

CONSULTATION RESPONSE FORM

These Regulations will amend the Local Government Pension Scheme Regulations 2018 to bring the Scottish scheme in line with scheme changes in England & Wales, and Northern Ireland. It also proposes minor changes to the Local Government Pension Scheme (Remediable Service) (Scotland) Regulations 2023 ("the 2023 regulations").

These amendments cover a number of proposals relating to pension benefits for scheme members, including forfeiture, opt outs, removal of the age 75 limit for death benefit payments, gender pension gap reporting, McCloud and other technical amendments.

It also provides for the transfer of Scottish Fire and Rescue Staff to the Strathclyde Pension Fund, and the addition of Neonatal care leave to the definition of child related leave.

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3. Permissions - I am responding as... (please complete either sections (a), (b) and (d) or sections (c) and (d):

Individual or Group/Organisation

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please state yes to one of the following:

Yes, make my response,
name and address all
available

or

Yes, make my response
available, but not my name
and address

or

Yes, make my response and
name available, but not my
address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please state yes or no: ...Yes...

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please state yes or no:Yes.....

ABOUT YOU

I am responding ...

- ☐ as a scheme member
- ☐ on behalf of an Employer Organisation
- ☐ on behalf of a Trade Union
- ☒ other (please specify) Local Government Pension Scheme

CONSULTATION COMMENTS

Please use this space to provide any comments on the amendments.

Question 1: Do you have any comments on Scottish Ministers' proposals to remove the upper age limit of 75 for death grants from the LGPS Regulations, backdated to 6 April 2011?

We agree with removing the upper age limit of 75 for death grants, but there needs to be clear Statutory Guidance provided for how to deal with revisiting cases, including what is to be done if no beneficiaries can be identified or made contact with.

The administrative impact of this additional work should also be acknowledged, with clarification if there will be a deadline for revisiting cases.

Note that under Amendment Regulation 46(d) (Amendments to regulation 17 and transitional protection), Regulation 35(4) of the Benefit Regulations should also be repealed.

Question 2: Do you agree that all authorised unpaid absences over 30 days should be automatically pensionable?

Regulations have not been amended to allow for this.

Question 3: Do you agree with the proposal to change the time-limit for buying back unpaid leave pension absences from 30 days to 1 year, or when the employment ends?

Yes, we fully support the increase of the time limit for buying back unpaid leave pension absences to 1 year. 30 days is not long enough for members returning from an extended period of leave to make a decision. Especially those returning from child-related leave who may be on an extended period of annual leave and are not actually back to work within 30 days.

However, we do believe members should only be able to make this election while still active, so the regulations should be reworded to allow for this.

The suggested changes in relation to Question 4 would vastly reduce the number of instances where a member would look to buy back “lost” pension – where an employer would be required to pay 2/3rds of the cost.

For administration purposes, more clarity is needed on whether members to which new regulation 16(8A) applies can pay by regular instalments (as is currently done with SCAPCs). If so, how is this calculated and what happens if the member leaves before completing all payments? It would also be beneficial if there was clear terminology for this, rather than SCAPC, since payment of SCAPCs is calculated using age related factors and not lost contributions.

Question 4: Do you agree with updating the definition of child-related leave to include all periods of additional maternity, additional adoption and shared parental leave when on reduced or no pay?

Yes we feel that this will make steps towards addressing the Gender Pensions Gap. However, it will also potentially have a large impact on employers, especially smaller ones, through increased costs.

This would be one step that could be taken to improve the adequacy of the LGPS for women.

It would be up to employers to respond on whether or not they had concerns about costs.

Question 5: Do you agree that the contribution cost of this should be met by LGPS employers?

That seems the most reasonable approach, as what other alternatives would there be? The cost should not fall to the members. Again, it will have an impact on employers, especially smaller ones, through increased pension costs.

Again, it would be up to employers to respond on concerns regarding costs. Although this be a significant obstacle to overcome.

Question 6: Do you agree that gender pension gap reporting should be mandatory in the LGPS?

Yes, reporting on gender pension gap should be mandatory with guidance provided to ensure that data can be compared across Funds and geographical areas.

The data may not currently be held by the Fund and it would therefore require us to work with employers and/or system providers to gather the information that we require going forward. Clarification would be required on whether this would be a requirement for the 2026 valuation and if so, could guidance be produced in enough time?

Question 7: Do you agree with the threshold of 100 LGPS members for defining which employers must report on their gender pension gap?

For reporting purposes we would like the requirement to include all scheduled bodies but we do not have an opinion on where the threshold would be set for other employer types.

It is important that this is comparable and meaningful across the scheme and other pieces of work e.g. Gender Pay Gap.

Question 8: Do you agree with the definition of 'gender pension gap' and 'gender pensions savings gap'?

As long as there is appropriate guidance and consistency around reporting requirements Funds will be able to work with the definitions outlined.

Question 9: Do you agree that the annual report is the best method for reporting on participation and opt out data?

Although this is pensions related information, the Fund does not hold the information required to report on this. Since it is the employer who holds this data, and the Fund is not required to hold data of members who opt out within 3 months, it may make more sense for the employers to report the information directly for centralised reporting.

Question 10: Do you foresee any issues with AA's ability to gather data on opt-outs?

Yes, if the AA needs to gather the data, it is entirely dependent on the employers providing the information. Will the Regulations be updated to

require employers to provide this information by a certain date each year? What will be the consequences for employers or the AA if the data is not provided by employers? There needs to be clear guidance.

Members who are opting-out of the scheme are less likely to be willing to engage in providing further information as to their reasons for opting-out and additional information, so if low number respond to the information request the results could be skewed.

Question 11: When updating the annual report guidance to reflect opt-out data collection, what information would be most useful to include?

Clear guidance will be needed on how employers should obtain the information to ensure consistency and what will happen if they don't provide the information to the AA.

Question 12: *Do you have any comments on the collection of additional information?*

The additional information should be provided directly to the Scottish Government (or a central body) in an anonymised manner, to ensure people feel comfortable providing the information.

Question 13: Do you agree that the three-month time limit for an LGPS employer to make an application for a forfeiture certificate should be removed?

Yes, this will allow more time to gather the relevant information and complete the application. It is appropriate to bring the LGPS(S) in line with other public pension schemes on this matter.

Question 14: Do you agree with or have any comments on these technical remedy amendments?

Please provide clarification on Pension Debit Members – there has been no amendment to the regulations to require a recalculation of pension debit (for a member qualifying for underpin protection, where the PSO took effect between 01/04/2015 and 30/09/2023 and the recalculated CEV exceeds the original amount). Is this the intention? If this is the intention, we agree with the regulations.

Other than the above, we are in agreement with these amendments.

Question 15: Do you agree with these changes to allow those who left the scheme prior to 1 April 2015 to commute small pensions?

Yes we agree with these changes to address the inequality between the different regulations.

However, it appears that only the 1998 Regulations have been amended for this, so members who left before 01/04/1998 or between 01/04/2009 and 31/03/2015 will continue to not be able to take a de minimis payment. Pension Credit members under the 2009 Scheme are also not covered by the amendments.

Question 16: Do you agree with the changes proposed to the Lifetime allowance regulations?

Yes.

Question 17: Do you agree with the proposed amendments to the Regulations?

Yes we agree with the proposal to remove the need for a refund to be paid out on the expiry of 5 years from date of leaving. This will allow for easier administration and will allow aggregation to proceed when a member re-joins after 5 years but hasn't taken the refund. We believe the regulations should apply for all refunds not yet paid under the 2015 Regulations.

Not allowing a refund to members over age 75 will allow records to be tidied

up for those members we have been unable to contact or haven't returned forms to take the refund, helping valuation data. However, if the right to a refund is to be lost, it is important that members are aware this could happen. Therefore, we would need a period of time to inform members and take reasonable steps to obtain the necessary information for those members who met age 75 before the implementation date.

Clear guidance is needed on what will be considered reasonable steps to obtain the information necessary to pay the refund on the day before the member attains age 75, to ensure consistency and fairness for all members.

Question 18: Do you agree with adding the definition of 'local government service' to Schedule 1?

Yes.

Question 19: Do you agree with the change to part 2 of schedule 4 transferring all SFRS staff to Glasgow City Council?

Yes.

However, wording needs amended in draft amendment regulation 36(b). "Dundee" should instead be "Dundee City" and "Aberdeen" should be "Aberdeen City".

Question 20: Do you agree to the addition of Neo-natal care to the definition of child related leave?

Yes.

Question 21: Do you agree with the proposed amendment to Regulation 10(8)?

Yes.

Other comments:

The Cohabiting partner definition inserted by draft amendment regulation 2(2)(d) (*adding Reg 42(5B) to the Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998*) is not consistent with the current definition of a cohabiting partner under Schedule 1 of the 2018 Regulations. It appears to be based on the old definition which required the member and partner to be able to marry or form a civil partnership for at least 2 years prior to the date of death. This requirement was removed from the 2018 Regulations, so shouldn't be required in these regulations.

There seems to be contradictory information relating to the newly amended Regulation 11(5) in the 2018 Regulations and whether 'notional' or 'lost' pay should be used for CARE, employee and employer contributions.

Draft amendment regulation 45 introduces new regulations 15(6) to 15(10) into the LGPS (Transitional Provisions and Savings) (Scotland) Regulations 2014. These allow deferred members who left the scheme between 1 April 1998 and 31 March 2015 to use all or part of their AVCs to purchase additional LGPS pension. Please provide clarity on whether survivor's pension is provided automatically, not at all, or if the member can choose (per 2015 Regs). Is it intentional that leavers before 01/04/1998 and Pension Credit members under the 1998 and 2009 Schemes are not being given the ability to buy additional LGPS pension with AVCs?

Draft amendment regulation 54 amends regulation 14 of LGPS (Remediable Service) (Scotland) Regulations 2023 to include regulation 12(5A)(b). This regulation does not exist. I assume this is a drafting error and should perhaps be 12(5)(b).

Please e-mail your response to SPPAPolicyConsultationResponses@gov.scot
or send via post to:

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The closing date for receipt of comments is 25 November 2025.