government Officers' Superannuation Committee	Apologies from Zena - Richard

Richard Clark)	(NILGOSC)	present
<b>Representative (non-voting) members of the group</b>		
Jeremy Hughes Thahira Khatun	Ministry of Housing, Communities & Local Government (MHCLG)	Present
Kimberley Linge	Scottish Public Pension Agency (SPPA)	Present
Siobhan Mckelvey	Department for Communities (Northern Ireland)	Not present
Jayne Wiberg	Local Government Association (LGA)	Present
Lorraine Bennett	Local Government Association (LGA)	Present
<b>Ad-hoc (non-voting) members of the group</b>		
Paul Kateley	Software supplier - Aquila Heywood	Present
<del>Catherine Carruthers</del> (temporary substitute Drew Beedall)	Software supplier – Capita	Apologies from Catherine - Drew present
Julie Potter	Software supplier – Civica	Present
Jon Slater	Software supplier – Equiniti	Present
Annemarie Allen	Actuarial - Barnett Waddingham	Present
Ian Colvin	Actuarial - Hymans Robertson	Present
Justine Davies	Actuarial – PWC	Present
Catherine Pearce	Actuarial – Aon	Present
<del>Nigel Thomas</del> Jonathan Perera	Actuarial – Mercer	Present
Kelly Scotford	Secretary	Present

### *Minutes*

Agenda item	Description	Outcome
<b>1</b>	Apologies for absence	<b>As per attendance list</b>
<b>2</b>	PENDRAGON publishers of 'Perspective' - presentation	Raf Shergold from <a href="#">PENDRAGON</a> delivered a presentation covering the features of 'Perspective'.  Pendragon is a specialist information provider dedicated to supplying legal and regulatory information to the pensions industry through its on-line service, Perspective. Pendragon

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		<p>developed Perspective, with the help of pension professionals, to be an information service for the UK pensions industry designed and conceived by it.</p> <p><b>Group discussion:</b> The group thanked Raf for the presentation and had a brief discussion following his departure.</p> <p><b>Group recommendation:</b> The group did not make any recommendation as they felt that it was for each individual administering authority / third party provider to decide if they wished to purchase the product.</p>
3	<p><a href="#">Minutes</a> of the last meeting held on 8 March 2019</p>	<p><b>Group agreement:</b> Two minor typos have been inserted in track changes.</p>
4	<p>Matters arising from <a href="#">minutes</a> of the last meeting held on 8 March 2019</p>	<p><b>Group discussion:</b> The group discussed in detail the feedback from the POGs and potentially the next steps.</p> <p><b>Group recommendation:</b> For the LGA to lead on this project.</p> <p><b>Commercial sensitivity:</b> Further information cannot be published due to commercial sensitivity. The LGA will contact each administering authority in due course.</p> <p><b>Group discussion</b> Prior to the meeting Jayne Wiberg (LGA) provided the group with a draft supplementary pensions increase technical guide. The group made a number of suggestions – all of which will be taken on board</p> <p><b>Group agreement:</b> The group agreed that, subject to some minor adjustments, for the technical guide to be published (by the end of June 2019) in the ‘guides and sample documents page’ of <a href="http://www.lqpsregs.org">www.lqpsregs.org</a></p>
	<p>Item 3 – Presentation – PENTAG – next steps</p>	
	<p>Item 4(c) – Application of supplementary PI</p>	

Agenda item	Description	Outcome
	<p>Item 4(d) - Pensions Wise and the 'Money and pensions Service'</p>	<p><b>Update from the LGA</b>  Jayne Wiberg (LGA) confirmed that the over-riding legislation does not need to be changed as 'Pensions Wise' falls under the definition of 'pensions guidance' which means guidance given by a designated guidance provider (which has the meaning given in section 333E(1) of the Financial Services and Markets Act 2000 (designation of providers)) for the purpose of helping a member of a pension scheme, or a survivor of a member of a pension scheme, to make decisions about what to do with the flexible benefits that may be provided to the member or survivor.</p> <p><b>Group agreement:</b>  The group agreed with the LGA update – no further action required.</p>
	<p>Item 4(e) – McCloud and 2019 valuation</p>	<p><b>Update from the LGA</b>  In <a href="#">bulletin 181</a> published in February 2019 the LGA Secretariat reported that administering authorities had been asked to inform SAB about their preference concerning the approach to the 2019 valuation. Specifically, whether they would prefer to receive guidance from SAB on how McCloud / cost management should be taken account in the 2019 valuation, or if they would prefer to determine their own approach taking advice from their actuarial adviser.</p> <p>The majority of funds expressed a preference to receive <a href="#">central guidance</a> which was issued on 14 May 2019. CIPFA have also provided a separate <a href="#">note</a> on accounting for McCloud / Cost management.</p> <p><b>Group discussion:</b>  Neil Mason (LPOG) mentioned that there have been some issues as a result of requests from auditor firms to restate IAS 19.</p>

Agenda item	Description	Outcome
		<p>There was also concern regarding the modeller published by GAD earlier in June. The modeller attempts to quantify the cost of McCloud. However, it was felt by at least one actuarial firm (PWC) that it had been published too late to be taken into account for the year-end accounts. So much is the concern, that NAO and PWC will be producing a joint short memo commenting on the GAD report/modeller. The purpose of the joint memo is to enable decisions to be taken as to what to put into year-end accounts (more likely to be text than actual figures).</p>
	<p>Item 8 – Payment of outstanding CEPs (<a href="#">query from NEPOF</a>)</p>	<p><b>Update from LGA:</b>  Jayne Wiberg (LGA) explained that <a href="#">Countdown bulletin 45</a> provides details of the phase 7 financial reconciliation extension. Following publication of countdown bulletin 45, the Secretariat received a number of queries and contacted HMRC clarity. HMRC have suggested that administering authorities could include the following cases on their phase 7 re-run (which must have been completed by 4 June 2019). Thereafter, HMRC will cancel any outstanding liability and include the value of the ‘now notified’ unpaid CEPs in their final billing exercise:</p> <ul style="list-style-type: none"> <li>• outstanding unpaid CEPs <b>notified</b> to HMRC in the past, and</li> <li>• outstanding unpaid CEPs <b>not notified</b> to HMRC because the notification had been missed</li> </ul> <p><b>Group discussion:</b>  Although it had been envisaged that the one off exercise described above would put pay to all outstanding CEPs, Louise Savage (SECSOG) noted that the Scheme may have a problem with CEPs going forward due to a particular aggregation scenario (there could also be an issue where an administering authority has simply missed identifying a refund case and it was missed from the phase 7 re-run).</p>

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		<p>Where a member:</p> <ul style="list-style-type: none"> <li>• with a deferred benefit of &lt;2 years membership (and the membership contains contracted-out membership),</li> <li>• rejoins the scheme,</li> <li>• aggregates the deferred benefit of &lt;2 years membership, and</li> <li>• leaves the scheme with &lt;2 years membership in total after aggregation,</li> </ul> <p>the member is entitled to a refund. However, there is no facility to pay a CEP to HMRC (so essentially the contracted-out element of the refund cannot be discharged).</p> <p>In this situation, the administering authority cannot pay a:</p> <ul style="list-style-type: none"> <li>• full refund because HMRC will have contracted-out liability retained against the scheme member, and</li> <li>• partial refund because this would not meet the definition of a ‘Short service refund’ under schedule 29 of the Finance Act 2004. Any such payment would be unauthorised. In addition, the LGPS Regulations do not provide for payment of partial refunds.</li> </ul> <p>Essentially, the LGPS regulations appear to be ‘out of line’ with the over-riding contracted-out legislation.</p> <p><b>Group agreement:</b> It was agreed that Jayne Wiberg (LGA) would prepare a paper for the Chair to raise this issue with SAB.</p> <p><b>Postscript:</b> Jayne emailed the Chair with text to raise with SAB on 19 June 2019.</p>
	Item 9 – Statutory guidance for survivor benefits	<p><b>MHCLG update:</b> MHCLG confirmed that they are still working on the draft statutory guidance. Once this is ready there will be a short consultation on the draft statutory guidance before ‘official’ publication.</p>

Agenda item	Description	Outcome
	Item 11 – NI database	<p><b>Update from LGA:</b>  Lorraine Bennett (LGA) provided the following update. In <a href="#">bulletin 183</a> the LGA informed readers that they are in the process of making changes to the database. These changes went live in June 2019. The changes include:</p> <ul style="list-style-type: none"> <li>• restricting the view so that Scottish administering authorities cannot see English and Welsh data (and vice versa)</li> <li>• a requirement for individual users of the database to have their own log in details, rather than sharing one login and password across each administering authority. Each administering authority will be provided with access, as below: <ul style="list-style-type: none"> <li>○ one master user - who will have full functionality including being able to set up users and change passwords</li> <li>○ two super users who will be able upload data and view the database</li> <li>○ up to five admin users who will have view-only access</li> </ul> </li> <li>• administering authorities will only be able to view the database if they have uploaded data in the last 90 days (but see group agreement below).</li> <li>• weekly reminders will be sent to administering authorities who have not uploaded data for 35 days or more</li> </ul> <p>Lorraine is working with Evershed's to update the Information Sharing Agreement (ISA) to account for the above changes and for GDPR. Every administering authority must sign an updated ISA.</p> <p><b>Group agreement:</b>  The group agreed that:</p> <ul style="list-style-type: none"> <li>• each administering authority should be given until 31 July 2019 to sign the revised ISA. Those authorities that do not sign by this date will be informed that their viewing of the database will be restricted, and</li> </ul>

Agenda item	Description	Outcome
		<ul style="list-style-type: none"> <li>users will be required to update their data every 60 days, as opposed to every 90 days as originally proposed.</li> </ul> <p><b>Postscript:</b> Following the meeting Lorraine:</p> <ul style="list-style-type: none"> <li>issued revised user guides to administering authorities (14/06/2019), and</li> <li>introduced the requirement for a new PIN for the master user (17/06/2019).</li> </ul>
	<p>Item 12 – Transfers out – update re requests from Claims Management companies (see minutes of the meeting held on <a href="#">11 December 2018 - item 3(c)</a>)</p>	<p><b>Group discussion:</b> The group were disappointed with the number of responses forthcoming from POG groups and agreed that they did not have enough information to make a full decision on how to proceed.</p> <p><b>Group recommendation:</b> The group Heather Chambers (NEPOF) would chase the POG chairs to gather more information and then amend the report with the findings. A decision on how to proceed will then be taken at Septembers Technical Group meeting.</p> <p><b>Commercial sensitivity:</b> Due to commercial sensitivity the full discussion has not been published.</p>
	<p>Item 13 – Transfers out requests for information from IFAs – Fact Sheet from Teesside Pension Fund</p>	<p><b>Group discussion</b> <a href="#">Transfer fact sheet</a> from Heather Currie (NEPOF - Teesside Pension Fund) supplied. The group thanked Heather for the fact sheet.</p> <p><b>Group agreement:</b> Any comments should be raised directly to Heather.</p>
<p>5</p>	<p><a href="#">LGPC update</a> – Jayne Wiberg</p>	<p><b>Group discussion</b> Jayne Wiberg (LGA) and Lorraine Bennett (LGA) discussed the LGPC update with the group. In particular the group discussed:</p> <p><b>a) SCAPE Discount Rate</b> The latest position concerning the change to actuarial factors as a</p>

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		<p>result of a change to the SCAPE Discount rate in October 2018. Concern was raised by Paul Kateley (Aquilaheywood) that the software suppliers did not receive sufficient notice to implement the new factors. It was pointed out that a change to actuarial factors as a result of a change to the SCAPE discount rate will always have a tight turnaround due to the fact that an immediate change takes place for certain events (e.g. transfers). Additionally, software suppliers were notified in September at a meeting with MHCLG, GAD and the LGA that the SCAPE Discount rate would be changing in October 2018.</p> <p><b>b) Annual Benefit Statements</b>  The CWG have been working on the 2020 ABS. Paul Kateley (Aquilaheywood) requested advance sight of the revised 2020 ABS so that software providers can make any adjustment to their ABS routines to account for the changes.  <b>Action:</b>  Once completed, Lorraine Bennett (LGA) to issue software providers with advance sight of the revised 2020 ABS.</p> <p><b>c) Version 2.0 Ill Health Certificates (LGPS E&amp;W)</b>  On 12 June 2019 Jayne Wiberg (LGA) published <a href="#">version 2.0</a> of the IHC. However, it has since come to light that the certificate titled “<i>3<sup>rd</sup> tier ill health retirement review certificate for a suspended 3<sup>rd</sup> tier pensioner where the cessation of employment occurred before 1 April 2014 – review taking place within 3 years of date of cessation of the 3<sup>rd</sup> tier pension (and before normal retirement age)</i>” had been mistakenly deleted.  <b>Action:</b>  Jayne will add back in this certificate as soon as possible.</p>

Agenda item	Description	Outcome
6	<p><b>MHCLG Consultation: Late retirement guidance – implementation update</b></p> <p>In March 2019 MHCLG published a <a href="#">consultation</a> on proposed changes to the late retirement guidance that closed on 17 April 2019. The proposals included a change in methodology as well as a change in factors.</p>	<p><b>Update by LGA</b></p> <p>Following on from the consultation issued by MHCLG in March 2019 covering '<a href="#">the implementation of the New Late Retirement Factors</a>' Lorraine Bennett sent an email to software providers on 11/06/2019 notifying them of the latest position. That is that the revised factors will be effective from 1 September 2019 and the guidance will include simplified methodology to that shown in the consultation.</p> <p><b>Group action:</b> To note.</p>
7	<p><b>MHCLG Consultation: Local valuation cycle and the management of employer risk</b></p> <p>On 8 May 2019 MHCLG issued a 12 week <a href="#">policy consultation</a> called 'LGPS: Changes to the local valuation cycle and the management of employer risk'.</p> <p>The consultation closes on 31 July 2019 and covers the following areas:</p> <ul style="list-style-type: none"> <li>• amendments to the local fund valuations from the current 3 year (triennial) to a 4-year (quadrennial) cycle</li> <li>• a number of measures aimed at mitigating the risks of moving from a triennial to a quadrennial cycle</li> <li>• proposals for flexibility on exit payments</li> <li>• proposals for further policy changes to exit credits</li> <li>• proposals for changes to the employers required to offer local government pension scheme membership</li> </ul>	<p><b>Group discussion</b></p> <p>The group had a brief discussion concerning this consultation and agreed that the National LGPS Technical Group should respond. It was then a matter to set up a sub-group.</p> <p><b>Group agreement:</b></p> <p>It was agreed that the following standing members of the group would form a sub-group to formulate a response on behalf of the National LGPS Technical Group:</p> <ul style="list-style-type: none"> <li>• Kevin Gerard (WPOG)</li> <li>• Joanne Griffiths (WPOG)</li> <li>• Karen Gibson (SWPOG)</li> <li>• Richard Smyth (LPOG)</li> <li>• Erin Savage (SPLG)</li> </ul> <p>It was agreed that Kevin Gerard (WPOG) (Chair) would set up a Skype meeting with the sub-group to co-ordinate a draft response. This would then be sent to the core members for agreement and be issued MHCLG prior to the closing date of 31 July 2019.</p>
8	<p><b>HMT Consultation: Exit payments cap</b></p> <p>In April 2019, HM Treasury launched a consultation called '<a href="#">Restricting exit payments in the public sector</a>'.</p>	<p><b>Group discussion</b></p> <p>The group had a brief concerning this consultation and agreed that the National LGPS Technical Group should submit a technical response based on the changes needed to the LGPS</p>

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	<a href="#">consultation on implementation of the regulations</a> '.	<p>Regulations to implement the proposed 'Exit payments cap'. In June 2019, the LGA published a detailed <a href="#">policy and technical response</a>.</p> <p><b>Group agreement:</b> It was agreed that the National LGPS Technical Group would submit a response to HMT based on the LGA detailed technical response. Kevin Gerard (WPOG) (Chair) to formulate and issue response to HMT by the closing date of 3 July 2019.</p>
9	<p><b>Standing item – Fair deal</b></p> <p><b>Latest position</b> The MHCLG consultation on '<a href="#">Fair deal – strengthening pension protection</a>' in the LGPS closed on 4 April 2019. The consultation documents and the response submitted by the LGPC can be viewed on the <a href="#">Scheme consultations</a> page of <a href="#">www.lgpsregs.org</a>.</p> <p>The Chair of National LGPS Technical Group <a href="#">responded</a> on 13 March 2019.</p>	<p><b>Update from LGA:</b> Lorraine Bennett (LGA) confirmed that the LGA would be meeting with MHCLG w/c 17 June 2019 to discuss this area further. LGPS E&amp;W SAB will be producing guidance to support this topic. The Fair Deal regulations are expected towards the end of 2019.</p> <p><b>Group action:</b> To note</p>
10	<p><b>Standing item – McCloud</b></p>	<p><b>Update from LGA:</b> <b>Latest position</b> On 3 April 2019 the Government confirmed in a <a href="#">House of Commons briefing paper</a> that it expects a decision on its application for leave to appeal this judgment in July 2019 (though it may be that this date is somewhat delayed).</p> <p>At the LGPS E&amp;W SAB meeting of 8 April 2019, the Board was advised that the Civil Service Pension Scheme's Advisory Board had recently written to their Minister setting out their agreed package to recover the cap breach of 5.4% and asking that the process, despite being paused, should be allowed to proceed as far as is possible. Board members were further advised that similar actions were being</p>

Agenda item	Description	Outcome
		<p>taken by the advisory boards of the other public service pension schemes and that it was open to them to agree to do likewise for the LGPS. The Board agreed that a letter in these terms should be drafted by the Secretariat for members to consider and approve. The letter will invite the Minister to open discussions with the Board about any alternative cost management package and seek the Minister's agreement that the Board must be part of any future discussions surrounding the remedy package should the McCloud judgement stand.</p> <p><b>Group action:</b> To note</p>
11	<p><b>Standing item – LGA technical queries with MHCLG</b></p>	<p><b>To note latest position</b></p> <p><a href="#">As at 14/06/19</a> (Unchanged from meeting of 08/03/19).</p>
12	<p><b>Standing item - historical list of recommendations / agreements / outcome of decisions</b></p> <p><b>Latest position</b> At the meeting 8 March 2019 it was agreed that Heather Currie would update the list will all recommendations / agreements / outcome of decisions made by the National LGPS Technical Group since 1 April 2014.</p>	<p><b>Heather Currie update:</b> Following the meeting, Heather Currie (NEPOF) confirmed that this action is taking longer than expected. Hopefully, this will be completed by the end of 2019.</p> <p>Meanwhile the <a href="#">update</a> includes recommendations/agreements/outcome of decisions from 28/09/2018 to date.</p> <p><b>Group action:</b> To note</p>
13	<p><b>Standing item – list of recommendations made to the SAB E&amp;W since November 2018</b></p>	<p><b>Update by Kevin Gerard (WPOG)(Chair):</b></p> <p>Latest position <a href="#">As at 14/06/19</a></p> <p><b>Group action:</b> To note</p>
14	<p><b>Standing item – current group membership</b></p>	<p><b>To note latest position</b></p> <p><a href="#">As at 04/06/19</a></p>

Agenda item	Description	Outcome
15	<b>Standing item – history of sub-group participation</b>	<p><b>To note latest position</b></p> <p><a href="#">As at 14/06/19</a></p>
16	<p><b>Standing item - any other business</b> Written details using the blank template for agenda items to be given to the Chairman (Kevin Gerard) prior to the start of the meeting.</p>	<p><b>1) TPR guidance professional trustees</b> Neil Mason (LPOG) raised the point that the TPR had issued guidance on the definition of professional trustees and questioned as to whether or not there would be an impact to the LGPS. The group unaware of this guidance <b>Group action:</b> Neil Mason (LPOG) to provide the group with a link to this latest guidance.</p> <p>The group to review and determine impact.</p>
17	<p>20 September 2019</p> <p>Hymans</p> <p>Agenda items for meeting of 20 September 2019 to be supplied to the <a href="#">Secretary</a> by no later than close of play 6 September 2019 using the <a href="#">blank template</a> for agenda items for this meeting.</p> <p><b>Note:</b> Meeting will finish promptly at 15.00, therefore, depending upon agenda it may be unlikely that any other business will be addressed. Please ensure all agenda items are sent in advance by the date shown above.</p>	To note
	<p>10 December 2019</p> <p>AON</p> <p>Agenda items for meeting of 10 December 2019 to be supplied to the <a href="#">Secretary</a> by no later than close of play 26 November 2019 using the <a href="#">blank template</a> for agenda items for this meeting.</p>	To note

Agenda item	Description	Outcome
	<p><b>Note:</b> Meeting will finish promptly at 15.00, therefore, depending upon agenda it may be unlikely that any other business will be addressed. Please ensure all agenda items are sent in advance by the date shown above.</p>	
	<p>6 March 2020</p> <p>PWC</p> <p>Agenda items for meeting of 6 March 2020 to be supplied to the <a href="#">Secretary</a> by no later than close of play 28 February 2020 using the blank template for agenda items for this meeting.</p> <p><b>Note:</b> Meeting will finish promptly at 15.00, therefore, depending upon agenda it may be unlikely that any other business will be addressed. Please ensure all agenda items are sent in advance by the date shown above.</p>	To note
	<p>12 June 2020</p> <p>Mercer</p> <p>Agenda items for meeting of 12 June 2020 to be supplied to the <a href="#">Secretary</a> by no later than close of play 29 May 2020 using the blank template for agenda items for this meeting.</p> <p><b>Note:</b> Meeting will finish promptly at 15.00, therefore, depending upon agenda it may be unlikely that any other business will be addressed. Please ensure all agenda items are sent in advance by the date shown above.</p>	To note
	<p>25 September 2020</p> <p>Barnet Waddingham</p> <p>Agenda items for meeting of 25 September 2020 to be supplied to the</p>	To note

Agenda item	Description	Outcome
	<p><a href="#">Secretary</a> by no later than close of play 11 September 2020 using the blank template for agenda items for this meeting.</p> <p><b>Note:</b> Meeting will finish promptly at 15.00, therefore, depending upon agenda it may be unlikely that any other business will be addressed. Please ensure all agenda items are sent in advance by the date shown above.</p>	
	<p>11 December 2020</p> <p>Hymans</p> <p>Agenda items for meeting of 11 December 2019 to be supplied to the <a href="#">Secretary</a> by no later than close of play 27 November 2020 using the blank template for agenda items for this meeting.</p> <p><b>Note:</b> Meeting will finish promptly at 15.00, therefore, depending upon agenda it may be unlikely that any other business will be addressed. Please ensure all agenda items are sent in advance by the date shown above.</p>	To note