

A brief guide to the Local Government Pension Scheme (LGPS)

Councillors in Scotland

Highlights of the LGPS

The LGPS gives you:

Secure benefits –

the scheme provides you with a future income, independent of share prices and stock market fluctuations.

At a low cost to you –

with tax-efficient savings.

And your council pays in too –

the scheme is provided by your council who meets the balance of the cost of providing your benefits in the LGPS.

You can look forward to your retirement with the LGPS with:

A secure pension –

worked out every ***scheme year*** and added to your ***pension account***. The pension added to your account at the end of a ***scheme year*** is, if you are in the main section of the scheme, an amount equal to a 49th of your ***pensionable pay*** in that year. At the end of every ***scheme year*** the total amount of pension in your account is adjusted to take into account the cost of living (as currently measured by the ***Consumer Prices Index (CPI)***).

Flexibility to pay more or less contributions –

you can boost your pension by paying more contributions, which you would get tax relief on. You also have the option in the LGPS to pay half your normal contributions in return for half your normal pension. This is known as the 50/50 section of the scheme and is designed to help members stay in the scheme when times are financially tough.

Tax-free cash –

you have the option when you draw your pension to exchange part of it for some tax-free cash.

Peace of mind –

your family enjoys financial security, with immediate life cover and a pension for your spouse, ***civil partner*** or ***eligible cohabiting partner*** and ***eligible children*** in the event of your death in service. If you ever become seriously ill and you've met the 2 years ***vesting period***, you could receive immediate ill health benefits.

Freedom to choose when to take your pension –

you do not need to have reached your **Normal Pension Age** in order to take your pension as, once you've met the 2 years **vesting period**, you can choose to retire and draw your pension at any time between age 55 and 75. Your **Normal Pension Age** is simply the age you can retire and take the pension you've built up in full. However, if you choose to take your pension before your **Normal Pension Age** it will be reduced, as it's being paid earlier. If you take it later than your **Normal Pension Age** it's increased because it's being paid later.

The scheme

This guide is a short description of the conditions of membership and main scheme benefits that apply if you pay into the LGPS on or after 1 April 2015.

What kind of scheme is it?

The LGPS is a tax approved, defined benefit occupational pension scheme and the scheme regulations are made under the Public Service Pension Schemes Act 2013 and, in the case of the LGPS (Transitional Provisions and Savings) (Scotland) Regulations 2014, under the Superannuation Act 1972. The LGPS was contracted out of the State Second Pension scheme (S2P) until 5 April 2016; from 6 April 2016 the 'contracted out' status ceased to exist for all pension schemes due to the introduction of the single tier State Pension. The amount of pension you earn in a **scheme year** is worked out each year and added to your **pension account**. The total amount of pension in your **pension account** is revalued at the end of each **scheme year** so your pension keeps up with the cost of living. The LGPS is very secure because the benefits are set out in law.

Who can join?

The LGPS is available to all councillors elected to a local authority in Scotland, including such councillors when exercising functions as a convenor or vice-convenor of a joint board. To be able to join the LGPS you need to be under age 75.

If you are eligible for membership of the LGPS you will automatically become a member of the main section of the scheme, but you have the right to decide not to join the scheme. You cannot complete an opt out form until you have started in your office as a councillor.

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

On joining the LGPS relevant records and a **pension account** will be set up and an official notification of your membership of the LGPS will be sent to you. **You should check your pay slip to make sure that pension contributions are being deducted.**

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

Yes you can opt-out of the scheme but if you are thinking of opting out you might want to first consider an alternative option which is to elect to move to the 50/50 section of the scheme. The 50/50 section allows you to pay half your normal contributions in return for half your normal pension build up. To find out more, see the section on **flexibility to pay less**.

If having considered the 50/50 option you still decide the LGPS is not for you, you can leave the LGPS at any time on or after your first day holding office by giving your council notice in writing. You might, however, want to take independent financial advice before making the final decision to opt out.

If you opt out of the LGPS before completing 3 months membership you will be treated as never having been a member and your council will refund to you, through your pay, any contributions you have paid during that time.

If you opt out of the LGPS with 3 or more months membership and before completing the 2 years **vesting period** you can take a refund of your contributions (less any statutory deductions) or transfer out your pension to another scheme.

If you opt out of the LGPS after meeting the 2 years **vesting period** you will have deferred benefits in the scheme and will generally have the same options as anyone leaving their job before retirement.

If you opt-out, you can, provided you are otherwise eligible to join the scheme, opt back into the scheme at any time before age 75.

What do I pay?

The rate of contributions you pay is based on how much you are paid. There is a 5 tier contribution system with your contributions based on how much of your **pensionable pay** as a councillor falls into each tier. If you elect for the 50/50 section of the scheme you would pay half the rates listed below. When you join and every April afterwards, your council will decide your contribution rate. Your council must also review your contribution rate if you have a permanent material change to your terms and conditions as a councillor during the **Scheme year** which affects your **pensionable pay**.

Here are the tiers that apply from April 2021:

Actual Pensionable Pay	Contribution rate (%)
On earnings up to and including £22,300	5.5%
On earnings above £22,301 and up to £27,300	7.25%
On earnings above £27,301 and up to £37,400	8.5%
On earnings above £37,401 and up to £49,900	9.5%
On earnings above £49,901	12%

The pay ranges will be increased each April in line with the cost of living and the contribution rates and /or pay bands will be reviewed periodically and may change in the future.

Do I get tax relief?

As a member of the LGPS, if you earn enough to pay tax, your contributions will attract tax relief at the time they are deducted from your **pensionable pay**.

There are restrictions on the amount of tax relief available on pension contributions. If the value of your pension savings increase in any one year by more than the standard annual allowance of £40,000 (2018/19) you may have to pay a tax charge. Most people will not be affected by the annual allowance.

Does my council contribute?

Your council currently pays the balance of the cost of providing your benefits in the LGPS. Every three years an independent review is undertaken to calculate how much your council should contribute to the scheme.

Is there flexibility to pay less contributions?

Yes, in the scheme there is an option known as 50/50 which provides members with the facility to pay half the normal contributions and to build up half the normal pension during the time the reduced contributions are being paid - see the section on **flexibility to pay less**.

Can I make extra contributions to increase my benefits?

You can increase your benefits by paying additional contributions, known as Additional Pension Contributions (APCs), to buy extra LGPS pension, or by making payments to the scheme's **Additional Voluntary Contributions (AVC)** arrangement. Your pension fund can give you more information on these options. Contact details are at the end of this guide.

You are also able to make payments to a personal pension or stakeholder pension or free-standing AVC scheme of your own choice. You may wish to take independent financial advice before you make a decision about paying extra.

What if I've been a member before and can now re-join the LGPS?

If you rejoin the LGPS in the same Fund as a councillor and you have deferred benefits in that Fund from a previous period when you were a councillor your deferred benefits will normally be automatically joined with your new active **pension account**. If, for benefits that are normally automatically joined, you want to retain separate deferred benefits then you must make such an election within 12 months of rejoining the scheme (or such longer period as your council may allow). If you rejoin the LGPS as a councillor in Scotland in any Fund and have a deferred refund this **must** be joined with your new active **pension account**.

Pension rights built up as a councillor in Scotland cannot be joined with rights built up as an employee in Scotland and vice versa.

What about any non-LGPS pension rights I have?

If you have paid into another non-LGPS pension arrangement or to the LGPS in England and Wales or Northern Ireland, you may be able to transfer your previous pension rights into the LGPS (provided you are not already drawing them as a pension). You only have 12 months from joining the LGPS to opt to transfer your previous pension rights, unless your council allows you longer.

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

If you are already drawing a pension from the scheme, some or all of which you built up before 1 April 2015, you must tell the LGPS fund that pays your pension about your new position, regardless of whether you join the scheme in your new position or not. They will let you know whether your pension in payment is affected in any way.

If you are drawing a pension from the scheme, all of which you built up after 31 March 2015, you do not need to inform the LGPS fund that pays your pension as there is no effect on your pension in payment.

Contribution Flexibility

Flexibility to pay less

When you join the scheme you will be placed in the main section of the scheme. However, once you are a member of the scheme you will be able to elect in writing, at any time, to move to the 50/50 section if you wish.

The 50/50 section gives you the ability to pay half your normal contributions. This flexibility may be useful during times of financial hardship as it allows you to remain in the scheme, building up valuable pension benefits, as an alternative to opting out of the scheme.

A 50/50 option form is available from your council. If you have more than one office or job in which you contribute to the scheme you would need to specify in which of the offices or jobs you wish to be moved to the 50/50 section.

If you elect for 50/50 you would be moved to that section from the next available pay period. You would then start paying half your normal contributions and build up half your normal pension during the time you are in that section. When you make an election for the 50/50 section your council must provide you with information on the effect this will have on your benefits in the scheme.

If you were to die in service whilst in the 50/50 section of the scheme the lump sum death grant and any survivor pensions would be worked out as if you were in the main section of the scheme. If you are awarded an ill-health pension, the amount of enhanced pension added to your **pension account** is worked out as if you were in the main section of the scheme.

The 50/50 section is designed to be a short-term option for when times are tough financially. Because of this your council is required to re-enrol you back into the main section of the scheme approximately three years from the date they first have to comply with the automatic enrolment provisions of the Pensions Act 2008 (and approximately every three years thereafter). If you wished to continue in the 50/50 section at that point you would need to make another election to remain in the 50/50 section.

There is no limit to the number of times you can elect to move between the main and the 50/50 section, and vice versa.

Flexibility to pay more

There are a number of ways you can provide extra benefits, on top of the benefits you are already looking forward to as a member of the LGPS.

You can improve your retirement benefits by paying:

- Additional Pension Contributions (APCs) to buy extra LGPS pension,
- **Additional Voluntary Contributions (AVCs)** arranged through the LGPS (in-house AVCs),
- Free Standing Additional Voluntary Contributions (FSAVCs) to a scheme of your choice,
- Contributions to a stakeholder or personal pension plan.

Your pension fund can give you more information on the first two of these options. Contact details are at the end of this guide.

Your Pension

Your LGPS benefits are made up of:

- An annual pension that, after leaving, increases every year in line with the cost of living for the rest of your life, and
- The option to exchange part of your pension for a tax-free lump sum paid when you draw your pension benefits.

How is my pension worked out?

Every year, you will build up a pension at a rate of 1/49th of the amount of **pensionable pay** you received in that **scheme year** if you are in the main section of the scheme (or half this rate of build up for any period you have elected to be in the 50/50 section of the scheme). The amount of pension built up during the **scheme year** is then added to your **pension account** and revalued at the end of each **scheme year** so your pension keeps up with the cost of living.

If you joined the LGPS before 1 April 2015, your benefits for membership before 1 April 2015 were built up in the earlier career average scheme and are calculated differently using your membership built up to 31 March 2015 and your **career average pay**.

The examples below show how benefits based on membership in the LGPS built up after 31 March 2015 are worked out.

If you are nearing retirement and you were a member of the scheme before 1 April 2015 there is an additional protection in place to ensure that you will get a pension at least equal to that which you would have received in the scheme had it not changed on 1 April 2015. This protection is known as the **underpin**.

The **underpin** applies to you if you were:

- an active member on 31 March 2012, and
- you are within 10 years of your protected **Normal Pension Age** on 1 April 2012, and
- you haven't had a continuous break in active membership of a public service pension scheme of more than 5 years (after 31 March 2012), and
- you've not drawn any benefits in the LGPS before protected **Normal Pension Age**, and
- you leave with an immediate entitlement to benefits.

The underpin will not apply to you if you elect to opt out of the scheme before your protected **Normal Pension Age**.

If you are covered by the underpin a calculation will be performed at the date you cease to contribute to the Scheme, or at your protected **Normal Pension Age** if earlier, to check that the pension you have built up (or, if you have been in the 50/50 section of the scheme at any time, the pension you would have built up had you always been in the main section of the scheme) is at least equal to that which you would have received had the scheme not changed on 1 April 2015. If it isn't, the difference will be added into your **pension account** when you draw your benefits.

What pensionable pay is used to work out the pension I build up after 31 March 2015?

The amount of pension added into your **pension account** at the end of the **scheme year** is worked out using your **pensionable pay** which is the amount of pay on which you pay your normal pension contributions.

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

You can exchange part of your annual pension for a one off tax-free cash payment. You will receive £12 lump sum for each £1 of pension given up. You can take up to 25% of the capital value of your pension benefits as a lump sum providing the total lump sum does not exceed £257,500 (2018/19 figure), or if you have previously taken payment of (crystallised) pension benefits, 25% of your

remaining lifetime allowance. Details of the maximum tax-free cash payment you can take will be given to you shortly before your retirement. It is at that time you need to make a decision.

How is my pension worked out - an example

Let's look at the build-up in a member's **pension account** for 5 years in the scheme.

Let's assume that the member joins the scheme on 1 April 2015, that their **pensionable pay** is £24,500 in **scheme year 1** and their **pensionable pay** increases by 1% each year. The cost of living (revaluation adjustment) for the scheme years ending 31 March 2016, 31 March 2017 and 31 March 2018 is -0.1%, 1% and 3% respectively. Let's assume that the cost of living for the following two years is 2% each year.

Scheme Year	Opening Balance	Pension Build up in Scheme Year Pay/ Build up rate = Pension	Total Account 31 March	Cost of Living Revaluation Adjustment	Updated Total Account
1 2015/16	£0.00	£24,500/49 = £500.00	£500.00	-0.1% = -£0.50	£500.00 + -£0.50 = £499.50
2 2016/17	£499.50	£24,745/49 = £505.00	£1,004.50	1% = £10.05	£1,004.50 + £10.05 = £1,014.55
3 2017/18	£1,014.55	£24,992.45/49 = £510.05	£1,524.60	3% = £45.74	£1,524.60 + £45.74 = £1,570.34
4 2018/19	£1,570.34	£25,242.37/49= £515.15	£2,085.49	2% = £41.71	£2,085.49 + £41.71 = £2,127.20
5 2019/20	£2,127.20	£25,494.79/49 = £520.30	£2,647.50	2% = £52.95	£2,647.50 + £52.95 = £2,700.45

If you joined the LGPS before 1 April 2015, your benefits for membership before 1 April 2015 are calculated differently.

For membership built up to 31 March 2009, you receive a pension of 1/80th of your **career average pay** plus an automatic tax-free lump sum of 3 times your pension.

For membership built up from 1 April 2009 to 31 March 2015, you receive a pension of 1/60th of your **career average pay**. There is no automatic lump sum for membership built up after March 2009, but you do have the option to exchange some of your pension for a tax-free lump sum.

Taking AVCs as cash

If you pay **Additional Voluntary Contributions (AVCs)** via the LGPS you may elect to take all of your AVC fund as a tax free lump sum if you draw it at the same time as your main LGPS benefits

provided, when added to your LGPS lump sum, it does not exceed 25% of the overall value of your LGPS benefits (including your AVC fund) and the total lump sum doesn't exceed £257,500¹ (2018/19 figure) less the value of any other pension rights you have in payment.

Details of this option will be given to you shortly before your retirement.

Retirement

When can I retire and draw my LGPS pension?

You can choose to retire and draw your pension from the LGPS at any time from age 55 to 75, provided you have met the 2 years **vesting period** in the scheme.

The **Normal Pension Age** in the LGPS is linked to your **State Pension Age** (but with a minimum of age 65). If the **State Pension Age** changes in the future then this change will also apply to your **Normal Pension Age** for benefits built up after 31 March 2015.

If you choose to take your pension before your **Normal Pension Age** it will be reduced, as it's being paid earlier. If you take it later than your **Normal Pension Age** it's increased because it's being paid later. You must draw your benefits in the LGPS before your 75th birthday.

You may have to retire at your employer's instigation, because of permanent ill health. Your LGPS benefits, even in these circumstances can, provided you have met the 2 years **vesting period** in the scheme, provide you with an immediate enhanced retirement pension.

If you voluntarily choose to retire before, on or after your **Normal Pension Age** you can defer drawing your benefits but you must draw them before age 75. If you draw your pension after your **Normal Pension Age**, your benefits will be paid at an increased rate to reflect late payment.

If you built up membership in the LGPS before 1 April 2015 then you will have membership in the earlier career average scheme. These benefits have a different **Normal Pension Age**, which is age 65.

Will my pension be reduced if I voluntarily retire before my Normal Pension Age?

If you choose to retire before your **Normal Pension Age** your benefits will be reduced to take account of being paid for longer. Your benefits are initially calculated as detailed under the heading **How is my pension worked out?** and are then reduced. How much your benefits are reduced by depends on how early you draw them.

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

If you have to leave your office due to illness you may be able to receive immediate payment of your benefits.

To qualify for ill health benefits you have to have met the 2 years **vesting period** in the scheme and your council, based on an opinion from an independent occupational health physician appointed by them, must be satisfied that you will be permanently unable to do your own job until your **Normal Pension Age**. Ill health benefits can be paid at any age and are not reduced on account of early payment – in fact, your benefits would be increased to make up for your early retirement.

¹ Or if you have previously taken payment of (crystallised) pension benefits the total lump sum should not exceed 25% of your remaining lifetime allowance

What if I carry on in office after my Normal Pension Age?

If you carry on in your office after your **Normal Pension Age** you will continue to pay into the LGPS, building up further benefits. When you eventually retire you will receive your pension unless you choose to delay drawing it. You must draw your pension by no later than age 75. Your pension will be paid at an increased rate to reflect the fact that it will be paid for a shorter time.

How does my pension keep its value?

On retiring on or after age 55 your LGPS pension increases in line with the cost of living every year throughout your retirement. As the cost of living increases, so will your pension. If you are retired on ill health grounds, your pension is increased each year regardless of your age.

Protection for your family

What benefits will be paid if I die?

If you die in service as a member of the LGPS the following benefits are payable:

- A lump sum death grant of three times your **assumed pensionable pay**.
- Pensions for **eligible children**.
- A spouse's (from an opposite sex or same sex marriage), **civil partner's** or, subject to certain qualifying conditions, an **eligible cohabiting partner's** pension. For each year of membership you built up from 1 April 2015 to your date of death you would have been credited with a pension equal to a proportion (i.e. 1/49th or, for any period you were in the 50/50 section of the scheme, 1/98th) of the **pensionable pay** you received during that year. The pension payable to a spouse, **civil partner** or **eligible cohabiting partner** is calculated on a different proportion i.e. 1/160th of your **pensionable pay** to which is added 49/160^{ths} of the amount of any pension credited to your pension account following a transfer of pension rights into the scheme, plus an amount equal to 1/160th of your **assumed pensionable pay** for each year of membership you would have built up from your date of death to your **Normal Pension Age**. For membership built up **before** 1 April 2015 the pension payable to a spouse, **civil partner** or **eligible cohabiting partner** is equal to 1/160th of your **career average pay** times the period of your membership in the scheme up to 31 March 2015 upon which your pension is based.

If you are in the 50/50 section of the scheme when you die this does not impact on the value of any pension for your **spouse, civil partner, eligible cohabiting partner** or **eligible children**.

If you die after retiring on pension, a spouse's (from an opposite sex or same sex marriage), **civil partner's** or, subject to certain qualifying conditions, an **eligible cohabiting partner's** pension and pensions for **eligible children** are payable. For each year of membership you built up from 1 April 2015 to your date of death you would have been credited with a pension equal to a proportion (i.e. 1/49th or, for any period you were in the 50/50 section of the scheme, 1/98th) of the **pensionable pay** you received during that year (plus 1/49th of **assumed pensionable pay** for any enhancement given if retirement had been on ill health grounds). The pension payable to a spouse, **civil partner** or **eligible cohabiting partner** is calculated on a different proportion i.e. 1/160th of the **pensionable pay** (or **assumed pensionable pay** where applicable) to which is added 49/160^{ths} of the amount of any pension credited to your **pension account** following a transfer of pension rights into the scheme from another pension scheme or arrangement.

For membership built up **before** 1 April 2015 the pension payable to a spouse (from an opposite sex or same sex marriage), **civil partner** or **eligible cohabiting partner** is equal to 1/160th of your **career average pay** times the period of your membership in the scheme up to 31 March 2015 upon which your pension is based.

A lump sum death grant will be paid if you die after retiring on pension, less than 10 years pension has been paid and you are under age 75. The amount payable would be 10 times the level of your annual pension prior to giving up any pension for a tax-free cash lump sum, reduced by any pension already paid to you and the amount of any tax-free cash lump sum you chose to take when you drew your pension at retirement. There is a slight modification to this calculation for any part of the pension you are drawing which relates to membership prior to 1 April 2015. If you are receiving a pension and are also an active member of the scheme, or have a separate deferred benefit when you die this may impact on the death grant you receive.

What conditions need to be met for an eligible cohabiting partner's survivor's pension to be payable?

If you have a cohabiting partner, of either opposite or same sex, they will be entitled to receive a survivor's pension on your death if they meet the criteria to be considered to be an **eligible cohabiting partner**.

For an **eligible cohabiting partner's** survivor's pension to be payable, all of the following conditions must have applied for a continuous period of at least 2 years on the date of your death:

- you and your cohabiting partner are, and have been, free to marry each other or enter into a **civil partnership** with each other, and
- you and your cohabiting partner have been living together as if you were a married couple, or **civil partners**, and
- neither you or your cohabiting partner have been living with someone else as if you/they were a married couple or **civil partners**, and
- either your cohabiting partner is, and has been, financially dependent on you or you are, and have been, financially interdependent on each other.

On your death, a survivor's pension would be paid to your cohabiting partner if:

- all of the above criteria apply at the date of your death, and
- your cohabiting partner satisfies the pension fund that the above conditions had been met for a continuous period of at least 2 years immediately prior to your death.

Who is the lump sum death grant paid to?

The LGPS allows you to indicate who you would like any death grant to be paid to by completing and returning an expression of wish form. This form is available from Shetland Islands Council Pension Section or via their website. The scheme's administering authority, however, retains absolute discretion when deciding on who to pay any death grant to. You can find out how to contact the pension fund at the end of this guide.

Leavers without an immediate entitlement to benefits

If you leave your office before retirement and have met the 2 years vesting period you will have built up an entitlement to a pension. You will have two options in relation to that pension entitlement:

- you can choose to keep your benefits in the LGPS. These are known as deferred benefits and will increase every year in line with the cost of living, or
- alternatively, you may be able to transfer your deferred benefits to another pension arrangement.

If you leave your office before retirement and have not met the **2 years vesting period** you will have three options:

- you will normally be able to claim a refund of your contributions, or
- you may be able to transfer your benefits to a new pension arrangement, or
- you can delay your decision until you either re-join the LGPS, transfer your benefits to a new pension arrangement, or want to take a refund of contributions. A refund of contributions must, in any event, be paid within 5 years of your leaving the scheme (or age 75 if earlier).

Refunds of Contributions

If you leave, or opt out of the scheme after 3 months' membership, and you've not met the 2 years **vesting period** you will normally be able to take a refund of your contributions. There will be a deduction for tax and the cost, if any, of buying you back into the State Second Pension scheme (S2P) in relation to any membership before 6 April 2016. A refund of contributions must be paid within 5 years of you leaving the scheme (or age 75 if earlier).

Deferred benefits

If you leave before your **Normal Pension Age** and you meet the 2 years **vesting period** you will be entitled to deferred benefits within the LGPS. Your deferred LGPS benefits will be calculated as described in the **How is my pension worked out** section using the length of your membership up to the date that you left the scheme. During the period your pension benefits are deferred they will be increased each year in line with the cost of living.

Unless you decide to transfer your deferred benefits to another pension scheme, they will normally be paid unreduced at your **Normal Pension Age**, but:

- they may be put into payment earlier and in full if, because of ill health, you are permanently incapable of undertaking the role of councillor and you are unlikely to be capable of undertaking any gainful employment before your **Normal Pension Age**, or
- you can, if you wish, elect to receive your deferred benefits early from age 55 onwards, or
- you can, if you wish, elect not to draw your deferred benefits at your **Normal Pension Age** and defer drawing them till some time later (although they must be paid by age 75).

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

If you leave with deferred benefits and you die before they come into payment, a lump sum death grant equal to 5 years' pension will be paid. If you have deferred benefits and are also an active member of the scheme when you die this may impact on the death grant you receive. The LGPS allows you to indicate who you would like any death grant to be paid to by completing an expression of wish form. This form is available from Shetland Islands Council Pension Section or via their website. You can find out how to contact the pension fund at the end of this guide. The scheme's administering authority, however, retains absolute discretion when deciding on who to pay any death grant to.

If you leave with deferred benefits and die before they come into payment a spouse's (from an opposite sex or same sex marriage), **civil partner's** or, subject to certain qualifying conditions, an **eligible cohabiting partner's pension** and pensions for **eligible children** are payable. For each year of membership you built up from 1 April 2015 to your date of death you would have been credited with a pension equal to a proportion (i.e. 1/49th or, for any period you were in the 50/50 section of the

scheme, 1/98th) of the **pensionable pay** you received during that year. The pension payable to a spouse, **civil partner** or **eligible cohabiting partner** is calculated on a different proportion i.e. 1/160th of the **pensionable pay** to which is added 49/160^{ths} of the amount of any pension credited to your **pension account** following a transfer of pension rights into the scheme from another pension scheme or arrangement.

For membership built up **before** 1 April 2015 the pension payable to a spouse (from an opposite sex or same sex marriage), **civil partner** or **eligible cohabiting partner**) is equal to 1/160th of your **career average pay** times the period of your membership in the scheme up to 31 March 2015 upon which your pension is based.

Transferring your benefits

If you leave the scheme and you are entitled to deferred benefits or a refund you can generally transfer the cash equivalent of your pension benefits into another pension arrangement or a new employer's pension scheme. This may even be to an overseas pension scheme or arrangement that meets HM Revenue and Customs conditions. You cannot transfer your benefits if you leave with less than 3 months membership or if you leave less than one year before your **Normal Pension Age**. An option to transfer (other than in respect of AVCs) must be made at least 12 months before your **Normal Pension Age**.

Your new pension provider will require a transfer value quotation which, under the provisions introduced by the Pensions Act 1995, your pension fund will guarantee for a period of three months from the date of calculation.

Alternatively, if you return to office and rejoin the LGPS in the same Fund after having previously built up LGPS pension rights (i.e. you previously left with deferred benefits) then these deferred benefits will normally automatically be transferred to the active **pension account** for your new office, unless you elect to keep them separate. If, for benefits that are normally automatically transferred, you wish to keep your deferred benefits separate you must elect to do so within 12 months of re-joining the LGPS, unless your council allows you longer. If you rejoin the LGPS after having previously left the LGPS without building up pension rights but you deferred taking a refund of contributions (normally where you have less than two years membership) then this deferred refund **must** be joined with your new active **pension account** in the scheme, irrespective of which LGPS Fund in Scotland you rejoin.

Transferring your benefits to a defined contribution scheme

Flexible benefits were introduced by the Government from 6 April 2015 to allow members of defined contribution schemes, who are over age 55, more freedom on how they take money from their pension pot.

The LGPS is not a defined contribution pension scheme (it is a defined benefit scheme) and as such, it is not directly affected by these changes. However, if you stop paying into the LGPS and you have three or more months' membership, then unless you are retiring with immediate effect due to redundancy, business efficiency or ill health, you will have the right to transfer your LGPS pension to a defined contribution scheme providing flexible benefits.

Please note that you will be required by law to take independent financial advice if the value of your pension benefits in the LGPS (excluding AVCs) is more than £30,000. You are not required to take independent financial advice if the value of your benefits is less than £30,000. However, transferring your pension rights is not always an easy decision to make and seeking the help of an independent financial adviser before you make a decision to transfer could help you in making an appropriate decision.

There are four main options for members, aged over 55, who are in a defined contribution scheme which provides flexible benefits, including:

- purchasing an annuity
- flexi-access drawdown
- taking a number of cash sums at different stages
- taking the whole pot as cash in one go

Keep in touch – remember to let the pension fund know if you move house.

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 your pension fund. They will seek to clarify or put right any misunderstandings or inaccuracies as quickly and efficiently as possible. If your query is about your contribution rate, please contact your council's personnel/HR or payroll section so they can explain how they have decided which contribution band you are in.

If you are still dissatisfied with any decision made in relation to the scheme you have the right to have your complaint 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:

- **Internal Disputes Resolution Procedure**

In the first instance you should write to the person nominated by the body who made the decision about which you wish to appeal. You must do this within six months of the date of the notification of the decision or the act or omission about which you are complaining (or such longer period as the adjudicator considers reasonable). This is a formal review of the initial decision or act or omission and is an opportunity for the matter to be reconsidered. The nominated person will consider your complaint and notify you of his or her decision. If you are dissatisfied with that person's decision, (or their failure to make a decision) you may apply to the Scottish Ministers to consider your complaint.

A leaflet explaining the Internal Disputes Resolution Procedure including relevant time limits is available from the pension fund.

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

TPAS provide independent and impartial information about pensions, free of charge, to members of the public. TPAS is available to assist members and beneficiaries of the scheme with any pension query they have or any general requests for information or guidance concerning their pension benefits. TPAS can be contacted at:

11 Belgrave Road

London

SW1V 1RB

Telephone: 0800 011 3797

Website: www.pensionsadvisoryservice.org.uk (where you can submit an online enquiry form).

- **The Pensions Ombudsman (TPO)**

The TPO deals only with pension complaints. It can help if you have a complaint or dispute about the administration and /or management of personal and occupational pension schemes. Some examples of the types of complaints it considers are (this list is not exhaustive):

- automatic enrolment
- benefits: including incorrect calculation, failure to pay or late payment
- death benefits
- failure to provide information or act on instructions
- ill health
- interpretation of scheme rules
- misquote or misinformation
- transfers

You have the right to refer your complaint to the TPO free of charge. There is no financial limit on the amount of money that TPO can make a party award you. Its determinations are legally binding on all parties and are enforceable in court.

Contact with the TPO about a complaint needs to be made within three years of when the event(s) you are complaining about happened – or, if later within three years of when you first new about it (or ought to have known about it). There is a discretion for those time limits to be extended.

TPO can be contacted at:

10 South Colonnade
Canary Wharf
E14 4PU

Telephone: 0800 917 4487

Website: www.pensions-ombudsman.org.uk (where you can submit an online complaint form)

- **The Pensions Regulator**

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

Telephone 0345 600 7060

Website www.thepensionsregulator.gov.uk

How can I trace my pension rights?

The Pension Tracing Service holds details of pension schemes, including the LGPS, together with relevant contact addresses. It provides a tracing service for ex-members of schemes with pension entitlements (and their dependants) who have lost touch with previous schemes. All occupational and personal pension schemes have to register if the pension scheme has current members contributing to the 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 9

Mail Handling Site A
Wolverhampton

WV98 1LU

Telephone 0800 731 0193

Website www.gov.uk/find-lost-pension

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

Some terms we use

Additional Voluntary Contributions (AVCs)

These are extra payments to increase your future benefits. You can also pay AVCs to provide additional life cover.

All local government pension funds have an AVC arrangement in which you can invest money through an AVC provider, often an insurance company or building society. AVCs are deducted directly from your pay and attract tax relief.

Assumed Pensionable Pay

This provides a notional pensionable pay figure used to work out the lump sum death grant (if you die in service), any enhancement awarded as a result of ill health retirement, or any enhancement which is included in survivor benefits (if you die in service).

The assumed pensionable pay is calculated as the average of the pensionable pay you received for the 12 weeks (or 3 months if monthly paid) before you died in service or before you left office due to ill-health retirement, grossed up to an annual figure.

Career average pay

This is the average of your revalued pay over your period of LGPS membership used to work out your benefits in the earlier career average scheme up to 31 March 2015.

Your pay for each year or part year ending 31st March is adjusted (other than the final year's pay) by the change in the cost of living, as measured by the Retail Prices Index (RPI), between the end of that year and the last day of the month in which your membership of the scheme ends. The total of your revalued pay is then divided by your period of membership to calculate your career average pay. This is the figure used to calculate your pension benefits built up to 31 March 2015.

Civil Partnership (Civil Partner)

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.

Consumer Prices Index (CPI)

The **Consumer Price Index (CPI)** is the official measure of inflation of consumer prices in the United Kingdom. This is currently the measure used to adjust your **pension account** at the end of every **scheme year** when you are an active member of the scheme and, after you have ceased to be an active member, it is used to increase (each April) the value of your deferred pension in the scheme and any pension in payment from the scheme. The adjustment ensures your pension keeps up with the cost of living.

Eligible children

Eligible children are your children. They must, at the date of your death:

- be your natural child (who must be born within 12 months of your death), or
- be your adopted child, or
- be your step-child or a child accepted by you as being a member of your family (this doesn't include a child you sponsor for charity) and be dependent on you.

Eligible children must meet the following conditions:

- be under age 18, or
- be aged 18 or over and under 23 and in full-time education or vocational training (although your administering authority can continue to treat the child as an eligible child notwithstanding a break in full-time education or vocational training), or
- be unable to engage in gainful employment because of physical or mental impairment and either:
 - has not reached the age of 23, or
 - the impairment is, in the opinion of an independent registered medical practitioner, likely to be permanent and the child was dependent on you at the date of your death because of that mental or physical impairment.

Eligible cohabiting partner

An **eligible cohabiting partner** is a partner you are living with who, at the date of your death, has met all of the following conditions for a continuous period of at least 2 years:

- you and your cohabiting partner are, and have been, free to marry each other or enter into a **civil partnership** with each other, and
- you and your cohabiting partner have been living together as if you were a married couple, or **civil partners**, and
- neither you or your cohabiting partner have been living with someone else as if you/they were a married couple or **civil partners**, and
- either your cohabiting partner is, and has been, financially dependent on you or you are, and have been, financially interdependent on each other.

Your partner is financially dependent on you if you have the highest income. Financially interdependent means that you rely on your joint finances to support your standard of living. It doesn't mean that you need to be contributing equally. For example, if your partner's income is a lot more than yours, he or she may pay the mortgage and most of the bills, and you may pay for the weekly shopping.

On your death, a survivor's pension would be paid to your cohabiting partner if:

- all of the above criteria apply at the date of your death, and
- your cohabiting partner satisfies your pension fund that the above conditions had been met for a continuous period of at least 2 years immediately prior to your death.

You are not required to complete a form to nominate a cohabiting partner for entitlement to a cohabiting partner's pension. However, you can provide your pension fund with your cohabiting

partner's details. Your pension fund will require evidence upon your death to check that the conditions for a cohabiting partner's pension are met.

Normal Pension Age

Normal Pension Age is linked to your **State Pension Age** for benefits built up from April 2015 (but with a minimum of age 65) and is the age at which you can take the pension you have built up in full. If you choose to take your pension before your **Normal Pension Age** it will be reduced, as it's being paid earlier. If you take it later than your **Normal Pension Age** it's increased because it's being paid later.

You can use the Government's **State Pension Age** calculator (www.gov.uk/calculate-state-pension) to find out your **State Pension Age**.

Remember that your **State Pension Age** may change in the future and this would also change your **Normal Pension Age** in the LGPS for benefits built up from April 2015. Once you start drawing your pension any subsequent change to your **State Pension Age** will not affect your **Normal Pension Age** in the LGPS.

If you were paying into the LGPS before 1 April 2015 your benefits in the earlier career average scheme retain their protected **Normal Pension Age** - which is age 65. However all pension benefits drawn on normal retirement must be taken at the same date i.e. you cannot separately draw your earlier career average benefits (built up before April 2015) at age 65 and your benefits built up in your **pension account** (built up from April 2015) at your **Normal Pension Age** (which for your benefits built up from April 2015 is linked to your **State Pension Age** but with a minimum of age 65).

Pension Account

Each **scheme year** the amount of pension you have built up during the year is worked out and this amount is added into your active **pension account**. Adjustments may be made to your account during the **scheme year** to take account of any transfer of pension rights into the account during the year, any additional pension you may have decided to purchase during the year, any reduction due to a Pension Sharing Order or qualifying agreement in Scotland (following a divorce or dissolution of a **civil partnership**) and any reduction due to an Annual Allowance tax charge that you have asked the scheme to pay on your behalf. Your account is then revalued at the end of each **scheme year** to take account of the cost of living. This adjustment is carried out in line with the Treasury Revaluation Order index which, currently, is the rate of the **Consumer Prices Index (CPI)**.

If you are a councillor with more than one council you will have a separate **pension account** for each office. That **pension account** will hold the entire pension built-up for that office.

In addition to an active member's **pension account** there are also:

- a deferred member's **pension account**;
- a deferred refund account;
- a retirement **pension account**;
- a pension credit account; and
- a survivor member's account.

These accounts will be adjusted by any debits for any Pension Sharing Order or qualifying agreement in Scotland (following a divorce or dissolution of a **civil partnership**) and for any Annual Allowance tax charge that you have asked the scheme to pay on your behalf. These accounts are currently increased each April in line with the **Consumer Prices Index (CPI)**.

Pensionable Pay

Your **pensionable pay** used to work out your pension each **scheme year** is the pay on which you normally pay pension contributions (gross pay before deductions). That is the remuneration paid to you by your council as a leader of the council, civic head, senior councillor or councillor, including payments in respect of functions as convenor or vice-convenor of a joint board.

Scheme Year

The scheme year runs from 1 April to 31 March each year.

State Pension Age

This is the earliest age you can receive the state basic pension. **State Pension Age** is currently age 65 for men. **State Pension Age** for women is currently being increased to be equalised with that for men and will reach 65 by December 2018.

State Pension Age equalisation timetable for women

Date of Birth	New State Pension Age
Before 6 April 1950	60
6 April 1950 - 5 April 1951	In the range 60 - 61
6 April 1951 - 5 April 1952	In the range 61 - 62
6 April 1952 - 5 April 1953	In the range 62 - 63
6 April 1953 - 5 August 1953	In the range 63 - 64
6 August 1953 - 5 December 1953	In the range 64 - 65

The **State Pension Age** will then increase to 66 for both men and women from December 2018 to October 2020.

Increase in State Pension Age from 65 to 66 for men and women

Date of Birth	New State Pension Age
6 December 1953 - 5 October 1954	In the range 65 - 66
After 5 October 1954	66

Under current legislation the State Pension Age is due to rise to 67 between 2026 and 2028 and to 68 between 2044 and 2046. However the government has [announced plans](#) to bring forward the rise to 68 to between 2037 and 2039.

To find out your **State Pension Age** please visit <https://www.gov.uk/calculate-state-pension>.

Vesting Period

The **vesting period** in the LGPS is 2 years. You will meet the 2 years **vesting period** if:

- you have been a member of the LGPS in Scotland for 2 years, or
- you have brought a transfer of pension rights into the LGPS in Scotland from a different **occupational pension scheme** or from a European pensions institution and the length of service you had in that scheme or institution was 2 or more years or, when added to the period of time you have been a member of the LGPS is, in aggregate, 2 or more years, or
- you have brought a transfer of pension rights into the LGPS in Scotland from a pension scheme or arrangement where you were not allowed to receive a refund of contributions, or
- you have previously transferred pension rights out of the LGPS in Scotland to a pension scheme

- abroad (i.e. to a qualifying recognised overseas pension scheme), or
- you already hold a deferred benefit or are receiving a pension from the LGPS in Scotland (other than a survivor's pension or pension credit member's pension), or
 - you have paid National Insurance contributions whilst a member of the LGPS and cease to contribute to the LGPS in the tax year of attaining pension age,
 - you cease to contribute to the LGPS at age 75, or
 - you die in service.

Further information and disclaimer

This guide is for employees in Scotland and reflects the provisions of the LGPS and overriding legislation from 1 April 2015.

The national web site for members of the LGPS who contribute to the scheme on or after 1 April 2015 can be found at www.scotlgps2015.org.

This guide cannot cover every personal circumstance. For example, it does not cover all ill health retirement benefits. Nor does it cover rights that apply to a limited number of councillors e.g. those whose total pension benefits exceed the lifetime allowance (£1,030,000 in 2018/19), those whose pension benefits increase in any tax year by more than the standard annual allowance (£40,000 in 2018/19 or, for higher earners, the tapered annual allowance), those whose rights are subject to a pension sharing order following divorce or dissolution of a civil partnership. In the event of any dispute over your pension benefits the appropriate legislation will prevail. This brief guide does not confer any contractual or statutory rights and is provided for information purposes only. More detailed information about the scheme is available from:

Shetland Islands Council Pensions Section
8 North Ness Business Park
Lerwick
Shetland ZE1 0LZ

Phone 01595 744644

Email Pensions-FinanceServices@shetland.gov.uk

Website www.shetlandpensionfund.org