

Action Points from LGA Bulletin 199 (published early July 2020)

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<p>Supreme Court judgement on LGPS investment boycotts – summary judgment</p> <p>For reference, the above case originally went to the Supreme Court as result of Government investment guidance, which aimed to prevent the adoption of investment policies that were contrary to the UK's defence/foreign policy. The Supreme Court ruled that the Government has the power to direct authorities on the approach they take to investment decisions, but not on the investments they make.</p> <p>The LGPS' Scheme Advisory Board (SAB) have published a summary of the above judgment (the full judgment can be found here), which aims to clarify the impact of the judgment on administering authorities.</p>			<ul style="list-style-type: none"> • For information 	<ul style="list-style-type: none"> • N/A 		
<p>Covid-19 – top tips for home working</p> <p>LGA's workforce and HR support team have published some tips for managers, to help them support and promote good wellbeing during the current pandemic.</p>	<ul style="list-style-type: none"> • Operations – for information 	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • For information 	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • HR/payroll – for information 	<ul style="list-style-type: none"> • N/A
<p>GAD 2020 data collection update</p> <p>To carry out the 2020 scheme level valuation, the Government Actuary's Department (GAD) will request data as at 31 March 2020 from administering authorities in September this year. However, due to the expected tight timeframe, GAD they do not plan to give administering authorities individual feedback on their data as at 31 March 2020, but, will, instead provide a central report on LGPS data quality.</p>	<ul style="list-style-type: none"> • Operations – for information 	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • For information 	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • HR/payroll – for information 	<ul style="list-style-type: none"> • N/A

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<p>The Pensions Regulator (TPR) updates COVID-19 guides</p> <p>TPR has given guidance to help pension schemes and their employers cope with the impact of COVID-19. In particular, the following guides may be of use:</p> <ul style="list-style-type: none"> • Guidance for trustees of public service pension schemes • Guidance on reporting duties & enforcement activity 	<ul style="list-style-type: none"> • Operations – for information 	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • For information 	<ul style="list-style-type: none"> • N/A 		
<p>Delays to marriage & civil partnerships due to Covid-19 – the potential impact on some survivors' pensions</p> <p>There may be some cases out there where a marriage or civil partnership has been delayed due to Covid-19, but, in the meantime, the member has died. Consequently, this could mean the survivor is considered a cohabiting partner, which, may result in some survivors not receiving a pension, or receiving a reduced pension; this would be a particular problem to the survivor, especially where:</p> <ul style="list-style-type: none"> • The deceased left the Scheme before 1 April 2008 (the survivor wouldn't qualify for a pension) • The deceased and the survivor hadn't met all of the 'eligible cohabiting partner' at the point of the member's death (the survivor wouldn't qualify for a pension) • The deceased had membership in the LGPS before 6 April 1988 (assuming the survivor qualifies for a cohabiting partner's pension, they'd only 	<ul style="list-style-type: none"> • Operations - If you do have a case where a marriage or civil partnership has been delayed due to Covid-19, but, in the meantime, the member has since died, please refer it to technicallgps@capita.com, for onward transition to the LGA Pensions team. 	<ul style="list-style-type: none"> • Immediately 	<ul style="list-style-type: none"> • For information 	<ul style="list-style-type: none"> • N/A 		

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<p>receive a pension based on the member's post 5 April 1988 service)</p> <p>To conclude, cases where a marriage or civil partnership has been delayed due to Covid-19, but, in the meantime, the member has since died, need to be flagged to the LGA Pensions team.</p>						
<p>REMINDER - Accessibility requirements for public service websites & mobile applications ('apps')</p> <p>Existing websites in place before 23 September 2018 must comply with certain accessibility requirements (links below) before 23 September 2020; mobile apps must meet these requirements before 23 June 2021. You can read about the accessibility requirements on the gov.uk website:</p> <ul style="list-style-type: none"> • Understanding new accessibility requirements for public sector bodies • Make your website or app accessible and publish an accessibility statement • Sample accessibility statement 			<ul style="list-style-type: none"> • We recommend that you review the documents in conjunction with Capita's Engagement manager to ensure that the pension fund's website & mobile app 	<ul style="list-style-type: none"> • 23 September 2020 (website), 23 June 2021 (mobile apps) 		
<p>New 'McCloud' wording for this year's annual benefit statements (ABS)</p> <p>The LGA, in conjunction with the national Communications Working Group, has produced some standard wording for administering authorities to use in this year's ABS exercise to communicate the current position on remedy to members.</p> <p>Capita's Technical team –understands that steps have been taken to comply with this request and a similar paragraph has been included in the covering letters for the ABS.</p>	<ul style="list-style-type: none"> • Operations – for information 	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • For information 	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • HR - For information 	<ul style="list-style-type: none"> • N/A

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<p>HMRC Pension Scheme Newsletter 121</p> <p>The latest newsletter can be found here.</p>	<ul style="list-style-type: none"> • Operations – for information 	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • For information 	<ul style="list-style-type: none"> • N/A 		
<p>Pensions Ombudsman (PO) opinion on PO-22432 (ill health case)</p> <p>In this ill health retirement case, an employer awarded a member a Tier 3 pension, which was disputed by the member and, subsequently, went to IDR. During Stage 2 of the IDR, the administering authority gave an opinion that a Tier 2 award would've been more appropriate, but this was not actioned and the case was referred to the PO.</p> <p>However, the PO's view is that Regulation 77(4) of the LGPS Regulations 2013 allowed the administering authority to overturn the employer's original decision and, instead, go with its own recommendation to award Tier 2; by not doing this, the PO ruled that the administering authority was guilty of maladministration.</p> <p>If the same issue arises in the future, LGA have advised that we ask the TPO adjudicator to approach their legal team for assistance, noting that the LGA have previously raised the point in issue in PO-22432 (after closure). They will then be able to provide a full analysis on a live case and their views on how the legislation should be interpreted and followed.</p>	<ul style="list-style-type: none"> • Operations – for information 	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • Please take note that, in accordance with the LGPS Regulations, you have potential overturn an ill health determination, though only at stage 2 of the IDR 	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • HR – please note that, in accordance with the LGPS Regulations, the PFM team have potential overturn an ill health determination, though only at stage 2 of the IDR 	<ul style="list-style-type: none"> • N/A

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<p>COVID-19: LGPS-appropriate transfer warning letter now provided</p> <p>A few months ago, the Pensions Regulator (TPR) announced that Pension schemes should issue a COVID-19 transfer warning to members who are considering transferring from a defined benefit to a defined contribution pension during the crisis; however, the original warning makes reference to the Pension Protection Fund (PPF), which doesn't apply to public service pension schemes. Consequently, the LGA requested that TPR provide another warning, specifically for public service pension schemes; the updated warning letter can be found here.</p>	<ul style="list-style-type: none"> • Operations – please use with immediate effect 	<ul style="list-style-type: none"> • Immediately 	<ul style="list-style-type: none"> • For information 	<ul style="list-style-type: none"> • N/A 		
<p>Clarification that additional pension bought by members (e.g. APCs, ARCs) can't be transferred under the Club arrangements</p> <p>This clarification is simply a reminder, as it's been known for a long time that any additional pension bought by/awarded to the member can't be transferred on a club basis (i.e. they're treated as non-club). Therefore, the CETV relating to additional pension must be calculated on a non-club basis.</p>	<ul style="list-style-type: none"> • Operations – please take note 	<ul style="list-style-type: none"> • Immediately 				
<p>Communication Working Group – meeting minutes from 28 May 2020</p> <p>The meeting minutes can be found here.</p>	<ul style="list-style-type: none"> • Operations – for information 	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • For information 	<ul style="list-style-type: none"> • N/A 		

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<p>National LGPS technical group minutes published</p> <p>The meeting minutes can be found here.</p>	<ul style="list-style-type: none"> • Operations – for information 	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • For information 	<ul style="list-style-type: none"> • N/A 		
<p>Divorce, Dissolution & Separation Act 2020</p> <p>The Act revises the legal process in England and Wales for married couples to obtain divorces and for civil partners to dissolve their civil partnership. It also updates terms such as “decree nisi”, “decree absolute” and “petitioner”, which have been replaced with “conditional order”, “final order” and “applicant”.</p>	<ul style="list-style-type: none"> • Operations – please take note of the updated terms 	<ul style="list-style-type: none"> • Immediately 				

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