

LGPC Bulletin 200 – July 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:

- [McCloud data collection](#)
- [MHCLG consultation on changes to the statutory underpin](#)
- [Changes to male survivor benefits \(LGPS Scotland\)](#)
- [Unfunded public service pension schemes consultation](#)
- [HMT response to consultation on restricting exit payments](#)
- [Written Ministerial Statement on survivor benefits](#)
- [Updates to administrator websites and launch of employer bite-size training](#)

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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COVID-19

Welsh life assurance scheme

Further information is now available on the [NHS and Social Care Coronavirus Life Assurance Scheme 2020 Wales](#). The scheme will cover front-line health and social care workers who provide treatment, care and other related services directly to those suffering from the disease. The Welsh Government will pay a lump sum of £60,000 in respect of the death of NHS and social care staff if Welsh Ministers conclude the person's death was caused by the virus. The lump sum will be paid in addition to any pension scheme death benefit that also becomes payable.

COVID-19 follow up survey

On 13 July 2020, Rachel Abbey emailed all administering authorities to let them know that we had issued a COVID-19 follow up survey. The aim of the survey is to find out how the position for administering authorities has changed since the beginning of the pandemic. The survey has now closed, and we will make a summary of the results available shortly.

LGPS England & Wales Scheme Advisory Board (SAB)

SAB statement on local pension board meeting cancellations

It has come to the attention of the SAB that some administering authorities have cancelled meetings of their local pension boards during the COVID-19 emergency. Having taken legal advice, the SAB is satisfied that:

- arranging a virtual meeting of a local pension board would facilitate the discharge of a local pension board's duty to conduct business during the emergency, and
- a local pension board therefore has the power to hold virtual meetings by virtue of regulation 106(8) of the LGPS Regulations 2013.

A local pension board's terms of reference may already allow virtual meetings. If they do not, the SAB recommends amending them to allow virtual meetings in emergency situations.

You can read the full [SAB statement on virtual local pension board meetings](#) on the SAB website www.lgpsboard.org.

Public sector exit payments cap summary updated

The [Public sector exit payments cap summary](#) on the board website has been updated to take into account the HMT consultation response. You can read more about the consultation response in the [HMT responds to consultation on restricting exit payments](#) article later in this bulletin.

McCloud data collection survey

On 8 July 2020, Lorraine Bennett emailed all administering authorities in England, Wales and Scotland to ask them to complete a short survey about the working hours and service break data they have collected since 1 April 2014 (2015 in Scotland). Thank you to all administering authorities who completed the survey, which is now closed.

McCloud data collection

Administering authorities that have not collected working hours and details of service breaks for all members since 1 April 2014 (2015 in Scotland and Northern Ireland) will need to collect historical data to implement the McCloud remedy for members in scope of protection.

The McCloud implementation group has produced a collection of documents to assist administering authorities with the process of collecting the historical data they will need to calculate the statutory underpin. These new documents:

- guidance for administrators
- standard data collection template
- notes to accompany the standard data collection template
- key messages for employers
- Q&As for employers

can be found on the:

- [Administrator guides and documents](#) page of www.lgpsregs.org and
- [Administrator guides and documents](#) page of www.scotlgpsregs.org.

Administering authorities will also have to collect hours and service break data on an ongoing basis until the end of the remedy period.

We obtained legal advice from Squire Patton Boggs about the lawful basis that administering authorities could rely on when collecting and storing remedy data from employers. You can read the [legal advice on McCloud and the collection of personal data](#) on the [Legal opinions page](#).

The SAB recommends that the standard data collection template and notes are used by all administering authorities that need to collect historic data.

Scottish administering authorities and NILGOSC will need to adjust the documents as the current versions refer to the MHCLG consultation that applies to the LGPS in England and Wales only.

Active members over 2008 Scheme NPA

It is proposed in the consultation that provisional information about the underpin should be included in annual benefit statements. This means that an underpin comparison must be performed for qualifying members who remain active beyond their 2008 Scheme normal pension age (NPA) when they reach that age.

Administering authorities may wish to review their processes for members in this category. Any administering authorities who do not have the data they need to perform underpin comparisons for members who are over their 2008 Scheme NPA may wish to use the data collection exercise to collect the missing data.

You can read more about the MHCLG consultation in the next article, and in the [MHCLG consultation on amendments to the statutory underpin](#) article later in this bulletin. We understand that SPPA and the Department for Communities will shortly be issuing similar consultations for the LGPS in Scotland and Northern Ireland respectively.

Action for administering authorities

Please review the data collection template and supporting documents. These should form the basis of the exercise to collect historical service data from employers. You may wish to discuss the options for uploading data with your pension software provider.

SAB summary of MHCLG McCloud remedy consultation

On 16 July 2020, MHCLG published a [consultation on amendments to the statutory underpin](#). The amendments are designed to remove age discrimination from the LGPS. You can read a summary of the consultation proposals on the [McCloud page](#) of www.lgpsboard.org.

Following the publication of the MHCLG consultation, the SAB has updated the [McCloud Q&As for administering authorities](#). You can read more about the consultation in the [MHCLG consultation on amendments to the statutory underpin](#) article later in this bulletin.

Corporate Insolvency and Governance Act 2020

We let you know in Bulletin 199 that the [Corporate Insolvency and Governance Act 2020](#) came into force on 25 June 2020. The Government has published [Guidance on the Corporate Insolvency and Governance Act 2020](#). The Act includes provisions for a moratorium during which companies can defer debts. The SAB is seeking legal advice on the potential impact this may have on employer deficit contributions.

Pension Schemes Bill – Clause 123

The SAB Chair has written to the Local Government minister expressing support for the principles behind an amendment to clause 123 of the [Pension Schemes Bill](#) that was passed in the Lords. You can read more about the amendment and its potential implications for Scheme funding in the article dated 17 July 2020 on the [SAB website homepage](#).

LGPS England & Wales

MHCLG consultation on amendments to the statutory underpin

On 17 July 2020, Lorraine Bennett emailed all administering authorities to let them know that MHCLG has published a [consultation on amendments to the statutory underpin](#). The consultation seeks views on proposed changes to the LGPS in England and Wales to remove the unlawful age discrimination identified in the McCloud judgment.

In summary, the consultation proposes that:

- members who were active in the 2008 Scheme on 31 March 2012 who joined the 2014 Scheme and do not have a disqualifying break will be covered by underpin protection
- members do not need to have an immediate entitlement to benefits when they leave the Scheme to qualify for underpin protection
- underpin protection will take account of early and late payment actuarial adjustments
- information about the impact of the underpin must be included in annual benefit statements.

Other proposals clarify how the underpin affects the calculation of survivor benefits, transfer values and trivial commutation payments.

The 12-week consultation will close on 8 October 2020. The LGA will be submitting a response which we will share in advance of the closing date.

We have updated the [McCloud FAQs for members](#) to let members know that the consultation has been launched and to provide a link.

Action for administering authorities

Please publicise the consultation to your Scheme employers.

Actuarial valuation of the LGPS 2016 published

The Government Actuary's Department (GAD) is undertaking an [actuarial valuation of the LGPS as at 31 March 2016](#) as part of the cost control process. This work was on hold because of the changes to the scheme in response to the McCloud judgment. On 15 July 2020, the Government published a GAD report on the membership data that will be used to calculate the valuation results.

LGPS Scotland

Male survivor benefits and opposite sex marriage

On 27 July 2020, the Scottish Public Pensions Agency (SPPA) published [circular 2020/04](#). We have added the circular to the [SPPA circulars and guidance](#) page of www.scotlgpsregs.org.

The purpose of the circular is to publicise a recent legal case that will affect LGPS benefits payable to male survivors of opposite-sex marriages.

We have sought further clarifications about the impact of the circular from SPPA.

SPPA consultation on changes to underpin regulations

On 31 July 2020, SPPA published [Circular 2020/05](#). The purpose of the circular is to inform scheme members and employers of the upcoming SPPA consultation on proposals to address the age discrimination introduced as a results of scheme reforms in 2015. The circular also confirms that the cost cap element of scheme valuations will now resume.

You can read this and past circulars on the [SPPA circulars and guidance](#) page of www.scotlgpsregs.org.

HMRC

Managing pension schemes service newsletter

On 21 July 2020, HMRC published a [Managing pension schemes service newsletter](#). The newsletter provides updates for pension administrators on the Managing pension schemes service:

- submitting an AFT return and starting a new return for the July to September quarter
- the process to follow when making a payment for returns submitted using the service and how to request a refund or reallocation
- timeline for Phase 2 of the development of the service
- if an administrator has multiple scheme administrator IDs, how to move these to a single ID on the Pension schemes online service before migrating to the Managing pension schemes service
- a similar change for practitioners with multiple scheme practitioner IDs
- credentials for users who have not signed into a service for over three years will be deleted

- HMRC has provided guides for users of their online services. They have recently published [Submit an Accounting for Tax return using the Managing pension schemes service](#) and updated [Pension schemes online: user guide](#).

GMP equalisation newsletter

On 16 July 2020, HMRC published a [newsletter on Guaranteed Minimum Pension \(GMP\) equalisation](#). The newsletter supplements information in the Pensions Tax Manual and covers the possible impact of GMP equalisation on past and future lump sum payments.

HMT are currently working with MHCLG and GAD to assess if GMP equalisation applies to LGPS members.

HMT

Unfunded public service pension schemes consultation

On 16 July 2020, HM Treasury (HMT) published a [Public service pension schemes consultation](#) setting out proposals to remove the unlawful discrimination identified in the McCloud judgment from the unfunded public service pension schemes.

The consultation does not cover the LGPS in England & Wales, Scotland or Northern Ireland. It covers the NHS in England & Wales and Scotland, Teachers in England & Wales and Scotland, Firefighters in England, Wales and Scotland, Police in England & Wales and Scotland, Civil service in Great Britain, UK armed forces and the Civil Service (others).

In summary, the consultation proposes that:

- protection will be extended to scheme members on or before 31 March 2012 who have membership in the reformed schemes and do not have a disqualifying break
- protected members will have the right to choose to be a member of the final salary scheme for the remedy period from 1 April 2015 to 31 March 2022 (or their date of leaving the scheme, if earlier)
- views are sought as to when this choice is made, either within a limited period after 1 April 2022 or at the point benefits are paid.

You can read more about the contents of the consultation on the [McCloud page](#) of the SAB website. The LGA will submit a response to the consultation on behalf of the Firefighters' Pension Scheme, the Teachers' Pension Scheme and the Police Pension Scheme.

Employer cost cap process

Alongside the Public service pension schemes consultation, the Government made an announcement on the cost control mechanism that applies to **all public service pension schemes**. The announcement confirms that:

- the cost control mechanism pause will be lifted, and the cost control element of the 2016* valuations process will be completed
- the cost of addressing the discrimination identified in the McCloud judgment will be included in this process.

* we assume that the LGPS in Scotland will be included, even though the effective date of the valuation is 2017 under the Public Service Pensions (Valuations and Employer Cost Cap) Directions 2014.

The SAB (England and Wales) will consider its position on the SAB employer cost cap process in the coming weeks.

GAD issued a [Technical bulletin on public service pensions](#) on 16 July 2020 which summarises:

- the introduction of transitional protections when public service pension schemes were reformed in 2015
- proposals to remove the age discrimination
- the differences between immediate choice and deferred choice
- technical issues that need to be considered when implementing the remedy
- tax implications that may result from members changing scheme
- lifting the pause in the cost control mechanism.

HMT responds to consultation on restricting exit payments

On 21 July 2020, HMT published the [Government response to the consultation on restricting exit payments in the public sector](#). This was followed by the publication of draft [regulations for capping public sector exit payments](#) on 22 July. The draft regulations include a list of employers who will be covered by the cap.

You can read the Government response to the consultation, as well as the original consultation documents issued in April 2019 and the LGA response in the 2019 section of:

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

The Regulations will need to be approved by both houses of parliament and will come into force 21 days after that process is complete. We are expecting revised HMT Directions and guidance on the implementation of the cap and the waiver process.

We understand that the Regulations will affect LGPS members in England and Wales who currently qualify for an unreduced pension because of redundancy or efficiency retirement. If the cap is breached, then the member may have to take a reduced pension. MHCLG is looking at options to introduce choice to allow members in this position to opt for a deferred pension instead. We also expect the introduction of a standard strain cost calculation so that the cap will apply equally to members across the country.

You can read more information about the policy on the [Public sector exit payments cap](#) page of www.lgpsboard.org.

Action for administering authorities

Please let your Scheme employers know about the Government response to the consultation and the publication of the draft regulations. Employers can check the Schedule to the draft regulations to find out if the exit payment cap will apply to them.

Written Ministerial statement on survivor benefits

On 20 July 2020, the Chief Secretary to the Treasury made a [written statement on survivor benefits and public service pensions](#). The statement was in response to a Teachers' Pension Scheme Employment tribunal case concerning the lower survivor benefits paid to a male survivor of a female scheme member compared to the survivor benefits paid to a same sex survivor.

“The Government has concluded that changes are required to the Teachers’ Pension Scheme to address the discrimination. The Government believes that this difference in treatment will also need to be remedied in those other public service pension schemes, where the husband or male civil partner of a female scheme member is in similar circumstances.

Departments responsible for the administration of affected scheme will consult on and take forward changes as soon as possible.”

SPPA have issued a circular covering [male survivor benefits and opposite sex marriage](#) and the changes that will be introduced to the LGPS in Scotland in response to this statement. We await guidance from MHCLG on what action administering authorities in England and Wales should take.

Call for evidence on Pensions tax relief administration

On 21 July 2020, HMT published [Pensions tax relief administration: call for evidence](#). The Government is seeking views on how different methods of tax relief operated by pension schemes affects the take-home pay of low-earning individuals.

DWP

DWP updates guidance on pensions after Brexit

The Department for Work and Pensions (DWP) has updated the [guidance explaining the rights of UK nationals in the European Economic Area or Switzerland](#) to benefits and pensions from 1 February 2020.

TPO

TPO publishes corporate plan 2020/23

On 14 July 2020, the Pensions Ombudsman (TPO) published its [corporate plan 2020/23](#). The plan outlines TPO's strategic aims for the next three years and provides updated key performance indicators for 2020/21.

TPO's focus remains on improving the customer experience by resolving disputes at an early stage and making the process quicker and easier for all parties.

TPR

TPR publishes corporate plan for 2020/21

On 29 June 2020 the Pensions Regulator (TPR) published its [Corporate Plan 2020/21](#), setting out its priorities for the coming year. Publication had been delayed as TPR revised its plans to respond to the challenges presented by the COVID-19 pandemic.

TPR publishes Annual Report and Accounts 2019/20

On 16 July 2020, TPR published its [Annual Report and Accounts for 2019/20](#).

Other news and updates

Development of the NI Database

On 10 July 2020, Lorraine Bennett emailed all administering authorities to let them know that we have added a new facility to the LGPS National Insurance (NI) Database. We have added a bulk search facility so that users can now search for multiple National Insurance numbers in addition to carrying out individual searches. We have updated the user guide to cover how to use the bulk search facility. You can access the user guide on the [NI database website](#).

We would like to thank our colleagues at South Yorkshire, Wiltshire and the West Midlands for testing this new facility. If you have any feedback on the bulk search facility, please let us know by emailing query.lgps@local.gov.uk.

Updates to administrator websites and employer bite-size training

We have made updates to the LGPS administrator websites. The purpose of the changes is to make it easier for Scheme employers to access information and resources that are relevant to them.

Changes to www.scotlgpsregs.org

- The Old Timeline link has been removed from the main menu. You can find the Old Timeline by selecting Scheme Regulations from the menu.
- We have introduced an Employer resources section. This section currently contains guides and documents relevant to LGPS employers in Scotland and further resources will be added as we develop them.
- The Guides and sample documents page has been renamed Administrator guides and documents.

Changes to www.lgpsregs.org

- The Old Timeline link has been removed from the main menu. You can find the Old Timeline by selecting Scheme Regulations from the menu.
- The Guides and sample documents page has been renamed Administrator guides and documents.
- We have introduced an Employer resources section. This section contains:
 - guides and documents relevant to LGPS employers in England and Wales

- employer bite-size training – we have launched six modules on assumed pensionable pay. We will upload text only versions of these courses to the website in the coming days. We are producing further employer training modules which we will add to this page when they are completed
- information about other training and resources for employers.

Action for administering authorities

Please let your Scheme employers know about the Employer resources section of the administrator websites and the bite-size training available for employers in England and Wales:

[Employer resources – England and Wales](#)

[Employer resources - Scotland](#)

New version of Payroll guide published

On 31 July 2020, we published version 4.1 of the Payroll guide for LGPS employers in England and Wales. You can find clean and tracked versions of the guide on the [Employer guides and documents page](#) of www.lgpsregs.org. The guide has been updated to improve accessibility and to include 2020 updates. We have also updated the guide in response to a query concerning the calculation of assumed pensionable pay (APP). You can read more about this change in the next article.

Calculation of assumed pensionable pay

We have received a query concerning how regular lump sum payments should be treated by an employer when working out APP.

Regulations 21(4) and 21(5) of the LGPS Regulations 2013 say:

(4) Subject to paragraphs (4A), and (5A) to (5C), the annual rate of **assumed pensionable pay** for an employment for a **Scheme year** is-

(a) where the member is paid monthly-

(i) the **pensionable pay** the member received relating to that employment in the three months preceding the commencement of the pay period in which the circumstance specified in paragraph (2) began or, for the purposes of regulations **39(1)(a)** (calculation of ill health pension amounts), **40(3)** (death grants: active members), **41(4)(b)** (survivor benefits: partners of active members), **42(4)(b)**, **42(5)(b)**, **42(9)(b)** and **42(10)(b)** (survivor benefits:

children of active members), the pay period in which, respectively, the ill-health retirement or death occurred;

(ii) less any lump sum received during that period;

(iii) with the resulting sum being grossed up to an annual figure;

(iv) to which any regular lump sum payment received in the last 12 months preceding the date specified in paragraph (i) should be added;

[(b) explains the calculation for a member paid other than monthly]

5) For the purposes of paragraph (4) a "regular lump sum" is a payment for which the member's employer determines there is a reasonable expectation that such a payment would be paid on a regular basis.

Regulations 21(4) and 21(5) of the LGPS (Scotland) Regulations 2018 set out almost identical provisions. Regulations 23(4) and 23(5) of the LGPS Regulations (Northern Ireland) 2014 set out similar provisions. One difference is that in Northern Ireland, a lump sum is only deducted from the calculation initially if it is 'not payable every pay period'.

In earlier versions of our guides, we suggested that the employer had to assess whether any lump sum payment paid in the 12 months before the start of the APP period would be paid again during the period that APP applies. The employer then decides whether to add that lump sum back into the APP annual rate. Our current interpretation of the regulations is that the employer must assess whether any lump sum payment is regular. Any regular lump sum paid in the 12 months before the start of the APP period **must be** added into the annual APP figure. There is no requirement for the employer to assess how long the APP period is likely to last, nor the likelihood that the lump sum would have been paid again during that period.

Action for administering authorities

Please remind Scheme employers about the requirement to calculate APP and let them know that we have amended our guidance on how they should perform that calculation. Employers in England and Wales can learn more about calculating APP in the Payroll guide which they can find on the [Employer guides and documents](#) page of www.lgpsregs.org and from the [employer bite-size training](#) modules.

Call for input on pensions dashboards data standards published

We let you know in [Bulletin 197](#) that the Money and Pensions Service (MaPS) had published working papers:

- Data scope – which addresses the coverage of pensions dashboards and
- Data definitions – which considers the information dashboards should display.

The [MaPS has now launched a call for input](#) on the areas covered by these two working papers. Responses will help the MaPS to deliver an initial set of data standards. The online survey will close on 31 August 2020.

National LGPS Frameworks July news Bulletin

The [National LGPS Frameworks July News Bulletin](#) has been published. The bulletin contains updates on:

- the successful launch of the pensions administration software framework in April 2020
- actuarial, Benefits and Governance Consultancy Services framework extended by 12 months due to COVID-19. The new expiry date for this framework is 30 June 2021
- global custody services framework re-let planned for February or March 2021
- framework extensions and re-lets due to COVID-19.

Please visit the [National LGPS frameworks website](#) if you would like to find out more, or contact NationalLGPSFrameworks@norfolk.gov.uk.

The Finance Act 2020

The [Finance Act 2020](#) received royal assent on 22 July 2020. The Act introduces:

- the changes to the tapered annual allowance for the 2020/21 year that we summarised in the [2020 annual update bulletin](#), and
- temporary relaxations to the protected pension age rules for those who return to work to help an employer respond to the COVID-19 pandemic.

Training

Our Fundamentals course aimed at elected members and others who attend pension committees and local pension boards will not be running in its normal format this year. Instead, we are planning a series of short webinars in early October 2020 which will cover some of the main topics included in the Fundamentals training. These events will be advertised in August.

We have launched online bite-size training for LGPS employers in England and Wales. You can read more about these courses in the earlier article in this bulletin covering [Updates to administrator websites](#).

If you have any training requests or feedback about the employer bite-size training, please contact training.lgps@local.gov.uk

Wider landscape

Money and Pension Service (MaPS) launches Money Navigator tool

The MaPS has launched a new online tool to help people navigate their finances in the wake of the coronavirus. The [Money Navigator Tool](#) provides personalised guidance based on the users responses to a short series of question. You can read more about the [launch of the Money Navigator Tool](#) on the MaPS website.

FCA launches enhanced Financial Services Register

On 27 July 2020 the [FCA launched its updated Financial Services Register](#). The re-design aims to make the register easier to use and understand. The register is a vital tool to help consumers find firms and approved individuals that are involved in regulated activities. It can help consumers avoid scams and protect themselves from harm.

Legislation

Acts

[Finance Act 2020](#) [2020/14]

Statutory Instruments

[The Marriage and Civil Partnership \(Northern Ireland\) Regulations 2020](#)

[SI2020/742]

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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