



# The Local Government Pension Scheme

2006 edition

A Guide to the  
Local Government  
Pension Scheme



Nottinghamshire  
County Council



# Introduction



**By Councillor Chris Baron, Chairman of the Pensions Committee**

We have produced this guide to tell you about the Scheme, including how much it costs to be a member, the type of benefits you can look forward to, and how soon you can draw them. We also look at some of the things which may worry you like what happens if you fall ill or you're made redundant, or you die.

The information in this guide is based on the Local Government Pension Scheme Regulations 1997 (effective from 1st April 1998) and other relevant legislation. It applies to individuals who were contributing members of the Local Government Pension Scheme on 1st April 1998 or who have since joined the Scheme. The guide was up-to-date at the time of publication in October 2006. It is for general use and cannot cover every personal circumstance nor does it cover specific protected rights that apply to a very limited number of employees. In the event of any dispute over your pension benefits, the appropriate legislation will prevail as this guide does not confer any contractual or statutory rights and is provided for information purposes only.

Please remember that this is only a guide, and we have deliberately used simple terms wherever possible, and cut out much of the technical detail which appears in the regulations. But it is the actual regulations which will be used in the event of any dispute or disagreement.

Where pension terms are used, they appear in **bold type**. These terms are explained on pages 48 to 58 at the back of this booklet.

The guide is for general use and cannot cover all individual circumstances. If you have any questions, please contact either your employer's pay or personnel section or the Nottinghamshire Pensions Office. Contact details are set out on the inside back page.

I hope you find the booklet useful. If you have any comments – either good or bad – please let us know.

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# The Choice

## *Your Pensions Choice*

Your retirement is a goal to look forward to. However, if your retirement is to meet your expectations, you will need to plan and secure your retirement income.

Your retirement income and benefits, over and above the basic flat-rate State pension, will in general be provided by the State Second Pension Scheme (S2P), a personal pension plan, a stakeholder pension scheme or the Local Government Pension Scheme. These are described briefly below.

### *State Second Pension (S2P)*

The State Second Pension (S2P) is an element of State Pension payable in addition to the flat rate Old Age Pension. Benefits are paid by the Department for Work and Pensions (the old DSS) and cannot be paid before **State pension age**. Initially, S2P will be an earnings related pension but it is proposed that, from some future date to be decided upon by the Government, it will be changed to begin accruing as a flat rate pension for people under age 45 at the date of the change.

### *Personal Pension Plans and Stakeholder Pension Schemes*

Various institutions, such as banks, building societies and life assurance companies provide and administer personal pensions and stakeholder pension schemes. Your chosen organisation would invest your contributions and when you retire the investments are cashed in and the sum of money realised is used to buy retirement benefits from the insurance market. Your benefits are therefore based on investment returns and are not guaranteed or linked to your earnings. The age from which you may receive them will vary according to the plan, but you may not be able to receive that part which replaces the State Second Pension (S2P) before **State pension age**.

## ***Local Government Pension Scheme***

The Local Government Pension Scheme (LGPS) is a statutory, funded pension scheme. As such it is very secure because its benefits are defined and set out in law. The LGPS is **contracted-out** of the State Second Pension (S2P) and must, in general, provide benefits at least as good as most members would have received had they been members of S2P.

Highlights of the benefits provided by the LGPS are:

- a tax-free lump sum when you retire
- a pension based on your **final pay**
- the ability to increase your pension by paying extra contributions
- voluntary retirement from age 60
- retirement from age 50 with your employer's consent
- an ill health pension from any age
- redundancy cover from age 50
- a death in service lump sum of two times **final pay**
- a widow's, widower's or civil partner's pension
- children's pensions
- the index-linking of benefits to ensure that they keep pace with inflation.

In addition, as a member of the LGPS, your contributions will attract tax relief at the time they are deducted from your **pay** and, up to **State pension age**, you will also pay lower National Insurance contributions on earnings between the **Lower** and **Upper Earnings Limits**, unless you have opted to pay the married woman's/widow's reduced rate of National Insurance.

# The Guide

## *Joining the Local Government Pension Scheme (LGPS)*

### ***Who can join?***

The LGPS is available to all employees in Local Government, or in other organisations that have chosen to participate in it. Teachers, police officers, firefighters and, normally, employees eligible to join another statutory pension scheme (such as the NHS Pension Scheme) are not allowed to join the LGPS. You cannot join the scheme on or after the eve of your 75th birthday (but see special rules for coroners on page 6).

If you become employed in Local Government (other than Town and Parish Councils), you will automatically become a member of the LGPS unless you opt not to join or you have previously opted out, or you are a casual employee. If you have previously opted out or are a casual employee you can join, but must elect to do so (but see the special rules for optants out on page 40). You would then become a member of the LGPS from the beginning of the first pay period following the receipt of your option.

If you are employed by a Town or Parish Council, a Foundation School which was not a Grant Maintained School prior to 1st April 1999 or by a non-Local Government organisation which participates in the LGPS (an admitted body or a resolution body), your employer may decide to which groups of staff the Scheme will be offered. You will then be automatically brought into the Scheme unless you are employed by an admitted body in which case you would have to opt to join. You have the right to decide 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, even if you automatically become a member, 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 Scheme will be sent to you. In addition, you should check your payslip to ensure that pension contributions are being deducted.

## ***Can I join the LGPS if I already have a personal pension or stakeholder pension scheme?***

If you currently contribute to a personal pension plan or stakeholder pension scheme and decide to join the LGPS, you can, if you wish, still continue to make your own contributions to the personal pension or stakeholder pension scheme.

From 6 April 2006 you can, if you wish, pay up to 100% of your total taxable earnings in any one tax year (or £3,600 if greater) into any number of concurrent pension arrangements of your choice and be eligible for tax relief. However, unless you have **enhanced protection**, there will be a tax charge if in any year, other than the year in which all your pension benefits have become payable, the value of your pension savings increases by more than the **annual allowance**. There will also be a tax charge if, when you draw your benefits, the value of all your pension savings exceeds the **lifetime allowance** (or, if you have opted for it, the **primary lifetime allowance protection** or **enhanced protection**). Tax will be payable on any excess amount. Most scheme members pension savings will be significantly less than the **lifetime and annual allowances**. The **lifetime allowance** and **annual allowance** covers any pension benefits you may have in all tax-registered pension arrangements – not just the LGPS – but excludes the State Pension.

### ***Points to Note***

- Employers can refuse membership of the LGPS to employees who have opted out more than once and do not elect to re-join the Scheme within three months of starting work for them.
- If you are a coroner you may join the LGPS up to your 70th birthday.
- You may be able to transfer previous pension rights into the LGPS. See pages 9 and 10 for details.
- The term ‘Local Government’ in this Guide also covers Police and Fire civilian staff, the Mayor of London and members of the London Assembly, employees of a National Probation Service local board, a registration officer, a coroner, employees of a valuation tribunal, employees of a passenger transport authority, employees of the Environment Agency, and non-teaching staff of educational establishments such as Foundation Schools that were Grant Maintained prior to 1st April 1999, an Academy, an Education Action Forum and Further and Higher Education Corporations.

# Contributions

## *What do I pay?*

Your contribution is 6% of the **pay** you receive for your contractual hours. If you have no contractual hours of employment, contributions are deducted on all the **pay** you receive.

Your contributions are very secure. As the LGPS is set up by Statute, payment of benefits to its members is guaranteed by law.

## *Am I protected if I had a right to pay 5% before 1st April 1998?*

If you were employed as a 'manual worker' before 1st April 1998 and were either a member of the LGPS or had a right to be, you retain the right to contribute at 5%. This is retained while you remain employed as a manual worker without a break in employment of more than one month and one day. Your right is also retained if your job is statutorily brought back into Local Government after a period of statutory transfer to another employer. A 'manual worker' is an employee whose duties are not mainly administrative, professional, technical or clerical.

## *What does my employer pay?*

Your employer pays the balance of the cost of providing your benefits after taking into account investment returns. Every three years, an independent actuary calculates how much your employer should contribute to the Scheme. The amount will vary, but generally the underlying assumption is that you contribute approximately one third of the Scheme's costs and your employer contributes the remainder.

## *Do I receive tax relief on my contributions?*

The Scheme is fully approved by HM Revenue and Customs, which means that you receive tax relief on your contributions. To achieve this, your contributions are deducted from your salary before you pay tax. So, for example, if you pay tax at the rate of 22%, every £1 that you contribute to the Scheme only costs you 78p net.

## *What about my National Insurance contributions?*

As the Scheme is **contracted-out** of the State Second Pension (S2P) you will, up to **State pension age**, pay reduced National Insurance contributions on your earnings between the **Lower** and **Upper Earnings Limits**, unless you have opted to pay the married woman's/widow's reduced rate of National Insurance.

### ***What happens if I am on sick leave?***

During a period of sick leave you will pay contributions on your contractual **pay** (before any reduction on account of Statutory Sick Pay or Incapacity Benefit). If you are on unpaid sick leave, you will not pay any contributions. In both cases, your benefits will continue to accrue as if you were working normally and receiving full **pay**.

### ***What happens if I am on maternity, paternity or adoption leave?***

During any period of paid maternity leave (including any period when only Statutory Maternity Pay is paid) or statutory paternity or adoption leave, and during any unpaid maternity or adoption leave during the 39 week Ordinary Maternity leave / Ordinary Adoption leave period, and during any period of unpaid statutory paternity leave, you must continue to pay pension contributions on the actual **pay**, if any, you are receiving. Benefits will continue to accrue as if you were working normally on full **pay**.

If you have a right to return to work, you can choose to pay contributions for any period of unpaid maternity or adoption leave beyond the 26 week Ordinary Maternity leave / Ordinary Adoption leave period so that the period of absence will count in full for pension purposes. The contributions will be calculated on the rate of **pay** (or reduced pay) that you were entitled to receive immediately before you commenced the period of unpaid maternity leave.

If, before going on maternity, paternity or adoption leave, you were paying additional contributions to increase your membership, these remain payable. They are calculated on the rate of **pay** you would have received if you were not on maternity, paternity or adoption leave. The additional membership continues to accrue in full.

### ***Can I make extra contributions to increase my benefits?***

Members are able to increase their benefits by paying extra contributions to purchase additional years of membership within the Scheme or by making additional voluntary contributions (AVCs). Additionally, you may pay contributions into a personal pension plan or a stakeholder pension scheme. These options are explained in more detail on pages 30 to 33.

### *Is there a limit to how much I can contribute?*

At the present time there is no limit on the amount of contributions you can pay (although there is a limit on the number of added years you can buy in the Scheme – see page 30). However, tax relief will only be given on contributions up to 100% of your taxable earnings. Additionally, unless you have **enhanced protection**, there will be a tax charge if in any year, other than the year in which all your pension benefits have become payable, the value of your pension savings has increased in excess of the **annual allowance**. There will also be a tax charge if, when you draw your benefits, the value of all your pension savings exceeds the **lifetime allowance** (or, if you have opted for it, the **primary lifetime allowance protection** or **enhanced protection**). Tax will be payable on any excess amount.

### *Can I transfer pension rights into my current LGPS Fund from a previous pension scheme?*

You may be able to transfer pension rights into the LGPS from:

- a previous LGPS Fund, or
- a previous employer's pension scheme (including an overseas occupational pension scheme), or
- a self-employed pension plan, or
- a 'buy-out' policy, or
- a personal pension plan, or
- a stakeholder pension scheme.

You are not able to transfer benefits into the LGPS which are derived from a Pension Credit or from previous membership in the LGPS as a councillor or mayor. A Pension Credit refers to benefits granted to a spouse or civil partner by a Court under a Pension Sharing Order, or by a qualifying agreement in Scotland, following a divorce or annulment of marriage or the making of an order for the dissolution or nullity of a civil partnership.

If you wish to transfer pension rights to your **administering authority's** Fund from a previous employment where you were also a member of the LGPS you must opt to do so within 12 months of rejoining the Scheme or such longer period as your employer allows. This is an employer **discretion**; you can ask your employer what their policy is on this matter. The transferred membership will normally count on a day for day basis. However, if you are receiving a lower full time equivalent salary than in your previous employment you should seek information from your **administering authority** before opting to transfer.

If you opt to transfer pension rights from a non-LGPS arrangement then a sum of money is offered to buy a membership credit in the LGPS. Such a transfer may not always be advantageous. Transfers from public sector schemes usually give broadly equivalent benefits in the LGPS, provided you apply for the transfer within 12 months of joining the LGPS. Any decision to transfer cannot be made immediately. Any request you make to investigate a transfer will not be binding until you have been supplied with further details and subsequently confirm that you wish the transfer to go ahead. An option to transfer must be made within 12 months of joining the LGPS or such longer period as your employer allows. This is an employer **discretion**; you can ask your employer what their policy is on this matter.

### ***Can I transfer a free standing or previous in house additional voluntary contribution (AVC) fund to an in house AVC scheme?***

Yes, you can transfer your accrued free standing additional voluntary contributions (FSAVC) and in house AVC funds to an in house AVC scheme at any time while you are a contributing member of the LGPS. Further information about AVCs is provided on pages 31 and 32.

### ***Points to Note***

- If you are granted unpaid leave of absence or leave on reduced **pay** (including parental leave) for less than 31 days, you must **pay** your contributions on the pay you would have received had you not been on such leave.
- If you are granted unpaid leave of absence or leave on reduced **pay** (including parental leave) for a period of more than 30 days, you can elect to pay contributions for the whole period (up to a maximum absence period of 36 months) in order to maintain your full pension benefits
- If you are called for jury service you are still required to pay your contributions.
- In the case of an industrial dispute you can elect to buy back the membership lost at a rate of 16% of the **pay** you would have earned had you not been on strike.

- An election to pay back contributions must be made within 30 days of your return to work, or within 30 days of leaving if you do not return or such longer period as your employer may allow. This is an employer **discretion**; you can ask your employer what their policy is on this matter.
- Your **administering authority** may decline to accept a transfer from a non-LGPS arrangement.

# Retirement Benefits

## *When can I retire?*

You can retire and receive your LGPS benefits in full from age 65. The Scheme also makes provisions for the early payment of your LGPS benefits and these are detailed in the sections on Ill Health, Early Retirement and Flexible Retirement on pages 18 to 23.

The **State pension age** is 65 for men and 60 for women. However, from the year 2020, the Government will have equalised the **State pension age** for both men and women at 65. The increase in the **State pension age** for women will be phased in gradually from the year 2010 as shown on page 50.

## *What are my retirement benefits?*

When you retire, you will receive a pension and a tax-free lump sum from the LGPS. At State pension age you will also receive the basic flat-rate **State pension** if you have paid sufficient National Insurance contributions during your working life.

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

If you are aged 50 or over and have at least three months **total membership** of the LGPS or have brought a transfer value into the LGPS, you will be entitled to the immediate unreduced payment of your LGPS pension and tax-free lump sum.

## *How much will my pension be?*

Your pension is based on your **total membership** and your **final pay**. The example below shows how your pension is calculated by dividing your **final pay** into 80ths and multiplying this figure by your **total membership** to give you your annual pension.

If for any reason (other than sickness) your **pay** goes down in the year before retiring, the better of the previous two years' pay may be used as your **final pay** figure. If your **pay** is reduced because of sickness, the **final pay** is taken to be the **pay** you would have received had you not been sick.

If your **pay** has been reduced or the rate at which it may be increased has been restricted through circumstances beyond your control within the last ten years and at the time you received a Certificate of Protection from your employer stating this, then your **final pay** will be the best year's **pay** in the last five years, or the best consecutive three year average in the last thirteen years.

### *How much will my lump sum be?*

The lump sum automatically paid on retirement is three times your annual pension and is tax-free. Like your pension, it is based on your **final pay** and your total membership. The calculation for the lump sum is 3/80ths of your **final pay** for every year of **total membership**. If you draw your benefits on or after 6 April 2006, you will be able to commute some of your pension to receive a bigger tax-free lump sum – further information on giving up some of your pension to increase your lump sum is provided on pages 14 and 15.

### *Example pension and lump sum calculation*

On retirement at age 65, a Scheme member has 30 years and 204 days **total membership** and has a **final pay** of £16,200.

The annual pension is therefore:

$$1/80 \times £16,200 \times 30 \text{ } 204/365 = £6,188.18$$

The tax-free lump sum automatically paid is therefore:

$$3/80 \times £16,200 \times 30 \text{ } 204/365 = £18,564.53$$

### *Is the calculation the same for part-time employees?*

For part-time employees, the same calculation is used, but the **total membership** is scaled down to the whole-time equivalent length based on the contractual hours worked and the **final pay** is scaled up to the whole-time equivalent rate. Where an employee does not have any contractual hours, the **total membership** for each year in the LGPS will be calculated on average weekly hours worked during each year.

### *Example pension and lump sum calculation for part-time employees*

On retirement at age 65, a Scheme member has been in the LGPS for 30 years and 204 days, working at exactly half-time, and in the final year of employment has paid contributions on **pay** of £8,100.

The length of **total membership** is therefore scaled down to the whole-time equivalent length of 15 years and 102 days and the final **pay** is scaled up to its whole-time equivalent rate of £16,200.

The annual pension is therefore:

$$1/80 \times £16,200 \times 15 \frac{102}{365} = £3,094.09$$

The tax-free lump sum automatically paid is therefore:

$$3/80 \times £16,200 \times 15 \frac{102}{365} = £9,282.27$$

### ***Is the calculation the same for men with membership before 1st April 1972?***

Up to and including 31st March 1998, if you were a married man, male divorcee, or widower with membership before 1st April 1972, potential widow's benefits on that membership were paid for by a reduction to your lump sum. Before 1st April 1998 you could elect to enter into a contract to pay additional contributions to avoid the reduction. Since 1st April 1998, any membership not covered by such a contract has been counted at 89% of its actual length and the reduction to the lump sum abolished. If at the time of retirement a contract is not complete, the relevant proportion of pre 1st April 1972 membership not purchased will be reduced to 89%. Contracts are, however, deemed completed should you retire on ill health or die in service. Should you have membership before 1st April 1972 and marry after 31st March 1998, but before you retire, you should contact your **administering authority** for further information. Contact details are on the inside front cover of this booklet.

### ***Can I give up some of my pension to increase my lump sum?***

If you draw your benefits on or after 6 April 2006, you will be able to exchange some of your pension to receive a bigger tax-free lump sum. You will be able to take up to a maximum of 25% of the capital value of your pension benefits as a tax-free lump sum or, if lower, 25% of the **lifetime allowance** less an adjustment for the value of any other pension benefits you are already drawing. The lump sum automatically paid on retirement as detailed above roughly equates to 15% of the capital value. Any amount you take as a lump sum above the automatic lump sum would be achieved by exchanging part of your annual pension for a one-off tax-free cash payment – for each £1 annual pension given up you will receive £12 lump sum. You may not reduce your pension to below your **Guaranteed Minimum Pension**.

As your election to commute should be made in writing to your **administering authority** before your benefits are paid it is important you contact your **administering authority** well in advance of your intended retirement date so they can provide you with further details about this option and the necessary paperwork.

Your lump sum will be increased and your pension reduced in accordance with any commutation election you make. Any subsequent widow's, widower's, civil partner's and children's long term pensions will be calculated by reference to your pension prior to any reduction to provide an increased lump sum.

Your **administering authority** will provide you with further details about this option.

### *How will my pension be paid?*

Monthly pension payments will be made direct into your bank or building society account. Similar arrangements can also be made to pay your pension into your account should you move abroad. Further information regarding payment of pensions is provided on retirement.

### *Will my pension increase?*

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 (but see page 19 regarding the increasing of ill health pensions.) In some special circumstances i.e. where there is a dependant who is wholly or mainly supported by you and who is either under 17 or is in full time education or training, a non-ill health pension can be increased before age 55. However, in the case of a woman, only the fraction of her pension earned in respect of service before 1 January 1993 will be increased and in the case of a man only that fraction of his pension earned in respect of service between 17 May 1990 and 31 December 1992 will be increased.

### *Points to Note*

- If your pension benefits are subject to a Pension Sharing Order issued by the Court following a divorce or annulment of marriage or the making of an order for the dissolution or nullity of a civil partnership, or are subject to a qualifying agreement in Scotland, your benefits will be reduced in accordance with the Court Order or agreement (see pages 42 and 43 for further details).

- If your **pay** has been reduced or the rate at which it may be increased has been restricted through circumstances beyond your control, your employer may issue you with a Certificate of Protection automatically and must issue one if you request it within a year of the reduction or restriction (see page 13).
- If you decide to pay extra contributions to purchase additional years of membership, your **total membership** will be increased accordingly (see page 30).
- Under HM Revenue and Customs rules, if the capital value of your LGPS retirement benefits together with other pension benefits you are receiving (not including any state retirement pension, state pension credit or any spouse's, civil partner's or dependant's pension you may be entitled to) exceeds the **lifetime allowance** (or your **primary lifetime allowance protection** or **enhanced protection** if you have opted for it), the excess will be subject to a recovery tax charge.
- Your administering authority will let you know what the value of your LGPS benefits on retirement is and ask you about any other pensions you may have in payment, so they can work out whether there is an excess amount on which the recovery tax charge should be levied. If you do not provide this information promptly it could delay the payment of your pension. Most scheme member's pension savings will be significantly less than the **lifetime allowance**.
- If you joined the LGPS after 31 May 1989 and before 6 April 2006, there were restrictions on the **pay** you could pay contributions on and on which your benefits could be calculated. This was known as the earnings cap. The earnings cap for 2005/06 was £105,600. If the earnings cap affected you, from 6 April 2006 you now pay contributions on and have your pension benefits calculated on all your pensionable pay; your benefits will be subject to the new controls on pension savings – the **lifetime allowance** and **annual allowance**. However, as you have not paid contributions on all your pay up to 5 April 2006, your relevant membership prior to 5 April 2006 will be reduced to reflect this, treating you as though you had never been subject to capped **pay**.
- At **State pension age** your pension will be compared with your **Guaranteed Minimum Pension (GMP)** and increased to the rate of your **GMP** should this be higher.

- If, after retiring, you return to Local Government or another organisation that participates in the LGPS, your pension may be reduced or suspended in accordance with the rules determined by your **administering authority**. Under the LGPS, this is an **administering authority discretion** and their policy with regard to it must be included on a **policy statement**. If you were a member of the LGPS before 1st April 1998 your **administering authority's** rules must not make you worse off than you would have been under the 1995 Local Government Pension Scheme Regulations. Further details will be provided on request.
- Under HM Revenue and Custom rules, if the LGPS makes an unauthorised payment or if you recycle your lump sum back into a pension arrangement, there will be a tax charge.

# Ill Health Retirement

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

If you have at least three months **total membership** or have brought a transfer value into the LGPS and an **administering authority** approved independent registered medical practitioner certifies that you have become permanently unable (until your 65th birthday, or until age 70 in the case of Coroners) to do your job, or any comparable job with your employer, efficiently because of ill health or infirmity of mind or body, you will receive your pension and lump sum immediately. The medical practitioner must be qualified in occupational health medicine and must not have previously been involved in your case.

## How is an ill health pension and lump sum calculated?

Ill health pensions and lump sums are calculated in the same way as detailed in the section on Retirement Benefits, except that the **total membership** used in the calculation will be increased if your **total membership**, excluding any additional membership granted by your employer, is five years or more. This is to reflect that you are having to retire early. The amount by which it will be increased is shown in the table below.

<b>Total Membership</b>	<b>Total Membership after Increase Awarded</b>
Less than 5 years	Actual <b>total membership</b> only
Between 5 and 10 years	<b>Total membership</b> doubled
Between 10 and 13 1/3 years	<b>Total membership</b> increased to 20 years
Between 13 1/3 and 33 1/3 years	<b>Total membership</b> increased by 6 2/3 years
Between 33 1/3 and 40 years	<b>Total membership</b> increased to 40 years
Over 40 years	Actual <b>total membership</b> only

Your increased membership, however, must not exceed the **total membership** you would have accrued had you continued in employment until age 65 (or, in the case of Coroners, until age 70).

## ***What if I do not qualify for an ill health pension and lump sum?***

If you have less than three months **total membership** and have not brought a transfer value into the LGPS you will receive a refund of your contributions.

### ***Points to Note***

- If your pension benefits are subject to a Pension Sharing Order issued by the Court following a divorce or annulment of marriage or the making of an order for the dissolution or nullity of a civil partnership, or are subject to a qualifying agreement in Scotland, your benefits will be reduced in accordance with the Court Order or agreement (see pages 42 and 43 for further details).
- For part-time employees, the period of extra membership is scaled down in proportion to the whole-time equivalent. Similarly, where an employee's membership consists of a mixture of whole-time and part-time employment, the period of extra membership is adjusted to reflect the employee's historic work pattern (but not if the **total membership** includes at least 13 1/3 years of whole-time employment) but the adjustment must not produce benefits less than those that would have been paid based solely on the period of whole time employment (i.e. ignoring the part time employment).
- Your pension benefits will not be increased if you have previously been awarded an ill health pension under the Scheme.
- If you were paying additional contributions to increase your membership these will be deemed to be paid in full.
- When, at the date of retirement, the **administering authority** is satisfied that there is a life expectancy of less than a year, the **administering authority** may commute the pension into a lump sum equal to five times the annual amount of pension given up.
- Ill health pensions are increased each year in line with the **Retail Prices Index** regardless of age.

# Early Retirement

## Can I retire early?

If you have at least three months **total membership** or have brought a transfer value into the LGPS you can elect, in writing to your employer, to retire and receive your LGPS benefits at any time from age 60 onwards.

Between and including the ages of 50 and 59 you may also elect to retire and receive your LGPS benefits, but only if your employer gives their consent. This is an employer **discretion** and under the LGPS your employer's policy with regard to this must be included on their **Policy Statement**.

## Will my pension and lump sum be reduced if I retire early?

If you join the LGPS after 30 September 2006 and retire before age 65, your pension and lump sum, initially calculated as detailed in the section on Retirement Benefits, will be reduced.

The reduction is calculated in accordance with guidance issued by the Government Actuary from time to time. As a guide, the percentage reductions, issued in October 2006, for retirements up to five years early between and including the ages of 55 and 65 are shown in the table below. Where the number of years is not exact, the reduction percentages are adjusted accordingly.

Years Early	Pension Reduction %		Lump Sum Reduction %
	Males	Females	All Members
1	6	5	2
2	11	10	5
3	16	15	7
4	20	19	9
5	24	23	12

If you are contributing to the scheme on 30 September 2006 some or all of your benefits paid early could be protected from the reduction if you are a **protected member**.

Your employer may, however, determine on compassionate grounds not to apply any reduction. This is an employer **discretion**; you can ask your employer what their policy is on this matter.

If you voluntarily retire before age 65, you do not have to receive immediate payment of your benefits and can defer them within the LGPS for payment at a later date as detailed on page 36.

## Points to Note

- Generally, if you were a member of the Scheme before 6th April 1997 your pension must not be reduced lower than a minimum level.

This will equal 1/80th of your **final pay** for each year of your **total membership** in **contracted-out** employment on and between:

- 6th April 1978 and 30th April 1995 if you are female, and
- 17th May 1990 and 30th April 1995 if you are male.

In addition, once you have attained **State pension age**, the LGPS must guarantee to pay your pension at least at the level of your **Guaranteed Minimum Pension (GMP)**. A female Scheme member who chooses to receive her benefits before her **normal retirement date** in circumstances where her pension is reduced to less than the level of her **GMP**, will have her pension increased immediately to the level of her **GMP** on attaining **State pension age**. A male Scheme member will receive a reduced pension until age 65 when it will be increased to match his **GMP** if greater.

- If a female Scheme member leaves her employment, but defers payment of her benefits after **State pension age**, then her **GMP** is payable from the later of **State pension age** or her date of leaving. If employment continues for more than five years beyond State pension age, payment of the GMP cannot be delayed beyond five years unless the Scheme member agrees to the postponement.
- If your employer gives consent to your early voluntary retirement on or after age 50 and before age 60 your pension will be increased each year in line with the **Retail Prices Index** except that if you retire before age 55 your pension will be paid at a flat rate until age 55. At that time it will be increased by the accumulated effect of inflation since you retired. In some special circumstances i.e. where there is a dependant who is wholly or mainly supported by you and who is either under 17 or is in full time education or training, a pension can be increased before age 55. However, in the case of a woman, only the fraction of her pension earned in respect of service before 1 January 1993 will be increased and in the case of a man only that fraction of his pension earned in respect of service between 17 May 1990 and 31 December 1992 will be increased.

- If your pension benefits are subject to a Pension Sharing Order issued by the Court following a divorce or annulment of marriage or the making of an order for the dissolution or nullity of a civil partnership, or are subject to a qualifying agreement in Scotland, your benefits will be reduced in accordance with the Court Order or agreement (see pages 42 and 43 for further details).

## Flexible Retirement

### *Can I have a gradual move into retirement?*

If you have at least three months **total membership** or have brought a transfer value into the LGPS you may wish to consider the possibility of flexible retirement. Rather than continuing in your job to 65 and drawing your pension from then, you could from age 50, with your employer's consent, reduce your hours or move to a position on a lower grade and elect in writing to your administering authority to draw the pension benefits you have already built up - helping you ease into retirement – whilst still drawing your wages / salary from your job on the reduced hours or grade.

You can continue paying into the LGPS to build up further benefits in the Scheme.

You must have your employer's consent to draw your pension benefits under flexible retirement. This is an employer **discretion** and under the LGPS your employer's policy with regard to this must be included in their **Policy Statement**.

### *Will my pension and lump sum be reduced if I take flexible retirement?*

If you join the LGPS after 30 September 2006 and take flexible retirement before age 65, your pension and lump sum, initially calculated as detailed in the section on Retirement Benefits, will be reduced for early payment.

If you are contributing to the scheme on 30 September 2006 some or all of your benefits paid early could be protected from the reduction if you are a **protected member**.

Your employer may, however, determine not to apply all or part of any reduction; this is an employer **discretion**.

### *Points to Note*

- If you receive payment of your benefits under flexible retirement, then your benefits will not be subject to reduction or suspension for re-employment whilst you continue in your employment or any subsequent employment with the employer that allowed you to take flexible retirement.

# Late Retirement

## 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, accruing further benefits. You can receive your pension when:

- you retire, or
- you reach the eve of your 75th birthday, or
- you have your employer's consent for flexible retirement – see page 23

whichever occurs first.

If you draw your pension after age 65 the pension you accrued prior to age 65 will be increased to reflect the fact that it will be paid for a shorter time.

Your pension has to be paid before your 75th birthday.

## Points to Note

- If you are a coroner you should substitute '70th birthday' where '75th birthday' is quoted above.
- If your pension benefits are subject to a Pension Sharing Order issued by the Court following a divorce or annulment of marriage or the making of an order for the dissolution or nullity of a civil partnership, or are subject to a qualifying agreement in Scotland, your benefits will be reduced in accordance with the Court Order or agreement (see pages 42 and 43 for further details).

## Protection for your Family

### What benefits will be paid if I die in service?

If you die in service as a member of the LGPS, subject to the qualifying conditions detailed, the benefits shown below are payable.

#### ■ A lump sum death grant

A lump sum death grant of two times your **final pay** is payable no matter how long you have been a member of the LGPS. For part-time employees, the **final pay** is not increased to its whole-time equivalent rate. Should  $\frac{3}{80}$ ths of your **final pay** multiplied by your **total membership** (as increased, where applicable, in accordance with the table on page 18) be greater, this will be paid instead.

#### ■ A widow's, widower's or civil partner's pension

A short-term pension, at an annual rate equal to your **final pay**, is paid to your widow, widower or civil partner for three months immediately following your death, no matter how long you have been a member of the LGPS. If there are eligible children (any of whom are in the care of your widow, widower or civil partner) this pension is paid for six months. For part-time employees, the final pay is not increased to its whole-time equivalent rate.

If you should die in service having accrued three months **total membership** or if you have brought a transfer value into the LGPS, then the LGPS will also pay a long-term pension to your widow, widower or civil partner, commencing when the short-term pension ends.

For a widow whose husband had at least three months **total membership**, the long-term pension is generally half the pension her husband would have received if he had retired early due to ill health on the day he died. Where the husband had less than three months **total membership** but had transferred pension rights into the LGPS, it will be calculated as one 160th of his final pay for each year of **total membership**.

For a widower or civil partner, the long-term pension is calculated in the same way. However, only the deceased scheme member's **total membership** from 6th April 1988 is used in the calculation unless, in the case of a widower's pension, the deceased scheme member had opted for membership before this date to count for widower's pension purposes.

## ■ Pensions for eligible children

Children's pensions are payable for so long as eligible children remain following your death, no matter how long you have been a member of the LGPS. Eligible children include the deceased member's legitimate, adopted or dependent children who are:

- a) under age 17, or
- b) under age 23 and, since before age 17, have been in full-time education or in training for a trade, profession or vocation, or
- c) dependent by reason of incapacity which arose whilst a child within the definition in (a) or (b) above

(but does not include children born 12 months or more after the member's death). The **administering authority** may, if they wish, ignore a break in training or education. This is an **administering authority discretion**; you can ask your **administering authority** what their policy is on this matter.

A long term pension is payable at the rate of one quarter of your notional pension entitlement if there is one child or at the rate of one-half if there are two or more children. If no widow's, widower's or civil partner's long-term pension is payable, the pension is payable at the rate of one-third where there is one eligible child and at the rate of two-thirds where there is more than one eligible child. The pension may be reduced if a child is receiving pay over and above a set level while in full-time training for a trade, profession or vocation.

Your notional pension entitlement is calculated by reference to the lesser of the **total membership** you would otherwise have accrued by age 65, or 10 years. If at the date of death you have already accrued five or more years total membership and you had not previously retired from the LGPS on health grounds, the notional amount will, if higher, be calculated by reference to the total membership you would have if you had retired due to ill health.

Normally, payment of the children's long-term pension will commence when the widow's, widower's or civil partner's short-term pension ceases. If no widow's, widower's or civil partner's short-term pension is payable, however, a children's short-term pension, equal to the amount that would have been paid to a widow, widower or civil partner, is paid for six months. If the children are not in the care of the surviving spouse or civil partner, a children's short term pension is paid for three months. In both cases, commencement of the children's long-term pension is normally deferred until the short-term pension ceases.

## *What benefits will be paid if I die after retiring on pension?*

If you die after retiring on pension, your benefits will no longer be payable. Your widow, widower, civil partner, next-of-kin or person dealing with your Estate must immediately inform the Pension Section of the **administering authority** whose address is given on the inside front cover of this booklet of your date of death as otherwise an overpayment could occur.

The following benefits may then be payable:

### ■ **A lump sum death grant**

A lump sum death grant will be payable if the death occurs in the first five years on pension and is the amount by which the annual pension multiplied by five exceeds the pension paid to the date of death.

### ■ **A widow's, widower's or civil partner's pension**

A widow's, widower's or civil partner's pension is payable, but see Points to Note on page 29 regarding marriage or civil partnership after retirement.

A widow will receive a short-term pension for the three months following her husband's death, or six months if one or more eligible dependent children are in her care. This will be equal to the pension her husband was receiving or would have received but for a reduction as a result of early retirement or had it not been paid as a lump sum due to exceptional ill health. After that she will receive a long-term pension generally equal to half the pension he was receiving or would have received but for a reduction as a result of early retirement, or as a result of an exchange of pension for an increased lump sum where the exchange was made on or after 6 April 2006, or had his pension not been paid as a lump sum due to exceptional ill health.

A widower or civil partner will receive a short and long-term pension in the same way as a widow except that only the deceased member's **total membership** from 6th April 1988 will be used in the calculation unless, in the case of a widower's pension, the deceased scheme member had opted for membership prior to 6th April 1988 to count for widower's pension purposes.

## ■ Pensions for eligible children

Children's pensions are payable for so long as eligible children remain following your death, as detailed on page 26. The pension is not calculated, however, against a notional entitlement. It is calculated instead against the pension you were receiving at the date of your death or would have received but for a reduction as a result of early retirement, or as a result of an exchange of pension for an increased lump sum where the exchange was made on or after 6 April 2006, or had it not been paid as a lump sum due to exceptional ill health. If your pension was originally calculated on a **total membership** of less than the shorter of ten years or the amount you could have accrued had you continued working to age 65, this amount is used to increase your pension for the purpose of calculating the children's pension only.

### *Points to Note*

- Your **administering authority** has the **discretion** to pay the lump sum death grant to your nominee or personal representatives or to any person who appears, at any time, to have been your relative or dependant. If any part of the death grant has not been paid by the second anniversary of your death, it must be paid to your personal representatives, i.e. to your Estate. If you have not already made your wishes known, or you wish to change a previous nomination, an expression of wish form is available from your **administering authority**.
- Your personal representatives will be required to determine whether, with the lump sum death grant, the capital value of your overall pension benefits (not including any spouse's, civil partner's or dependant's pensions) exceeds the **lifetime allowance** (or **primary lifetime allowance protection** if you have opted for it). Under HM Revenue and Customs rules, any excess will be subject to a recovery tax charge. Most scheme members' pension savings will be significantly less than the **lifetime allowance**.
- If you die in service and are paying additional contributions to increase your membership, these will be deemed to be paid in full.
- Widow's, widower's, civil partner's and children's pensions are increased each year in line with the **Retail Prices Index** regardless of age.

- Since 1st April 1998 widow's, widower's and civil partner's pensions are payable for life even if your widow, widower or civil partner remarries, enters into a new civil partnership or cohabits. This applies where you are a contributing member of the LGPS on or after 1st April 1998 and your widow or widower or civil partner remarries, enters into a new civil partnership or cohabits after 1st April 1998. Your **administering authority** has the **discretion** to allow widow's, widower's and civil partner's pensions to continue in payment where the remarriage, civil partnership or cohabitation commenced after 31st March 1998, but you ceased to be a contributing member of the Scheme earlier. This is an **administering authority discretion**; you can ask your **administering authority** what their policy is on this matter.
- If you marry after retirement, a widow's pension based on your **contracted-out** membership after 5th April 1978, or a widower's pension based on your membership after 5th April 1988, (excluding additional membership purchased by you or granted to you by your employer or the Scheme), will be payable. If you enter into a civil partnership after retirement a civil partner's pension based on your **total membership** after 5 April 1988 will be payable.
- Under the LGPS, a widow's pension must not be less than half your **GMP**, and a widower's or civil partner's pension not less than half your **GMP** accrued after 5th April 1988.
- If your pension benefits are subject to a Pension Sharing Order issued by the Court following a divorce or annulment of marriage or the making of an order for the dissolution or nullity of a civil partnership, or are subject to a qualifying agreement in Scotland, your benefits will be reduced in accordance with the Court Order or agreement. In consequence, if you remarry or enter into a new civil partnership, any spouse's pension or civil partner's pension payable following your death will also be reduced (see pages 42 and 43 for further details). Benefits payable to eligible children will not, however, be reduced because of a pension share.

# Increasing your Benefits

## How can I increase my benefits?

To increase the value of the benefits that you and your dependants receive, you may:

- **pay additional LGPS contributions to purchase additional years of membership.**

This option allows you to purchase up to 6 2/3rd additional years of membership. Additional contributions start on your birthday following your election and are calculated so as to cease on the day before your 65th birthday (or, in some cases, to an earlier date where the contract to pay additional contributions was taken out before 1 October 2006). The effect of a period of sick leave or maternity, paternity or adoption leave on the additional contributions payable is detailed on page 8.

Additional membership purchased counts towards the minimum **total membership** levels required by the LGPS for entitlement to a benefit and counts in working out the amount of your benefits.

If you draw benefits on flexible retirement (see page 23) you will, unless you opt to stop paying before you take flexible retirement, continue to pay for any additional membership you are purchasing. The benefits from the additional membership will not be paid until you finally retire, unless you have opted to stop paying the additional contributions before you take flexible retirement.

If you leave (other than on the grounds of permanent ill health) before completion of the contract to purchase additional years of membership you will be credited with the proportion purchased to the date of cessation but if you change LGPS employer you may be able to continue paying the additional contributions.

Should you be retired on grounds of permanent ill health or die in service while paying additional contributions to increase your membership, the contributions will be deemed to be fully paid. This means that the full amount of additional membership being purchased will be used in the calculation of the benefits.

You may choose to cease paying additional contributions at any time by giving written notice of your wish to do so to your **administering authority** and to your employer. Again you will be credited with the proportion purchased to the date of cessation.

■ **make an additional voluntary contributions (AVC) arrangement.**

If you choose to pay into an AVC arrangement, the contributions you make to it are invested separately, in funds managed by an insurance company or building society. You have your own personal account that, over time, builds up with your contributions and the returns on your investment.

Payments commence from the next available pay day after your election has been accepted and you may cease payment at any time whilst you are contributing to the LGPS.

You may transfer any previously accrued free standing AVCs and in house AVC funds to an in house AVC scheme at any time while you are a contributing member of the LGPS.

At retirement the accumulated fund in your account is used to buy you an annuity from an insurance company, bank or building society (but you can defer purchasing an annuity until the day before your 75th birthday at the latest). If you carry on contributing to the LGPS beyond age 65 you will not be able to purchase an annuity until

- you retire, or
- you reach the eve of your 75th birthday

whichever occurs first.

An annuity is a fixed amount of additional pension benefit, although you may be able to choose to include guaranteed annual increases and dependants' benefits.

Annuities are subject to annuity rates which in turn are affected by interest rates. When interest rates rise, the organisation selling annuities is able to obtain a greater income from each pound in your AVC fund, and therefore can provide a higher pension. Conversely a fall in interest rates reduces the pension which can be purchased.

Alternatively, upon leaving the LGPS with an immediate payment of pension benefits you will be able to use the accumulated fund in your AVC account to buy a top-up pension from the LGPS or use part to buy a top-up pension from the LGPS and part to purchase an annuity. The top-up pension from the LGPS will provide an inflation proofed pension and dependants' benefits.

At retirement, you may elect to take up to 100% of the accumulated fund in your in house AVC 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) or, if less, 25% of the **lifetime allowance** less an adjustment for the value of any other pension benefits you are already drawing. If you defer drawing your AVC, you can draw up to 25% of the value of your AVC fund as a tax free lump sum at the time you decide to take benefits from your AVC fund.

In certain circumstances, such as retirement on ill health grounds or cessation of payment of AVCs before retirement, the LGPS makes provision for AVCs to be converted into LGPS membership provided you commenced payment of the AVCs prior to 13 November 2001.

Further information is available from the **administering authority**.

You can also pay AVCs to increase your death in service lump sum cover over and above the two times **final pay** provided by the LGPS, or to provide additional dependants' benefits.

#### ■ **repay a previous refund of LGPS contributions.**

If you ceased Local Government employment between 1st April 1974 and 31st December 1979 with less than five years membership in the LGPS and you claimed a refund of contributions, you may repay the refund plus interest. The repayment must be made within six months of re-joining the LGPS, or such longer period as your current and former administering authority may allow. This is an administering authority discretion; you can ask your current and former administering authorities what their policies are on this matter. Once the repayment has been made, the period of membership will again count for pension purposes.

#### ■ **contribute to a concurrent personal pension plan or stakeholder pension scheme**

You may, if you wish, be a member of the LGPS and make your own arrangements to pay contributions from the same earnings to a personal pension plan or stakeholder pension scheme.

If you choose to also pay into a personal pension plan or stakeholder pension scheme, the contributions you make to it are invested in funds managed by an insurance company. You have your own personal account that, over time, builds up with your contributions and the returns on your investment.

When the benefits become payable, up to 25% of the accumulated fund in your account can be taken as a tax free lump sum or, if less, 25% of the **lifetime allowance** less an adjustment for the value of any other pension benefits you are already drawing. The balance is used to buy you an annuity from an insurance company, bank or building society (but you can defer purchasing an annuity until the day before your 75th birthday at the latest). An annuity is a fixed amount of additional pension benefit, although you may be able to choose to include guaranteed annual increases and dependants' benefits.

Annuities are subject to annuity rates which in turn are affected by interest rates. When interest rates rise, the organisation selling annuities is able to obtain a greater income from each pound in your personal pension or stakeholder fund, and therefore can provide a higher pension. Conversely a fall in interest rates reduces the pension which can be purchased.

### **Points to Note**

- From 6 April 2006 you can, if you wish, pay up to 100% of your total taxable earnings in any one tax year (or £3600 if greater) into any number of concurrent pension arrangements of your choice and be eligible for tax relief on those contributions. There are controls on the pension savings you can have before you become subject to a tax charge – see page 5 for further details.
- Providing the contribution limits above are not exceeded, your contributions will qualify for full tax relief.
- Under the LGPS your employer may establish a shared cost AVC arrangement (SCAVC) to which, at your option, both you and your employer contribute. The establishment of such an arrangement is an employer **discretion** and your employer's policy with regard to it must be included on their **Policy Statement**.
- If you elect to pay additional contributions or to take out an AVC for additional death benefits, you may be required to satisfy certain medical conditions. You may be asked to complete a medical questionnaire and may be asked to undergo a medical examination at your own expense before your election is accepted.
- AVC benefits cannot normally be drawn early on flexible retirement.
- Further information on increasing your Scheme benefits is available by contacting your **administering authority**.

# Leaving your Present Job before Retirement

## **What happens if I change job but remain in the LGPS?**

If you are changing your job, but still working in Local Government or for another employer participating in the LGPS, then you may ask for the pension rights that you have built up to be transferred. They will not be transferred automatically. If you wish to transfer your pension rights you must elect to do so within 12 months of rejoining the LGPS or such longer period as your employer allows. This in an employer **discretion**; you can ask your employer what their policy is on this matter. The terms of the transfer ensure that you will normally be entitled to the same amount of membership in your new job as you were in your old one. If, however, you will be receiving a lower full time equivalent salary in your new employment a transfer may not be beneficial and you should seek further information first.

If you do not transfer your pension rights the alternatives detailed in the table on page 32 will apply and you should seek further information.

If you have two or more concurrent jobs in Local Government or with an employer that participates in the Scheme and you cease one (or more, but not all) of them, you can opt to transfer the benefits you have accrued in the job (or jobs) you have ceased to the job you continue to hold. The amount of membership you will be granted in the continuing job as a result of the transfer will be calculated as follows:

$$\frac{\text{Membership in the job that has ceased} \times \text{whole time rate of pay in the job that has ceased}}{\text{whole time rate of pay in the job that is continuing}}$$

## **What happens if my job is transferred to a private contractor?**

If your job is transferred to a private contractor, the contractor will normally be required to provide a pension scheme which is broadly equivalent to the LGPS. This does not mean that the new scheme must mirror the benefits of the LGPS, but the value of the package offered under the new scheme must be broadly equivalent to benefits under the LGPS. Alternatively, the contractor may be able to seek admitted body status in the LGPS. This would enable you to remain in the LGPS so long as you were working in connection with the delivery of the contracted out service.

If you remain in the LGPS under an admission agreement, the options set out in the previous section above would apply. Otherwise, the options detailed in the table on page 32 will apply.

### ***What happens to my benefits if I leave Local Government completely or stop working for other organisations that participate in the LGPS?***

In these circumstances you may choose, from a number of options, what happens to the benefits you have accrued in the LGPS. The options available to you are described in the table below.

**If you have:**

**Less than three months total membership, have not brought a transfer value into the LGPS and have not previously transferred LGPS benefits to an overseas scheme**

**Either**

To take a refund of your contributions less any deductions for tax and the cost of buying you back into the State Second Pension Scheme (S2P).

Or

To transfer an amount equal to the cash equivalent of your pension benefits into your new employer's scheme provided they are willing and able to accept it, into a personal pension plan, into a stakeholder pension scheme, or into a 'buy-out' insurance policy.

Or

To defer making a decision until you either re-join the LGPS, join a new pension scheme, or want to take a refund of contributions.

**At least three months total membership, or you have brought a transfer value into the LGPS, or have previously transferred LGPS benefits to an overseas scheme**

**Either**

To leave your accrued benefits in the LGPS. Your pension and lump sum will be calculated as described in the section on Retirement Benefits using the length of your **total membership** up to the date that you left the Scheme. This is known as having deferred benefits

Or

To transfer an amount equal to the cash equivalent of your pension benefits into your new employer's scheme if they are willing and able to accept it, into a personal pension plan, into a 'buy-out' insurance policy or into a stakeholder pension scheme.

*Note: it may be possible to make a transfer payment to an overseas pension scheme or arrangement that meets HM Revenue and Customs conditions.*

### ***What will happen to my benefits if I choose to defer them?***

Your benefits will remain deferred within the LGPS until they become payable or until you decide to transfer them as detailed on page 34 or in the table on page 32.

Deferred benefits become payable at age 65 (unless you opt to defer payment beyond that age), but may be put into payment at any age earlier than age 65 in the event of ill health, without reduction. You can also elect to receive your benefits early, at or between the ages of 50 and 59 with your employer's consent as detailed on page 17, or at or after age 60, without your employer's consent. Your pension will be subject to reductions as detailed on pages 17 if paid before age 65 to take account of early payment (although some or all of your benefits could be protected from the reduction if you joined the LGPS before 1 October 2006 and you are a **protected member**). Your former employing authority will have discretion to waive any reduction on compassionate grounds. The percentages will differ from those shown where benefits are paid with the former employing authority's consent before age 55. Please contact your **administering authority** for details of the percentage reductions that apply when deferred benefits are put into payment before age 55 for reasons other than ill health.

### ***What will happen if I die before receiving payment of my deferred benefits?***

Should you die while your benefits are deferred your retirement lump sum will be paid as a death grant. Payment will be made as detailed on page 25.

A widow's, widower's or civil partner's long-term pension will also become payable if you were married to your widow or widower or had entered into a civil partnership at the time your pension was deferred. A widow's pension is payable at the rate of one-half of her husband's deferred pension. A widower's pension is payable at the rate of one-half of his wife's pension in respect of membership after 5th April 1988 only, unless she had elected to provide a widower's pension on any earlier membership. A civil partner's pension is payable at the rate of one-half of the deceased partner's pension in respect of membership after 5th April 1988 only. Please see Points to Note if you marry or enter into a civil partnership after you left with a deferred pension.

Long-term children's pensions will be payable for so long as eligible children remain following your death, as detailed on page 26. The pension is not calculated, however, against a notional entitlement. It is calculated instead against the pension you would have received had your

deferred benefits been put into payment on the date of your death. If your pension would have been calculated on a **total membership** of less than the shorter of ten years or the amount you could have accrued had you continued working to age 65, that amount is used to increase your pension for the purpose of calculating the children's pension only.

### ***What will happen if I wish to transfer my accrued pension benefits to another (non LGPS) scheme?***

If you are interested in transferring the value of your accrued pension rights to another occupational pension scheme (outside of Local Government), to a personal pension plan, to a stakeholder pension scheme or to a buy-out insurance policy you can ask for a transfer value quotation to be provided (known as the 'cash equivalent' transfer value). Under provisions introduced by the Pensions Act 1995, a quotation must be guaranteed for a period of three months from the date on which it was calculated (the 'Guarantee Date'). A written option to proceed with the guaranteed transfer value must be received within the three month guaranteed period. If you opt to proceed, the normal time limit for the Scheme to pay the guaranteed transfer value will be six months from the 'Guarantee Date'. If the Scheme does not make payment within this period it will need to recalculate the value as at the actual date of payment and pay the recalculated value or, if it is greater, the original value plus interest.

Transfer values are calculated in accordance with the terms and conditions of the Local Government Pension Scheme Regulations 1997 (as amended) which comply with requirements of the Pensions Schemes Act 1993.

### ***Points to Note***

- A refund of contributions cannot be paid if you have any other pension rights in the LGPS in England or Wales. If you already have a frozen refund, hold another LGPS employment, have a deferred pension, pension credit or are in receipt of a pension from the LGPS (other than a widow's, widower's, civil partner's or child's pension) or have transferred any LGPS benefits to an overseas scheme you cannot claim a refund of contributions. Your **administering authority** will ask you to certify whether you have other LGPS pension rights before they can pay a refund of contributions.
- Only Scheme members who leave more than one year before age 65 can transfer their pension rights. The latest an option to transfer can be made is one year before age 65 or six months after leaving the Scheme, if this is later.

- You may wish to obtain independent financial advice before you make a decision to transfer your deferred benefits to a personal pension plan, stakeholder pension scheme or buy-out insurance policy, as you will be bearing all of the investment risk, which could significantly affect your future pension benefits.
- Transfers to public sector schemes usually give broadly equivalent benefits, provided you apply for the transfer within 12 months of joining your new pension scheme.
- If you draw your deferred benefits on or after 6 April 2006, you may be able to commute some of your pension to receive a bigger tax-free lump sum (see page 14 for further details).
- Under HM Revenue and Customs rules, if the capital value of your deferred benefits on payment together with other pension benefits you are receiving (not including any state retirement pension, state pension credit or any spouse's, civil partner's or dependant's pension you may be entitled to) exceeds the **lifetime allowance** (or your **primary lifetime allowance protection** or **enhanced protection** if you have opted for it), the excess will be subject to a recovery tax charge. When your deferred benefits become payable your administering authority will let you know their value and ask you about any other pensions you may have in payment, so they can work out whether there is an excess amount on which the recovery tax charge should be levied. If you do not provide this information promptly it could delay the payment of your pension. Most scheme members pension savings will be significantly less than the **lifetime allowance**.
- Deferred benefits (including the lump sum benefits) are increased annually in line with the **Retail Prices Index**. However, should your deferred benefits be brought into payment before age 55 on the grounds of permanent ill health, pensions increase is only payable before your 55th birthday if you are certified as being incapable of engaging in any regular full-time work; if you are not so certified, or your deferred benefits are brought into payment with your former employing authority's consent before age 55, the benefits will be paid at a flat rate until age 55. Then, at age 55, the benefits will be increased by the accumulated effect of inflation since they were brought into payment. In some special circumstances i.e. where there is a dependant who is wholly or mainly supported by you and who is either under 17 or is in full time education or training, a non-ill health pension can be increased before age 55. However, in the case of a woman, only the fraction of her pension earned in respect of service before 1 January 1993 will be increased and in the case of a man only that fraction of his pension earned in respect of service between 17 May 1990 and 31 December 1992 will be increased.

- Under HM Revenue and Customs rules your pension savings in all your pension arrangements can increase in any one year up to the **annual allowance** without incurring an extra tax charge. Unless you have **enhanced protection**, any increase in the value of your deferred benefits will be taken into account in assessing whether you exceed the **annual allowance** (other than in the year in which they become payable). Most scheme members' benefits will not exceed the **annual allowance**.
- Since 1st April 1998 widow's, widower's and civil partner's pensions are payable for life even if your widow, widower or civil partner remarries, enters into a new civil partnership or cohabits. This applies where you are a contributing member of the LGPS on or after 1st April 1998 and your widow or widower or civil partner remarries, enters into a new civil partnership or cohabits after 1st April 1998. Your **administering authority** has the **discretion** to allow widow's, widower's and civil partner's pensions to continue in payment where the remarriage, civil partnership or cohabitation commenced after 31st March 1998, but you ceased to be a contributing member of the Scheme earlier. This is an **administering authority discretion**; you can ask your **administering authority** what their policy is on this matter.
- If you marry while your pension is deferred, a widow's pension based on your **contracted-out** membership after 5th April 1978, or a widower's pension based on your membership after 5th April 1988, (excluding additional membership purchased by you or granted to you by your employer), will be payable. If you enter into a civil partnership while your pension is deferred a civil partner's pension based on your **total membership** after 5 April 1988 will be payable.
- Widows', widowers', civil partners' and childrens' pensions are increased each year in line with the **Retail Prices Index** regardless of age.
- If your pension benefits are subject to a Pension Sharing Order issued by the Court following a divorce or annulment of marriage or the making of an order for the dissolution or nullity of a civil partnership, or are subject to a qualifying agreement in Scotland, your benefits will be reduced in accordance with the Court Order or agreement. In consequence, if you have deferred benefits and you remarry or enter into a new civil partnership, any spouse's pension or civil partner's pension payable following your death will also be reduced (see pages 39 and 40 for further details) but benefits payable to eligible children will not be reduced because of a pension share.
- Further information on the options available on leaving the LGPS will be sent to you on leaving.

# Opting-out of the LGPS

## *Can I opt-out of the LGPS?*

You can leave the LGPS at any time by giving your employer notice in writing. An election to opt-out becomes effective from the end of the payment period during which you gave notification, unless your notification specifies a date later than the date the notification was made. You are recommended to obtain advice before opting-out of the LGPS.

If you opt-out the same options are available to you as detailed in the section on Leaving your Present Job before Retirement.

## *Can I re-join the LGPS at a later date?*

If you opt-out once, you can re-join the LGPS.

If you opt-out of the LGPS more than once, unless you elect to re-join the Scheme within three months of commencing work with a new employer, you will only be allowed to re-join at the **discretion** of your employer. You can ask your employer what their policy is on this matter.

## *Points to Note*

- You may wish to obtain independent financial advice before you make a decision to opt-out of the LGPS.

## Some other LGPS Provisions

The LGPS requires your **administering authority** to:

- pay interest on lump sum benefits that are paid more than one month after they should have been paid.
- pay interest on pensions that are paid more than a year after they should have been paid.
- pay interest on refunds of contributions that are paid more than a year after the date you left the LGPS.
- compare any benefits accrued up to 31 March 1998 to those that would have been payable under the 1995 Local Government Pension Scheme Regulations and increase them if this is better, provided you have been a member of the LGPS continuously since before 1st April 1998.
- issue annual benefit statements to Scheme members (other than to pensioners).
- have a statement setting out their policy on communicating with scheme members, members' representatives, prospective members and employers.

The LGPS allows your **administering authority** to:

- commute small pensions into single lump sum payments. The circumstances where this may happen are restrictive, particularly if you have other pension benefits.

The LGPS allows your employer to:

- increase your **total membership** at any time you are contributing to the LGPS. Your employer's policy in relation to this **discretion** must be included in their **Policy Statement**.
- reduce pension benefits if a LGPS member ceases to be employed as a result of a criminal, negligent or fraudulent act, or omission.
- forfeit a LGPS member's pension rights if the Secretary of State for the Office of the Deputy Prime Minister agrees and the member has been convicted of a serious offence connected with their employment.

The LGPS does not allow you to:

- assign your benefits. Your LGPS benefits are strictly personal and cannot be assigned to anyone else or used as security for a loan.

# *Pensions and Divorce or Dissolution of a Civil Partnership*

Under the LGPS, if you get divorced or a civil partnership is dissolved, you may wish to note that:

- your ex-wife, ex-husband or ex-civil partner will cease to be entitled to a widow's, widower's or civil partner's pension should you predecease them.
- any children's pension payable in the event of your death will not be affected by your divorce or dissolution.
- if you nominated your ex-wife, ex-husband or ex-civil partner to receive any death grant payable, your nomination will remain in force until you change it. The Court may, however, issue an Earmarking Order stating that all or part of any lump sum death grant is payable to your ex-spouse or ex-civil partner.

You should also note that in proceedings for divorce, judicial separation or nullity of marriage, or for dissolution, separation or nullity of a civil partnership, you will be required to obtain the cash equivalent value of your pension rights from the **administering authority** which the Court will take into account in the divorce or dissolution settlement. In Scottish divorces / dissolutions, only the pension rights built up during the period of the marriage / civil partnership are taken into account.

The Court may offset the value of your pension rights against your other assets in the divorce / dissolution settlement or it may issue a Pension Sharing Order or an Earmarking Order against your pension.

If the Court issues an Earmarking Order, the Order may require that when your benefits come into payment your ex-spouse / ex-civil partner should receive one, or a combination, of the following benefits:

- all, or part, of your pension (this does not apply in Scotland)
- all, or part, of your lump sum retirement grant
- all, or part, of any lump sum paid in the event of your death.

An Earmarking Order against pension payments, but not lump sums (unless the Order directs otherwise), will automatically lapse if your former spouse or civil partner remarries or enters into a new civil partnership and the full pension would be restored to you. Pension payments to your former spouse or civil partner would cease on your death.

If the Court issues a Pension Sharing Order, or your benefits are subject to a qualifying agreement in Scotland, a percentage of your rights will be allocated to your ex-spouse or ex-civil partner at the point of divorce or dissolution. Your pension (and any **Guaranteed Minimum Pension**), your lump sum and the contingent spouse's / civil partner's pension, but not the contingent children's pensions, will be reduced accordingly, and your ex-spouse or ex-civil partner will hold benefits in his / her own right which can be left in the Scheme to be payable from, normally, age 65 or transferred to another qualifying pension scheme. The reduction to your benefits is known as a Pension Debit. The amount of the Pension Debit will be increased in line with the rise in the **Retail Prices Index** between the date the Debit was first calculated and the date your benefits become payable. When your benefits become payable, the revalued amount of the Pension Debit will be deducted from your retirement benefits. In assessing the value of your benefits against your **lifetime allowance** or **primary lifetime allowance protection**, the reduced value after the Pension Debit will be used, but any **primary lifetime allowance protection** will be lost if the debit reduces it to below the standard **lifetime allowance**. You may be able to purchase extra years of membership in the Scheme, pay Additional Voluntary Contributions, or contribute to a concurrent personal pension plan or stakeholder pension scheme in order to make up for the benefits 'lost' following a Pension Share.

A separate leaflet providing more information is available from the **administering authority** upon request.

All correspondence received by the **administering authority** in connection with divorce or dissolution proceedings will be acknowledged in writing. If no acknowledgement is received, you should contact the **administering authority** to ensure that your correspondence has been received.

The cost of supplying information and complying with any court order imposing obligations on the LGPS will be recovered from you and/or your ex-spouse or ex-civil partner in accordance with a schedule of charges published by the **administering authority**.

# *Scheme Administration*

## *Who runs the LGPS?*

The LGPS is run by administering authorities, for example County Councils, in accordance with regulations approved by Parliament. Each administers their own Fund, into which all contributions are paid. Every three years, independent actuaries carry out a valuation of each Fund and set the rate at which the participating employers must contribute to fully fund the payment of Scheme benefits for that Fund's membership.

## *How is the Scheme amended?*

The Scheme regulations are made under the Superannuation Act 1972. Changes to the rules are discussed at national level by employee and employer representatives but can only be amended with the approval of Parliament. Your **administering authority** must keep you informed of any changes that are made.

## *Are the Scheme benefits protected?*

As the Scheme is set up by statute, payment of the Scheme benefits is guaranteed by law.

## *What other legislation applies to the Scheme?*

The Scheme is a registered public service scheme under Chapter 2 of Part 4 of the Finance Act 2004. It achieved automatic registration by virtue of Part 1 of Schedule 36 of that Act (because the Scheme was, immediately before 6 April 2006, both a retirement benefits scheme approved under Chapter I of Part XIV of the Income and Corporation taxes Act 1988 and a relevant statutory scheme under section 611A of that Act). This means, for example, that you receive tax relief on your contributions. It complies with the relevant provisions of the Pension Schemes Act 1993, the Pensions Act 1995 and the Pensions Act 2004.

## *How can I check the accuracy of my pension records?*

To maintain the security of any information about you, your **administering authority** is registered under the current Data Protection Acts. You can check that your computerised personal record is accurate, although we may charge a small fee.

### ***What other information am I entitled to?***

You are entitled to obtain a copy of the Local Government Pension Scheme Regulations 1997 (Statutory Instrument Number 1997 No.1612) and subsequent amendments. The Regulations are available from The Stationery Office. A current version, including all amendments, is available on the Local Government Employers' website at <http://timeline.lge.gov.uk/>. A copy of the Regulations may be inspected at the offices of your **administering authority**. In addition, you are entitled to view, and take copies of, your **administering authority's** Annual Report and Accounts.

# 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 of your **administering authority**. They will seek to clarify or put right any misunderstandings or inaccuracies as quickly and efficiently as possible.

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 about which you are complaining. The nominated person will consider your complaint and notify you of his / her decision. If you are dissatisfied with that person's decision, you may, within six months of the date of the decision, apply to your **administering authority** to have it reconsidered.

A leaflet explaining the Internal Disputes Resolution Procedure in detail is available on request from your administering authority's Pension Section. To avoid any unnecessary effort on your behalf we would welcome the opportunity to attempt to resolve with you the matter with which you are dissatisfied before you resort to a formal complaint.

### ■ 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 OPAS, 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. 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 834 9144

■ **The Pensions Regulator**

From April 2005, the Pensions Regulator replaces the Occupational Pensions Regulatory Authority (OPRA) as 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 employers. 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.

# Pension Terms Defined

## Administering authority

Please see the section entitled Who runs the LGPS? on page 41.

## Annual Allowance

This is the amount by which the value of your pension benefits may increase in any one year (disregarding the year that that all your benefits become payable) without having to pay income tax at 40% on the excess. The **annual allowance** is set by the Treasury and for 2006/2007 is £215,000. Most scheme members will not be affected by the **annual allowance**. For calculating the increase in value of your LGPS benefits, the first year runs from 6 April 2006 to 31 March 2007; subsequent years run from 1 April to 31 March. If you exceed the **annual allowance** in any year you are responsible for reporting this to HM Revenue and Customs on your Self-assessment tax return and for paying the annual allowance tax charge. Your **administering authority** will be able to give you the information you require on the increase in the value of your LGPS benefits including any additional voluntary contribution (AVC) arrangement you may have. The assessment covers any pension benefits you may have in all tax-registered pension arrangements – not just the LGPS.

Please note, however, that the annual allowance tax charge will not apply if you have registered to have **enhanced protection** (but only if you keep enhanced protection throughout the relevant tax year).

## Civil Partnership

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.

## Contracted-out

The LGPS is **contracted-out** of the State Second Pension Scheme (S2P). This means that, up to **State pension age**, you pay reduced National Insurance contributions between the **Lower** and **Upper Earnings Limits**, unless you have opted to pay the married woman's/widow's reduced rate of National Insurance, and that you do not earn a pension under S2P. Instead, the LGPS must guarantee to pay you a pension that in general is as high as you would have earned had you been in the **State Earnings Related Pension Scheme / S2P**. For **contracted-out** membership on and between 6th April 1978 and 5th April 1997, this is dealt with as detailed

in the section entitled **Guaranteed Minimum Pension** on page 45. For membership after 5th April 1997, the LGPS has guaranteed that the benefits it provides will, in general, be no less favorable than those provided under a Reference Scheme prescribed under the Pensions Act 1995.

### ***Discretion***

This is the power given by the LGPS to enable your employer or your **administering authority** to choose how they will apply the Scheme in respect of certain of its provisions. Under the LGPS your employer or your **administering authority** are obliged to consider certain of these discretionary provisions and to pass resolutions to form a policy of how they will apply the provision. In respect of the remaining discretionary provisions they are advised to do so. They have a responsibility to act with 'prudence and propriety' in formulating their policies and must keep them under review. You may ask your employer or your **administering authority** what their policy is in relation to a **discretion**. See also '**Policy Statement**' on page 51.

### ***Enhanced protection***

See under Primary Lifetime Allowance Protection.

### ***Final pay***

This is the figure used to calculate most of your pension benefits and is normally your **pay** in the last year before you retire, or one of the previous two years' **pay** if that amount is higher. For a part-time employee, the figure used is normally the **pay** you would have received if you had worked whole-time. If your **pay** is reduced because of sickness, the **final pay** is taken to be the **pay** you would have received if you had not been sick. During any period of maternity, paternity or adoption leave in respect of which you pay (or are deemed to have paid) pension contributions, **final pay** includes the **pay** you would have received had you not been on maternity, paternity or adoption leave. If a Certificate of Protection has been issued please refer to page 13. Should you reach age 65 and continue in employment please refer to page 24.

### ***Guaranteed Minimum Pension (GMP)***

This is the minimum pension that the LGPS must pay you in relation to the period that you were a member of the LGPS on and between 6th April 1978 and 5th April 1997. It is calculated by reference to the State Earnings Related Pension Scheme entitlement that you would have earned if you not been a member of the LGPS during this period.

If your pension benefits are subject to a Pension Sharing Order issued by the Court following a divorce or annulment of marriage or the dissolution or nullity of a civil partnership, or are subject to a qualifying agreement in Scotland, your GMP will be reduced in accordance with the Court Order or agreement (see pages 39 and 40 for further details).

## *Lifetime Allowance*

This is the total capital value of all pension benefits you can have without triggering an excess benefits tax charge. If the value of your pension benefits when you draw them (not including any state retirement pension, state pension credit or any spouse's, civil partner's or dependant's pension you may be entitled to) is more than the **lifetime allowance**, or more than any **primary lifetime allowance protection** or **enhanced protection** you may have, you will have to pay tax on the excess benefits. The **lifetime allowance** is set by the Treasury and for 2006/2007 is £1.5million. The **lifetime allowance** covers any pension benefits you may have in all tax-registered pension arrangements – not just the LGPS. Most scheme members' pension savings will be significantly less than the **lifetime allowance**.

When any LGPS benefit, or any other pension arrangement you may have, is brought into payment you use up some of your **lifetime allowance** – so even if your pensions are small and will not exceed the **lifetime allowance** you should keep a record of any pensions you receive. If you have a pension in payment before 6 April 2006, this will be treated as having used up part of your **lifetime allowance**.

When you draw your LGPS pension your administering authority will ask you for the percentage of the **lifetime allowance** that has been used up by any pensions you already have in payment, and any benefits you are about to take in other schemes. If you do not provide this information promptly it could delay the payment of your pension.

If your LGPS benefits exceed your **lifetime allowance**, or your **primary lifetime allowance protection** or **enhanced protection**, a recovery tax charge will be made against the excess. The charge on excess benefits paid as a pension will be 25%, with income tax deducted thereafter; excess benefits taken as a lump sum will be taxed once only at 55%.

## *Lower Earnings Limit*

This is the amount of pay that you can receive before you pay any National Insurance contributions. The **Lower Earnings Limit** for 2006/2007 is £84 per week or £364 per month. It is usually increased annually by Parliament.

## *Pay*

This is your normal salary or wages plus any shift allowance, bonuses, contractual overtime, Maternity Pay, Paternity Pay, Adoption Pay and any other taxable benefit specified in your contract as being pensionable. **Pay** does not include non-contractual overtime, travelling or subsistence allowances, pay in lieu of notice, pay in lieu of loss of holidays, school achievement awards, any payment as an inducement not to leave before the payment is made, nor (apart from some historical cases) the monetary value of a car or pay received in lieu of a car.

## *Policy Statement*

This is a statement that your employer and your **administering authority** must produce, setting out the policies that they have resolved to follow in exercising certain **discretions** under the LGPS. Other **discretions** may also be included. You should be notified of the policies contained on the Statement and where changes are made, you should be notified within one month of the change occurring. You may ask your employer and your **administering authority** for the latest copy of their **Policy Statements**.

## *Primary lifetime allowance protection and enhanced protection*

**Primary protection** is aimed at protecting benefits earned up to 5 April 2006 in respect of those high earners affected by the introduction of the **lifetime allowance** from 6 April 2006. Under HM Revenue and Customs rules, if the value of your pension benefits exceeds the **lifetime allowance** by 5 April 2006, you can register for **primary protection** so that you have an individual lifetime allowance based on how much your benefits at 5 April 2006 exceed the value of the standard **lifetime allowance**. Your individual **lifetime allowance** increases at the same rate as the standard **lifetime allowance**. You can also register for **enhanced protection**, as well as **primary protection**, if the value of your pension benefits exceeds the **lifetime allowance** by 5 April 2006, or you can register for **enhanced protection** if you believe they may do so in the future. Under **enhanced protection** you do not pay tax on benefits in excess of the lifetime allowance provided your benefits at 5 April 2006 have not increased since then beyond certain limits (in general terms, by more than the greater of 5% per annum, the increase in the Retail Price Index or increases in your pensionable pay). If the limit is exceeded, you will pay tax on the excess. You will lose enhanced protection if you pay contributions into a money purchase pension arrangement (e.g. pay into the LGPS in house AVC facility) or if you start a new pension arrangement, or if you transfer your LGPS benefits to another defined benefit pension scheme. You can also voluntarily give up **enhanced protection** by giving notice that you no longer wish to keep it.

If you lose **enhanced protection** you must notify HM Revenue and Customs within 90 days. Failure to do so could result in a fine of up to £30,000.

You have to register with HM Revenue and Customs by 5 April 2009 if you wish to obtain **primary** or **enhanced protection**.

The relevant forms are available at

<http://www.hmrc.gov.uk/pensionschemes/protection.htm>

## ***Protected Member***

If you were contributing to the Scheme on 30th September 2006 you may have protected rights regarding early payment of your benefits.

<sup>1</sup> A provision in the Finance Bill 2006 will ensure that those with enhanced protection will not lose it if they are paying AVCs at 5 April 2006 purely for extra life assurance cover and carry on doing so after that date provided the benefits remain those that would have been payable under the policy at 5 April 2006 e.g. they do not adjust their premiums to purchase increased life assurance cover.

- **If you will be age 60 or over by 31st March 2016** and choose to retire before age 65 (with employer's consent if taking flexible retirement or if retiring before age 60) you may have some protection from the reductions applied to benefits voluntarily drawn before age 65, as explained below:-
  - If you satisfy the 85-year rule when you start to draw your pension, the benefits you have accrued up to 31st March 2016 will not be reduced. However, the benefits built up after 31st March 2016 will be reduced by the factor shown in the table on page 17 which relates to the number of years the benefits are being paid earlier than age 65.
  - If you do not satisfy the 85-year rule when you start to draw your pension, but would have satisfied the rule if you had remained in employment until age 65, the calculation of your benefits is split into two parts. Firstly, all the benefits you have built up in the Scheme up to 31st March 2016 will be reduced by the factor shown in the table on page 17 which relates to the number of years the benefits are being paid earlier than the date you would have met the 85 year rule. Secondly, any benefits you have built up in the Scheme after 31st March 2016 will be reduced by the appropriate factor shown in the table on page 17 which relates to the number of years the benefits are being paid earlier than age 65.

- o If you do not satisfy the 85-year rule when you start to draw your pension, and would not have satisfied the rule if you had remained in employment until age 65, all the benefits you have built up in the Scheme will be reduced by the appropriate factor shown in the table on page 17 which relates to the number of years the benefits are being paid earlier than age 65.
- **If you will be under age 60 by 31st March 2016 and will not be 60 by 31st March 2020** and choose to retire before age 65 (with employer's consent if taking flexible retirement or if retiring before age 60) you may have some protection from the reductions applied to benefits voluntarily drawn before age 65, as explained below:-
  - o If you satisfy the 85-year rule when you start to draw your pension, the benefits you have accrued up to 31st March 2008 will not be reduced. However, the benefits built up after 31st March 2008 will be reduced by the factor shown in the table on page 17 which relates to the number of years the benefits are being paid earlier than age 65.
  - o If you do not satisfy the 85 year rule when you start to draw your pension, but would have satisfied the rule if you had remained in employment until age 65, the calculation of your benefits is split into two parts. Firstly, all the benefits you have built up in the Scheme up to 31st March 2008 will be reduced by the factor shown in the table on page 17 which relates to the number of years the benefits are being paid earlier than the date you would have met the 85 year rule. Secondly, any benefits you have built up in the Scheme after 31st March 2008 will be reduced by the appropriate factor shown in the table on page 17 which relates to the number of years the benefits are being paid earlier than age 65.
  - o If you do not satisfy the 85-year rule when you start to draw your pension, and would not have satisfied the rule if you had remained in employment until age 65, all the benefits you have built up in the Scheme will be reduced by the appropriate factor shown in the table on page 17 which relates to the number of years the benefits are being paid earlier than age 65.

■ **If you will be aged 60 between 1st April 2016 and 31st March 2020**

and choose to retire before age 65 (with employer's consent if taking flexible retirement or if retiring before age 60) you may have some protection from the reductions applied to benefits voluntarily drawn before age 65, as explained below:-

- If you satisfy the 85-year rule when you start to draw your pension, the benefits you have accrued up to 31st March 2008 will not be reduced. However, the benefits built up after 31st March 2008 will, if you do not meet the 85 year rule by 31st March 2020, be reduced by the factor shown in the table on page 20 which relates to the number of years the benefits are being paid earlier than age 65. If you do meet the 85 year rule by 31st March 2020 a smaller reduction factor than that shown on page 20 will be applied to the benefits built up between 1st April 2008 and 31st March 2020.
- If you do not satisfy the 85 year rule when you start to draw your pension, but would have satisfied the rule if you had remained in employment until age 65, the calculation of your benefits is split into two parts. Firstly, all the benefits you have built up in the Scheme up to 31st March 2008 will be reduced by the factor shown in the table on page 20 which relates to the number of years the benefits are being paid earlier than the date you would have met the 85 year rule. Secondly, any benefits you have built up in the Scheme after 31st March 2008 will, if you would not meet the 85 year rule by 31st March 2020, be reduced by the appropriate factor shown in the table on page 20 which relates to the number of years the benefits are being paid earlier than age 65. If you would meet the 85 year rule by 31st March 2020 a smaller reduction factor than that shown on page 20 will be applied to the benefits built up between 1st April 2008 and 31st March 2020.
- If you do not satisfy the 85-year rule when you start to draw your pension, and would not have satisfied the rule if you had remained in employment until age 65, all the benefits you have built up in the Scheme will be reduced by the appropriate factor shown in the table on page 20 which relates to the number of years the benefits are being paid earlier than age 65.

***How do I know if I will satisfy the 85-year rule?***

The rule is satisfied if your membership (as defined below) and age (each in whole years) adds up to 85.

## ***Membership that counts in working out the 85 year rule***

- ~ the number of years that you have been a LGPS member as an employee (with part-time employment counting at full calendar length) plus, for deferred benefits, the period between the date of leaving and the date benefits are to be bought into payment, but excluding any membership in respect of which you are already in receipt of a Local Government pension or in respect of which you hold an earlier Local Government deferred pension.
- ~ provided you were contributing to the LGPS on 30th September 2006, the number of years purchased by a transfer into the LGPS from a previous employer's pension plan (or, if you were contributing to the LGPS on 31st March 1998 and were still contributing on 30th September 2006, the number of years actually served in that plan provided the membership credit in the LGPS was awarded before 1st April 2008).
- ~ provided you were contributing to the LGPS on 30th September 2006, the number of years purchased by a transfer into the LGPS from a stakeholder pension scheme or a personal pension plan
- ~ any additional years of membership that you have bought where the date you elected to start paying extra contributions was before 1st October 2006
- ~ provided you were contributing to the LGPS on 30th September 2006, any additional years of membership which have been granted to you by your employer before 1st April 2008.
- ~ any additional years of membership purchased by converting AVCs into a period of membership.
- ~ it does not include membership in the LGPS for any period that you were in the scheme as a councillor or mayor.

*Note: if you joined the LGPS prior to 1 April 1998 and the date you would have achieved 25 years membership falls before the date you would have achieved the 85 year rule, the earlier date will be used when assessing the amount of the reduction to be applied to the early payment of your benefits. This will result in a smaller reduction to your benefits.*

## ***Retail Prices Index***

This shows the changes in the cost of living. It reflects the movement of prices covering a range of goods and services over time. The amount by which pensions are increased annually is based on movement in the **Retail Prices Index** during the 12 months to September.

## State Earnings Related Pension Scheme (SERPS)

The State Earnings Related Pension Scheme (SERPS) is an earnings-related element of the State Scheme. Benefits are paid by the Department for Work and Pensions (the old DSS) and are based upon any National Insurance contributions you paid between the **Lower** and **Upper Earnings Limits** between 6 April 1978 and 5 April 2002 (with a maximum of 20 years counting). Benefits cannot be paid before **State pension age**, and have been reduced for people who retire after 1998.

### State pension age

This is currently age 65 for men and 60 for women, but from 2010 will change for women as shown in the table below, so that by 2020 State pension age will have been equalised at age 65.

<b>Date of Birth</b>	<b>State pension age</b>
Before 6th April 1950	60
6th April 1950 - 5th April 1951	Between 60 & 61
6th April 1951 - 5th April 1952	Between 61 & 62
6th April 1952 - 5th April 1953	Between 62 & 63
6th April 1953 - 5th April 1954	Between 63 & 64
6th April 1954 - 5th April 1955	Between 64 & 65
After 5th April 1955	65

### Total membership

This is the amount of membership that counts, as detailed below, for:

■ **working out whether you are entitled to a benefit**

- ~ the number of years and days that you have been a LGPS member as an employee (at full calendar length for part-time employment).
- ~ any membership transferred from a previous employer's pension plan into the LGPS (normally at the actual length served in that plan, but only at the length of membership purchased for the purposes of determining entitlement to an ill health pension).
- ~ the number of years and days purchased by a transfer into the LGPS from a personal pension plan or stakeholder pension scheme.
- ~ any part-time employment prior to joining the LGPS which you have been allowed to count (at full calendar length).

- ~ any membership in respect of which you are, as a former employee, already in receipt of a Local Government pension or in respect of which you hold an earlier Local Government deferred pension.
- ~ any additional years of membership purchased by you or purchased by converting AVCs into a period of membership.
- ~ it does not include any additional years of membership which have been granted to you by your employer.
- ~ it does not include membership in the LGPS for any period that you were in the scheme as a councillor or mayor.

#### ■ working out the amount of your personal benefits

- ~ the number of years and days that you have been a LGPS member (with part-time employment reduced to its whole-time equivalent length) but excluding any membership in respect of which you are already in receipt of a Local Government pension or in respect of which you hold a Local Government deferred pension or which relates to a period you were in the scheme as a councillor or mayor.
- ~ the number of years and days purchased by a transfer into the LGPS from a previous employer's pension plan, a personal pension plan or a stakeholder pension scheme.
- ~ any additional years of membership that you have bought or which have been granted to you by your employer. If you elected to buy additional LGPS membership prior to 6 April 2006 and you were age 45 or over on the first day of the earliest period of membership you can count in the LGPS that additional membership will not count towards lump sum calculations following normal or voluntary retirement. In this case each additional year purchased or granted by the employer will count at 1/60th instead of 1/80th in the calculation of your pension.
- ~ any additional years of membership purchased by converting AVCs into a period of membership
- ~ any membership granted by way of ill health enhancement (see page 15).

### ***Upper Earnings Limit***

This is the amount of pay beyond which you cease to pay the full, **contracted-out**, rate of National Insurance contributions. The **Upper Earnings Limit** for 2006/2007 is £645 per week or £2,795 per month. It is usually increased annually by Parliament. On earnings above the **Upper Earnings Limit** you only pay a 1% National Insurance contribution.

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## Contacting the Pensions Office

In order to help us to provide you with a speedy, secure and efficient service, please always quote your National Insurance number and date of birth. If telephoning, please call the pensions helpline on 0115 846 3333.

You can also contact us by the following methods:

### Write to

The Pensions Office  
Employee Services Centre  
Nottinghamshire County Council  
c/o County Hall  
West Bridgford  
Nottingham NG2 7QP

### Fax

0115 846 3300

### email

[lgpensions@nottsc.gov.uk](mailto:lgpensions@nottsc.gov.uk)

## Contacting your employer

There are too many employers in the Nottinghamshire County Council Pension Funds to list here but the phone numbers of the larger councils are as follows:

Ashfield District Council	01623	450 000
Bassetlaw District Council	01909	533 533
Broxtowe Borough Council	0115	917 7777
Gedling Borough Council	0115	901 3901
Mansfield District Council	01623	463 463
Newark and Sherwood District Council	01636	650 000
Nottingham City Council	0115	915 5555
Rushcliffe Borough Council	0115	981 9911

The national website for members of the LGPS can be found at:

[www.lgps.org.uk](http://www.lgps.org.uk)



**Nottinghamshire  
County Council**

Published by Employee Service Centre, County Hall, West Bridgford, Nottingham NG2 7QP

DP&P(0) 12.06/RES/2161