



<u>Committee and Date</u>
Pensions Committee
10 February 2010

<u>Item</u>
14
Public

DRAFT LOCAL GOVERNMENT PENSION SCHEME (MISCELLANEOUS) REGULATIONS 2010

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Summary

The report requests Members agree a response to draft proposals to further amend the four sets of Regulations which currently provide the overall regulatory framework for the LGPS in England and Wales. Amendments are necessary to make corrections and cross references, to clarify, to restore omitted aspects of the 1997 Scheme, to provide clearer definitions and to introduce some new provisions.

Recommendations

- A. To agree that the letter attached as **Appendix A** be sent as a response to the draft proposals.

Report

Background

1. The Department for Communities and Local Government (CLG), with Ministers' agreement, have issued draft proposals for further amendments to the Local Government Pension Scheme (LGPS) Regulations as attached as **Appendix B**.
2. Comments are invited by 18 March 2010.
3. The draft Miscellaneous Regulations will amend the four sets of Regulations which currently provide the overall regulatory framework for the LGPS in England and Wales - the Administration Regulations, the Benefits Regulations, the Transitional Regulations and the 1997 Regulations.

4. The draft Miscellaneous Regulations do not attempt to address the issues of sustainability or affordability of the scheme. They merely seek to rectify errors and omissions in the original Regulations and to introduce some new provisions.
5. There are also proposals relating specifically to the ill health regime.

Proposals of note

6. Regulations 7 and 8. This proposal is welcomed as the current wording implies that a Foundation School can refuse to allow support staff the right to join the LGPS Scheme. The correction proposed gives their employees the same right as those employed by Council controlled schools.
7. Regulation 16. Currently when an employee changes local government employer they have the option to transfer their previous pension to their new scheme. If they choose not to do so, on leaving that employment, they lose the right to transfer that previous benefit on to any subsequent employer. The proposal would allow such individuals the right to transfer again on re-employment, so long as they took up the option in their first 12 months of re-employment. The main reason for not combining benefits is a drop in salary. The proposal re-introduces this option and is welcomed by the Pensions Administration Team.

Proposals for regulatory changes to the Ill Health Retirement regime to make certain provisions more clear or to improve the framework.

8. The proposals for changes to the Ill Health Regime are all technical in nature to amend bad drafting of the current Regulations. These proposed changes in no way change the qualification basis for receiving an ill health retirement.

Reccomendation

9. That a response is made by the Chairman as attached at Appendix A , to the proposals by 18 March 2010.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

N/A

Human Rights Act Appraisal

The recommendations contained in this report are compatible with the provisions of the Human Rights act 1998

Environmental Appraisal

N/A

Risk Management Appraisal

Risks are reduced by engaging in the consultation and correct adoption of the regulations.

Community / Consultations Appraisal

N/A

Cabinet Member

N/A

Local Member

N/A

Appendices

A – Response to DCLG

B – Draft Miscellaneous Regulations 2010