



NEWSLETTER 78

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Scotland for information only

GOVERNMENT CONSULTS OVER DRAFT LGPS REGULATIONS

ENGLAND & WALES DRAFT LOCAL GOVERNMENT PENSION SCHEME (MISCELLANEOUS) REGULATIONS 2009

This briefing is to advise branches of the latest Draft Regulations that would result in mainly technical and minor changes to the Local Government Pension Scheme (LGPS) and the Local Government Discretionary Payments Regulations. UNISON will be responding nationally to the Draft Regulations. These can be accessed on:

[http://www.xoq83.dial.pipex.com/081128-Consultation%20letter%20\(the%20final%20version\).doc](http://www.xoq83.dial.pipex.com/081128-Consultation%20letter%20(the%20final%20version).doc)

[http://www.xoq83.dial.pipex.com/081128-%20Consultation%20Draft%20LGPS%20Misc%20Regs%20\(final%20version\).doc](http://www.xoq83.dial.pipex.com/081128-%20Consultation%20Draft%20LGPS%20Misc%20Regs%20(final%20version).doc)

The deadline for responding to the Draft Regulations is 20 February 2009.

Although we are seeking clarification and further discussion on a number of technical points, UNISON is likely to support most of the proposed changes.

We would draw your attention however to a number of issues arising from these Draft Regulations and two issues that we are seeking to include in our response.

1. Reductions in Final Pensionable Pay under Amendment Regulation No.11

It is proposed to clarify the wording for defining how final pensionable pay can be calculated if a member's pay is reduced within the last ten years of their employment (i.e. year running from 1 April to 31 March). The proposed wording does clarify and expand the wording used in the current Regulation, however UNISON is concerned that there are still a number of issues regarding the definition of pensionable pay and whether the old Certificate of Protection that existed prior to 1 April 2008 should be reintroduced. We are aware that there may be a specific problem for protection for those who are losing the money value of accommodation. ***If branches have any examples of members in this situation, please contact us as soon as possible with details.***

2. Partners' Pensions

At the present time, the Regulations allow unmarried partners' pensions and civil partners' pensions to be backdated to April 1988. It is proposed under the current draft to allow members with civil partners and unmarried partners to pay additional contributions to backdate cover before April 1988. UNISON is looking at the legal implications of recent cases and legislation to see how the proposals can be strengthened to remove the disparity of treatment between married partners and civil and unmarried partners.

3. Casual Employees

UNISON continues to raise our concerns over employees on zero hours contracts being excluded from the Local Government Pension Scheme. We believe this was not the intention of the original Regulation. We will press CLG to take this opportunity to re-word the Regulation so it is clear that casual employees who will be working for more than 3 months are included in the LGPS and those that have been removed are reinstated without further delay.

4. Flexible retirement

Another issue that needs clarification is flexible retirement. UNISON will push for the wording of the relevant Regulation to be changed if necessary to make it clear that members can apply for just their pre April 2008 benefits to come into payment after their minimum retirement age and carry on working.

If you would like clarification on the Draft Regulations or the points raised above or want to raise issues to be included in UNISON's response to the consultation, please contact Glyn Jenkins UNISON Head of Pensions at g.jenkins@unison.co.uk