



## **The Local Government Pension Scheme (LGPS) in England and Wales**

### **The Scheme**

This is a short description of the conditions of membership and main scheme benefits that apply if you pay into the LGPS on or after 1 April 2008.

### **What kind of scheme is it?**

The LGPS is a tax approved, defined benefit occupational pension scheme set up under the Superannuation Act 1972. The benefits under the scheme are based on the length of your membership and your final salary. It is very secure because the benefits are set out in law.

### **Who can join?**

The LGPS covers Local Government and other organisations that have chosen to participate in it. To be able to join the LGPS you need to have a contract of employment that's for at least 3 months and be under age 75 and if you are employed by a designating body, such as Town or Parish Council, or an admitted body<sup>1</sup>, you can only join if your employer nominates you for membership of the Scheme. Police, operational firefighters and teachers are not allowed to join.

If you are eligible for membership of the Scheme, you will automatically become a member unless you are employed by an admitted body<sup>1</sup> in which case you would have to opt to join. You will have the right not to join the Scheme.

### **How do I ensure that I have become a member of the LGPS?**

To secure your entitlement to the Scheme benefits it is important that you complete and return the joining form. On receipt of your form, relevant records will be set up and an official notification of your membership of the LGPS will be sent to you. You should also check your pay slip to make sure that pension contributions are being deducted.

### **Can I opt-out of the LGPS and re-join the LGPS at a later date?**

You can leave the LGPS at any time by giving your employer notice in writing. If you opt-out, you can opt back into the Scheme provided at that time you have a contract of employment that's for at least three months and you are under 75. You may wish to obtain independent financial advice before you make a decision to opt-out of the LGPS.

### **What do I pay?**

Your contribution rate depends on how much you're paid but it will be between 5.5 and 7.5% of your pensionable pay. The rate you pay depends on which pay band you fall into<sup>2</sup>.

If you work part-time, your rate will be based on the whole time pay rate for your job, although you will only pay contributions on the pensionable pay you actually earn.

Here are the pay bands that apply from April 2009.

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<sup>1</sup> An admitted body is an employer that chooses to participate in the Scheme under an admission agreement. These tend to be employers such as charities and contractors.

<sup>2</sup> The contribution rate for those manual workers who joined the Scheme before 1 April 1998 and were protected to pay contributions at a rate of 5% will be brought into line with all other Scheme members on a phased basis by 1 April 2011.

<b>If your Whole Time Pay Rate is:</b>	<b>You pay a contribution rate of:</b>
Up to £12,600	5.5%
£12,601 to £14,700	5.8%
£14,701 to £18,900	5.9%
£18,901 to £31,500	6.5%
£31,501 to £42,000	6.8%
£42,001 to £78,700	7.2%
More than £78,700	7.5%

The pay band ranges will be increased each April in line with the cost of living.

As a member of the LGPS, your contributions will attract tax relief at the time they are deducted from your pay and you will be contracted out of the State Second Pension scheme (S2P). Whilst you are a member of the LGPS you will, prior to State Pension Age, pay reduced National Insurance contributions.

### **Does my employer contribute?**

Your employer pays the balance of the cost of providing your benefits in the LGPS. Every three years an independent review is undertaken to calculate how much your employer should contribute to the Scheme<sup>3</sup>.

### **Can I pay more to increase my benefits?**

You can pay extra to increase your retirement benefits. You can do this either by paying additional contributions to buy extra LGPS pension, by making payments to the scheme's Additional Voluntary Contributions (AVC) arrangement, or by making payments to a personal pension, stakeholder pension or Free-standing AVC scheme of your own choice.

### **Can I transfer pension benefits into the LGPS?**

Generally speaking, benefits that you have previously accrued in the LGPS or in other pension arrangements can be transferred into the LGPS. An option to transfer must be made within twelve months of joining or such longer period as your employer allows.

### **What if I'm already receiving an LGPS pension – will it be affected if I join again?**

If you are re-employed in Local Government or by an employer who offers you membership of the LGPS, you must tell the LGPS Fund that pays your pension about your new position, regardless of whether you join the scheme in your new position or not. If you are in receipt of a LGPS ill health pension which is of the type that is stopped if you are in gainful employment, your pension may be affected and you must inform the employer who awarded you that pension that you have taken up further employment. In either case, a check will then be made to see whether the pension you are being paid should be reduced or stopped.

## **Retirement**

To be entitled to LGPS retirement benefits you have to have at least three months membership, or have transferred other pension rights into the LGPS, or already have a deferred benefit in the LGPS in England and Wales.

### **When can I retire?**

You can retire and receive your LGPS benefits in full once you have reached age 65. The Scheme also makes provisions for the early payment of your LGPS benefits.

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<sup>3</sup> Increases or decreases in the cost of providing the scheme may, in future, need to be shared between members and employers, in accordance with government guidance.

### **What are my LGPS retirement benefits?**

When you retire, you will receive a pension and have the option to take part of your pension as a tax-free lump sum. If you joined the LGPS before 1 April 2008, your standard benefit package will include an automatic tax-free lump sum as described in the **The Benefits** section below.

### **Can I retire early?**

You can elect to retire and receive your LGPS benefits from age 60 onwards. You may be able to retire and receive your LGPS benefits from age 55 but only if your employer agrees. However, if you were paying into the LGPS on 31 March 2008 the earliest age you may be able to retire with your employer's consent and receive your benefits is 50, rather than 55, provided you do so before 1 April 2010. Employer's consent to draw benefits before age 60 is an employer discretion. Your employer must set out their policy on this in a published statement.

### **Are there any penalties for retiring early and drawing immediate benefits?**

If you retire before age 65 your LGPS benefits, initially calculated as set out in **The Benefits** section below, will be reduced to take account of their early payment and the fact that your pension will be payable for longer. However, if you joined the LGPS before 1 October 2006 and would have at least 21 years scheme membership if you stayed in the scheme to age 65 you will:

- a) have some protection from the reduction in respect of benefits you build up in the Scheme up to 31 March 2016 if you will be 60 by then, or
- b) in any other case, have some protection from the reduction in respect of benefits you build up in the Scheme up to 31 March 2008 (and, if you will be 60 between 1 April 2016 and 31 March 2020, you may have some further protection on a sliding scale in respect of benefits you build up between 1 April 2008 and 31 March 2020 provided your combined age and scheme membership, both in whole years, would be 85 or more by 31 March 2020).

### **What if my employer retires me on grounds of redundancy or business efficiency?**

If you are aged 55 or over you will be entitled to the immediate unreduced payment of your LGPS benefits. However, if you were a member of the LGPS on 31 March 2008 and retire on grounds of redundancy or business efficiency before 31 March 2010 you will receive immediate unreduced payment of your LGPS benefits if you are aged 50 or more.

### **What happens if I have to retire early due to ill health?**

If you have to leave work at any age due to permanent ill health the scheme provides a tiered ill health retirement package. This could give you benefits, paid straight away, and which could be increased if you are unlikely to be capable of gainful employment within 3 years of leaving.

### **What if I want to have a gradual move into retirement?**

This is known as flexible retirement. From age 55, if you reduce your hours or move to a less senior position, and provided your employer agrees, you can draw some or all the pension benefits you have built up – helping you ease into retirement. If you were a member of the LGPS on 31 March 2008 and you do not have a break in your employment with your employer after then, the earliest age at which you may be able to draw some or all of your benefits on flexible retirement is 50, rather than 55, provided you take flexible retirement before 31 March 2010. If you take flexible retirement before age 65, your benefits may be reduced to take account of their early payment unless your employer agrees to waive the reduction in whole or in part. You can continue paying into the LGPS on your reduced hours or in your new role, building up further benefits in the Scheme. Flexible retirement is at the discretion of your employer and they must set out their policy on this in a published statement.

### **What if I carry on working after age 65?**

If you carry on working after age 65 you will continue to pay into the scheme, building up further benefits. We will pay your pension when you retire, or when you reach the eve of your 75<sup>th</sup> birthday, or if you take flexible retirement with your employer's consent, whichever occurs first. If you draw your pension after age 65, it will be increased to reflect the fact that it will be paid for a shorter time. Your pension has to be paid by your 75<sup>th</sup> birthday.

## The Benefits

### How much will my pension be?

Your pension is based on your length of total membership in the scheme and the pensionable pay you received in respect of, normally, your final year of service. If you are part-time, your scheme membership will count at its part-time length when working out your pension and your final pay is increased to what you would have received had you been full-time. The examples below show how benefits based on membership in the LGPS built up at any time after 31 March 2008 are calculated. For membership you build up after 31 March 2008 you receive an annual pension based on  $1/60^{\text{th}}$  of your final year's pensionable pay.

### Can I exchange part of my pension for a lump sum?

You can exchange part of your annual pension for a one off tax-free cash payment. You can take up to 25% of the capital value of your pension benefits as a lump sum and you will receive £12 lump sum for each £1 of pension given up<sup>4</sup>.

#### Example of pension and lump sum option calculation for membership after 31 March 2008.

On retirement at age 65, a Scheme member has 20 years total membership and has a final pay of £15,000.

Their **annual pension** is:

$$20 \times 1/60 \times £15,000 = \text{£5,000}$$

If they decide to give up £1,000 pension for a cash lump sum, then their **reduced annual pension** is:

$$£5,000 \text{ less } £1,000 = \text{£4,000}$$

And they will get a tax free lump sum of:

$$£1,000 \times 12 = \text{£12,000}$$

If the same employee had worked half-time (i.e. 20 years at half-time = 10):

Their **annual pension** would be:

$$10 \text{ years} \times 1/60 \times £15,000 = \text{£2,500}$$

If they decide to give up £500 pension for a cash lump sum, then their **reduced annual pension** is:

$$£2,500 \text{ less } £500 = \text{£2,000}$$

And they would get a **tax free lump sum** of:

$$£500 \times 12 = \text{£6,000}$$

### If you joined the LGPS before 1 April 2008

Your benefits for membership before 1 April 2008 are calculated differently. For LGPS membership you have built up to 31 March 2008 you receive an annual pension based on  $1/80^{\text{th}}$  of your final year's pensionable pay **and** an automatic tax-free lump sum of three times your pension. Like the pension, the automatic lump sum is based on your LGPS membership before 1 April 2008 and your final year's pensionable pay. You can also exchange part of your pre April 2008 pension for extra lump sum as described above.

### Taking AVCs as cash

If you pay additional voluntary contributions (AVCs) via the LGPS you may elect to take up to 100% of the accumulated fund in your AVC account as a tax free lump sum if you draw it at the same time as your LGPS pension benefits, provided when added to the LGPS lump sum it does not exceed 25% of the overall value of your LGPS benefits (including your AVC fund)<sup>4</sup>.

### What pay is used to calculate retirement benefits?

Your retirement benefits will normally be calculated on your final year's pensionable pay. That is, the pensionable pay due in respect of the final year. If you're part-time, your final pay is increased to what you would have received had you been full-time. However, your benefits can be

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<sup>4</sup> Providing the total lump sum does not exceed £437,500 (2009/10 figure) less the value of any other pension rights you have in payment.

calculated on one of the two previous years' pay if better and, if you downgrade in your last 10 years with your employer, you have the option to have your benefits based on the average of any 3 consecutive years in the last 10 years (ending on a 31 March).

### **Will my pension increase?**

The LGPS provides statutory pension increases. This means that if you retire on or after age 55, your pension will be increased each year in line with the Retail Prices Index. If you retire before age 55, the accumulated effect of inflation since you retired will be added to your pension when you reach age 55. Ill health pensions are increased each year in line with the Retail Prices Index regardless of age.

## **Protection for your Family**

### **What benefits will be paid if I die?**

If you die in service as a member of the LGPS the benefits shown below are payable.

- A widow's, widower's, civil partner's<sup>5</sup> or, subject to the certain qualifying conditions, a nominated co-habiting partner's pension equal to 1/160<sup>th</sup> of your final year's pay times the total membership you would have built up in the LGPS to age 65<sup>6</sup>. However, civil partner's and nominated co-habiting partner's pensions will be less than this if you have membership in the scheme before 6 April 1988.
- Pensions for eligible children
- A lump sum death grant of 3 years pay. If you are part-time, it's 3 years part-time pay.

If you die after retiring on pension, a widow's, widower's, civil partner's or, subject to the certain qualifying conditions, a nominated co-habiting partner's pension and pensions for eligible children are payable. A widow's or widower's pension is equal to 1/160<sup>th</sup> of your final year's pay times the total membership your pension is based on unless you marry after retirement in which case it could be less. A civil partner's or nominated co-habiting partner's pension is equal to 1/160<sup>th</sup> of your final year's pay times your membership in the scheme after 5 April 1988. A death grant is payable if less than 10 years pension has been paid and you are under age 75 at the date of death, in which case the balance of 10 years of pension is paid as a lump sum.

To nominate a co-habiting partner your relationship has to meet certain conditions laid down by the LGPS. If you wish to make a nomination you can obtain a form from the Pensions Section. The LGPS also allows you to say who you would like any death grant to be paid to by completing a form. This form is also available from the Pensions Section. The Scheme's administering authority, however, retains absolute discretion when deciding who to pay any death grant to. You can find out how to contact the Pensions Section at the end of this Guide

## **Leavers without an immediate entitlement to benefits**

### **Refunds of Contributions**

If you leave with less than three months total membership, have not brought a transfer into the LGPS and do not already have a deferred benefit in the LGPS in England or Wales, you may take a refund of your contributions, less a deduction for tax and the cost, if any, of buying you back into the State Second Pension scheme (S2P).

### **Deferred benefits**

If you leave before age 65 and your total membership is three months or more or you have transferred other pension rights into the LGPS, or you already have a deferred benefit in the LGPS in England or Wales, you will be entitled to deferred benefits within the LGPS. Your deferred LGPS benefits will be calculated as described in **The Benefits** section using the length of your membership up to the date that you left the Scheme.

Unless you decide to transfer your deferred benefits to another pension scheme, they will normally be paid at age 65, but:

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<sup>5</sup> A civil partnership is a relationship between two people of the same sex ("civil partners") which is formed when they register as civil partners of each other.

<sup>6</sup> If you are part-time, membership to age 65 is calculated assuming you had remained part-time through to then.

- they may be put into payment earlier, and in full, in the event of permanent ill health if you are unlikely to be capable of gainful employment within 3 years of applying for the benefit or, if earlier, before age 65; or
- you can, if you wish, elect to receive your deferred benefits early from age 60 onwards; or
- you may be able to elect to receive your deferred benefits from age 55, but only if your former employer agrees. However, if you were paying into the LGPS on 31 March 2008 the earliest age you may be able to elect to receive your deferred benefits with your former employer's consent is 50, rather than 55, provided you do so before 1 April 2010. You must have your former employer's consent to draw your benefits before age 60; or
- you can, if you wish, elect not to draw your deferred benefits at age 65 and defer drawing them till some time later (although they must be paid by age 75).

Benefits paid early, other than on the grounds of permanent ill health, may be reduced to take account of their early payment and the fact that your pension will be paid for longer. Conversely, benefits paid after age 65 will be increased.

If you die before your deferred benefits come into payment, a lump sum death grant equal to 5 years' pension will be paid. The LGPS allows you to say who you would like any death grant to be paid to by completing a form. This form is available from the Pensions Section. The Scheme's administering authority, however, retains absolute discretion when deciding who to pay any death grant to.

A widow's, widower's, civil partner's or, subject to the certain qualifying conditions, a nominated co-habiting partner's pension and pensions for eligible children will also be payable. A widow's or widower's pension is equal to 1/160<sup>th</sup> of your final year's pay times the total membership your deferred pension is based on unless you marry after leaving in which case it could be less. A civil partner's or nominated co-habiting partner's pension is equal to 1/160<sup>th</sup> of your final year's pay times your membership in the scheme after 5 April 1988. To nominate a co-habiting partner your relationship has to meet certain conditions laid down by the LGPS. If you wish to make a nomination you can obtain a form from the Pensions Section.

You can find out how to contact the Pensions Section at the end of this Guide

### **Transferring your benefits**

If you leave the scheme at least one year before age 65 and you are entitled to deferred benefits you may transfer the cash equivalent of your pension benefits into a new employer's scheme (if they are willing and able to accept it), into a personal or stakeholder pension scheme, or into a 'buy-out' insurance policy. The method of valuing the cash equivalent of your pension rights complies with the requirements of the Pension Schemes Act 1993 and any value quoted is guaranteed for three months.

Alternatively, if you return to employment with an employer participating in the LGPS, then you may elect for the pension rights that you have built up to be added to your new period of membership in the scheme. Such an election must be made within twelve months of re-joining the scheme or such longer period as your employer allows.

## **Help with Pension Problems**

### **Who can help me if I have a query or complaint?**

If you are in any doubt about your benefit entitlements, or have a problem or question about your LGPS membership or benefits, please contact the Pension Section at the address shown at the end of this short guide. They will seek to clarify or put right any misunderstandings or inaccuracies as quickly and efficiently as possible.

If your query is about your contribution rate, please contact your employer's Personnel/HR or Payroll section so they can explain how they have calculated your contribution rate.

If you are still dissatisfied with any decision made in relation to the Scheme you have the right to have your complaint independently reviewed under the Internal Disputes Resolution Procedure and, as the scheme is well regulated, there are also a number of other regulatory bodies that may be able to assist you. The various procedures and bodies are detailed below.

- **Internal Disputes Resolution Procedure**

In the first instance you should write to the person nominated by the body who made the decision about which you wish to appeal. You must do this within six months of the date of the notification of the decision or act or omission about which you are complaining, or such longer period as the nominated person may allow. The nominated person will consider your complaint and notify you of his/her decision. If you are dissatisfied with that person's decision, (or their failure to make a decision), you may apply to the Scheme's administering authority to have it reconsidered.

A leaflet explaining the Internal Disputes Resolution Procedure in detail including relevant time limits is available on request from the Pension Section.

- **The Pensions Advisory Service (TPAS)**

TPAS is available at any time to assist members and beneficiaries of the Scheme in connection with any pensions query they may have or any difficulty which they cannot resolve with their scheme administrators. TPAS can be contacted at:

11 Belgrave Road  
London  
SW1V 1RB                      Telephone 0845 601 2923

- **Pensions Ombudsman**

In cases where a complaint or dispute cannot be resolved after the intervention of TPAS, an application can be made, within three years of the event, to the Pensions Ombudsman for an adjudication. The Ombudsman can investigate and determine any complaint or dispute involving maladministration of the Scheme or matters of fact or law and his or her decision is final and binding (unless the case is taken to the appropriate Court on a point of law). Matters where legal proceedings have already started cannot be investigated. The Pensions Ombudsman can be contacted at:

11 Belgrave Road  
London  
SW1V 1RB                      Telephone 0207 630 2200

- **The Pensions Regulator**

This is the regulator of work based pension schemes. The Pensions Regulator has powers to protect members of work based pension schemes and a wide range of powers to help put matters right, where needed. In extreme cases, the regulator is able to fine trustees or employers, and remove trustees from a scheme. You can contact the Pensions Regulator at:

Napier House  
Trafalgar Place  
Brighton  
BN1 4DW                      Telephone 0870 6063636

### **How can I trace my pension rights?**

The Pension Tracing Service holds details of pension schemes, including the LGPS, together with relevant contact addresses. It provides a tracing service for ex-members of schemes with pension entitlements (and their dependants), who have lost touch with previous schemes. All occupational and personal pension schemes have to register if the pension scheme has current members contributing into their scheme or people expecting benefits from the scheme. If you need to use this tracing service please write to:

The Pension Tracing Service  
The Pension Service  
Tyneview Park

Whitley Road  
Newcastle upon Tyne  
NE98 1BA Telephone 0845 6002 537

Also, don't forget to keep your pension providers up to date with any change in your home address.

### **Further information and disclaimer**

This short guide cannot cover every personal circumstance and does not cover rights that apply to a limited number of employees e.g. those whose total pension benefits exceed the Lifetime Allowance (£1.75 million in 2009/10) or whose pension benefits increase in any tax year by more than the Annual Allowance (£245,000 in 2009/10), those to whom protected rights apply, or those whose rights are subject to a Pension Sharing Order following divorce or dissolution of a civil partnership. In the event of any dispute over your pension benefits the appropriate legislation will prevail. This short guide does not confer any contractual or statutory rights and is provided for information purposes only.

More detailed information about the scheme is available from:

The Pensions Office  
Isle of Wight Council  
County Hall  
High Street  
Newport  
Isle of Wight  
PO30 1UD

Telephone: 823660 or 823627

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