

Cambridgeshire Pension Fund

Pension Fund Committee

30 March 2023

Report by: Head of Pensions

Subject: Governance and Compliance Report

Purpose of the Report: To provide the Pension Fund Committee with information on:

- 1) Pensions Dashboards
- 2) The McCloud Remedy
- 3) The Pensions Regulator
- 4) The Pensions Ombudsman
- 5) Impact of The Edinburgh Reforms on the LGPS
- 6) CARE Revaluation Consultation
- 7) Skills and knowledge opportunities

Recommendations: The Pension Fund Committee are asked to:

- 1) note the Governance and Compliance Report
- 2) approve the Training Strategy amendment to reflect the current core mandatory training approach (see section 3.7)

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1. Background

- 1.1 This is a standing report that identifies issues concerning the governance of the Local Government Pension Scheme (LGPS) and potential, new, amending and overriding legislation that will have an impact on how the Scheme is managed and on members' benefits.

2. Executive Summary

- 2.1 This report provides the Pension Fund Committee with information on the following significant current issues which have an impact on the governance, management and administration of the Cambridgeshire Pension Fund.

- Pensions Dashboards
- The McCloud remedy
- The Pensions Regulator
- The Pensions Ombudsman
- Impact of The Edinburgh Reforms on the LGPS
- CARE Revaluation Consultation
- Skills and knowledge opportunities

3.1 Pensions Dashboards

3.1.1 Approach to governance of the standards

- 3.1.1.1 The Pensions Dashboard Programme (PDP) recently published its approach to the governance of the standards. This sets out how PDP developed the standards, outlines their scope and describes how they will go about setting and managing any future changes.
- 3.1.1.2 The content of the standards are structured as follows –
 - Standards and guidance that participants will implement, this includes data, design, reporting and technical
 - Standards and guidance for connecting to the ecosystem, this includes security, service, connection, operations.
- 3.1.1.3 The full approach to governance of standards can be found [here](#).

3.1.2 Consultation on regulatory framework for dashboard operators

- 3.1.2.1 On 1 December 2022, the Financial Conduct Authority (FCA) published a consultation on the regulatory framework for dashboard operators. Under these proposals, operators will be able to offer savers additional services that have the potential to improve pension outcomes. These could include investment advice (including robo-advice) or guidance, modellers, calculators and other similar tools. Before doing so, operators will need to meet rigorous conduct standards.
- 3.1.2.2 The consultation was primarily aimed at firms that are considering operating a pensions dashboard service and who will need to get the new regulatory permission in order to enter this new market but is also of interest to pension providers who are required to supply pension information to the pension dashboard service for members to view.
- 3.1.2.3 The consultation closed on 16 February 2023.

3.1.3 Deferred connection guidance published

- 3.1.3.1 On 12 December 2022, the Department for Work and Pensions (DWP) published guidance on how to defer connection to pensions dashboards. Administering authorities must connect to the dashboards ecosystem within a connection window of 1 September 2024 to 30 September 2024. Authorities can apply to defer this in limited circumstances. Authorities must do so before 11 December 2023, though DWP requests this is done as soon as possible.
- 3.1.3.2 If an application for deferral is granted, DWP will specify the date of the new deadline in a written notice. The deadline will be no more than 12 months after the original connection deadline.
- 3.1.3.3 Depending upon the outcome of the Cambridgeshire Pension Fund Administration Software procurement this option may need to be considered as the new contract start date will be 1 October 2024.

3.1.4 Early connection guidance updated

3.1.4.1 On 21 November 2022, the PDP published updated statutory guidance on early connection. Administering authorities must connect to the dashboards ecosystem within a connection window from 1 September 2024 to 30 September 2024. Integrated service providers (ISP) may ask authorities to consider connecting earlier to reduce the number of clients connecting within the same window. If an authority wishes to connect early, it must apply to MaPS, who will consult with the Pensions Regulator before deciding.

3.1.4.2 The updated statutory guidance on early connection can be found [here](#).

3.1.5 PDP publishes consumer protection video

3.1.5.1 In the context of pensions dashboards, consumer protection is the action to minimise consumer harm, including redress for consumers if things do go wrong. It covers the design and operation of the ecosystem, compliance with regulations, rules and standards, as well as the way in which consumers will use dashboards.

3.1.5.2 The PDP is responsible for providing the central digital architecture, ie the elements that make dashboards work and the overall ecosystem design. PDP is also setting the security, technical and design standards that define how users' data may be securely shared within the ecosystem and displayed. This is to ensure compliance with the UK General Data Protection Regulation (UK GDPR).

3.1.5.3 PDP recently published an explainer video on consumer protection. The video explains what protections will be in place to ensure dashboards are safe and secure. The video can be found on consumer protection page of PDP's website [here](#).

3.1.6 Current dashboard developments

3.1.6.1 A verbal update will be provided at the meeting of the latest developments following DWPs announcement to reset the Pension Dashboard Programme and the delay to connection deadlines.

3.2 McCloud Remedy

3.2.1 Teachers Pension Scheme McCloud remedy and the LGPS

3.2.1.1 The implementation of the McCloud remedy in the Teachers' Pension Scheme (TPS) means that some teachers will be retrospectively eligible for the LGPS for the period from 1 April 2015 to 31 March 2022.

3.2.1.2 The Department for Education (D f E) is in the process of identifying affected members. Officials from D f E will, in some cases, need to confirm the employment status of members during the remedy period with their employer.

3.2.1.3 Affected TPS members are those with a part time employment in addition to a full-time employment who are being rolled back into the legacy scheme as part of the McCloud remedy.

3.2.2 Treasury Direction

3.2.2.1 On 14 December 2022, HM Treasury (HMT) made the Public Service Pensions (Exercise of Powers, Compensation and Information) Directions 2022. They come into force on 19 December 2022 and apply to England, Northern Ireland, Scotland and Wales.

3.2.2.2 The Directions set out how certain powers in the Public Service Pensions and Judicial Offices Act 2022 must be exercised. The Act gives relevant government departments powers to rectify McCloud discrimination.

For the LGPS, the Directions apply to the following powers in the Act:

- Section 82: an administering authority's power to pay compensation
- Section 83: the power to make regulations compensating members by paying additional LGPS benefits
- Section 84(1)(a): the power to make regulations setting out how interest should be calculated and paid on amounts due to the McCloud remedy, and
- Section 84(1)(B): the power to make regulations setting out the process to follow for paying amounts due to the McCloud remedy.

3.2.2.3 The making of the Directions now allows relevant departments to start consulting on regulations exercising these powers.

3.2.3 Update on McCloud data issues guidance

3.2.3.1 LGA have produced guidance to assist administering authorities with McCloud data issues. The guidance sets out what options administering authorities in England and Wales may consider if they are unable to collect the data needed to implement the McCloud remedy. It covers both missing data and data the authority is not confident is accurate.

3.2.3.1 The Scheme Advisory Board published the guidance on 3 March 2023.

3.2.3.2 The McCloud data issues scoping group was set up to inform this guidance. The group has met three times and includes representatives from:

- each of the regional pension officer groups
- LGA
- actuaries
- Department for Levelling Up, Housing and Communities
- Department of Communities
- Scottish Public Pensions Agency, and
- the Government Actuary's Department.

3.3 The Pensions Regulator (TPR)

3.3.1 Joint regulatory strategy update

3.3.1.1 On 7 December 2022, TPR and the Financial Conduct Authority published an update to their 2018 joint regulatory strategy. The strategy sets out how the two bodies work together to tackle issues in the pensions sector.

- 3.3.1.2 The 2018 joint regulatory strategy, has tackled the real risk of people not having the level of income they expected in retirement. The future outlook is to now we build on this work to enhance and protect savers' outcomes.
- 3.3.1.3 The update outlines their progress on the strategy's regulatory objectives and next steps in light of their new respective strategic priorities. The update sets out eight ongoing workstreams covering:
- productive finance
 - value for money
 - regulatory framework for effective stewardship
 - pension scams strategy
 - defined benefit (DB) transfer advice
 - D B schemes and transfer activity
 - pensions dashboards
 - supporting consumer decision-making.
- 3.3.1.4 The full updated strategy can be found [here](#).
- 3.3.2 New version of transfer guidance
- 3.3.2.1 On 12 January 2023, TPR published a new version of the Dealing with transfer requests guidance, with updates made to the 'Direct members to mandatory guidance from MoneyHelper' section.
- 3.3.2.2 The guidance assists pension schemes when applying the Occupational and Personal Pension Schemes (Conditions for Transfers) Regulations 2021.
- 3.3.2.3 When telling members they must receive guidance about scams from MoneyHelper, schemes should provide a link to book online or by telephone. The guidance now makes it clearer that members must use this link to book a MoneyHelper safeguarding guidance appointment. Otherwise, they may accidentally book a Pension Wise appointment or obtain general MoneyHelper advice.
- 3.3.2.4 The guidance also asks pension schemes to advise members who are transferring multiple pensions to wait until they have requested all transfers before booking their MoneyHelper safeguarding guidance appointment. This will avoid them having to book more than one.
- 3.3.2.5 The full guidance can be found [here](#).
- 3.3.3 TPR appoints new chief executive
- 3.3.3.1 TPR has appointed Nausicaa Delfas as its new chief executive. She will take over from Charles Counsell who will remain in post until March 2023. Ms Delfas joins TPR having held senior positions with the Financial Conduct Authority and the Financial Ombudsman Service.

3.4 The Pensions Ombudsman (TPO)

3.4.1 Deputy Pensions Ombudsman

- 3.4.1.1 On 9 December 2022, the chair of TPO announced that Anthony Arter will remain at TPO as part time Deputy Pensions Ombudsman. Anthony's term as Pensions Ombudsman ended on 15 January 2023.

3.4.2 New Pensions Ombudsman appointment

- 3.4.2.1 Domonic Harris is the new Pension Ombudsman from 16 January 2023 as appointed by the Secretary of State, with a term of five years.

3.5 Impact of The Edinburgh Reforms on the LGPS

- 3.5.1 On 9 December, the Chancellor of the Exchequer announced a set of reforms to drive growth and competitiveness in the financial services sector. In the statement, the Chancellor also confirmed that the Government will consult on:

- new guidance to the LGPS on asset pooling in early 2023
- requiring LGPS funds to ensure they are considering investment opportunities in illiquid assets such as venture and growth capital, as part of a diversified investment strategy.

3.6 CARE Revaluation Consultation

- 3.6.1 The Department for Levelling Up, Housing and Communities (DLUHC) issued a consultation on 10th February 2023 to change the date that revaluation is applied to CARE benefits in the LGPS, in order to better align the inflation proofing arrangements with the Pension Input period used for assessing pensions growth against annual allowance.
- 3.6.2 The change will come into force on 31st March 2023 and considerations will need to be made in respect of software updates that need to be applied, communicating the change to members in line with disclosure regulations and remedial work that will need to be undertaken. Scheme literature and the website will also need to be reviewed to ensure it reflects the correct position.
- 3.6.3 The changes will not affect members who were already deferred or in receipt of a pension since before 1st April 2022 as their benefits now increase by Pension Increase orders rather than Treasury revaluation, and the changes proposed by this consultation have no impact on Pensions Increase or the date on which it applies.
- 3.6.4 Members who are affected (those who have been active at any point during 2022/23) won't see any change to the benefits they receive on retirement. The only area in which a change will be seen is in the calculation of pensions growth to assess against the annual allowance, and this will be beneficial for those members affected by the annual allowance due to bringing the revaluation date in line with the Pension Input Period.
- 3.6.5 The consultation closed on 24th February 2023 and the Cambridgeshire Pension Fund submitted a response.

3.7 Skills and knowledge opportunities

- 3.7.1 The Public Services Pensions Act 2013 and the Pensions Regulator's Code of Practice (Governance and administration of public service pension schemes) require all members of the Pension Fund Committee to maintain the necessary skills and knowledge to undertake their role effectively.
- 3.7.2 Officers have been exploring the possibility having access to a LGPS Online Learning Academy platform to ensure that there is a continuous solution that members can access in a flexible way which remains fit for purpose as the content is regularly updated and this has been discussed at previous meetings.
- 3.7.3 The Cambridgeshire Pension Fund will have access to the platform for Committee and Board members as well as for key Officers. The online platform will be the core mandatory training requirement from the previous modules delivered in 2021 by Aon (and associated links) and section 11 of the Training Strategy (delivery of training) will be updated accordingly following Pension Fund Committee approval.
- 3.7.4 A demonstration of the platform was delivered on 6 March 2023 to assist with the adoption of this approach.
- 3.7.5 In addition, in order to facilitate the acquisition of skills and knowledge for members of the Pension Fund Committee, appendix 1 lists the main events that are deemed useful and appropriate.
- 3.7.6 If members of the Pension Fund Committee would like to attend any of the events listed in appendix 1, please contact a member of the Fund's governance team who will make the necessary arrangements if an invitation has not already been sent.

4. Relevant Pension Fund Objectives

Have robust governance arrangements in place, to facilitate informed decision making, supported by appropriate advice, policies and strategies, whilst ensuring compliance with appropriate legislation and statutory guidance. Objective 1

Manage the Fund in a fair and equitable manner, having regard to what is in the best interest of the Fund's stakeholders, particularly the scheme members and employers. Objective 2

Ensure the relevant stakeholders responsible for managing, governing and administering the Fund, understand their roles and responsibilities and have the appropriate skills and knowledge to ensure those attributes are maintained in a changing environment. Objective 3

To continually monitor and manage risk, ensuring the relevant stakeholders are able to mitigate risk where appropriate.

5. Risk Management

- 5.1 The mitigated risks associated with this report has been captured in the Fund's risk register as detailed below -

Risk	Residual risk rating
Those charged with governance are unable to fulfil their responsibilities effectively	Green
Failure to administer the scheme in line with regulations and guidance.	Green
Failure to provide relevant information to the Pension Fund Committee/Pension Board to enable informed decision making	Green

- 5.2 The Fund's risk register can be found on the Pensions website: [Cambridgeshire Pension Fund Risk Register.](#)

6. Communication Implications

- 6.1 Training - All staff involved in the administration of the LGPS are aware of how any new developments impact on the calculation and payment of benefits from the scheme.
- 6.2 Employers - All relevant items are communicated to scheme employers via website updates.

7. Finance & Resources Implications

- 7.1 There are no financial and resource implications associated with this report.

8. Legal Implications

- 8.1 Not applicable

9. Consultation with Key Advisers

- 9.1 The LGPS Online Learning Training is a Hymans product.

10. Alternative Options Considered

- 10.1 Not applicable

11. Background Papers

- 11.1 Cambridgeshire Pension Fund Training Strategy 2021- [Key documents \(CCC\) - Cambridgeshire and Northamptonshire LGPS](#)

12. Appendices

- 12.1 Appendix 1 Skills and Knowledge training schedule

Checklist of Key Approvals

Has this report been cleared by Section 151 Officer? Sarah Heywood – 8/3/2023

Has this report been cleared by Head of Pensions? Mark Whitby – 20/2/2023

Has the Chair of the Pension Fund Committee been consulted? Councillor Whelan – 15/3/2023

Has this report been cleared by Legal Services? Linda Walker – 9/3/2023