

Agenda 10f)

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From: Matthew Allen <matthew.allen@cornwall.gov.uk>
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To: Cornwall Pension Fund
Cc: Matthew Davies; Matthew Allen; Zoe Johnston
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Employer Newsletter

September 2022



Annual employer meeting

Our annual employer meeting will be held on Monday 28th November 2022 at Heartlands, Dudnace Lane, Pool TR15 3QY. The agenda is as follows:

- 9.30am to 10am – Registration and refreshments
- 10am – Welcome from the Pensions Committee Chair, Jayne Kirkham CC
- 10.10am to 11.10am – Valuation update from Hymans Robertson
- 11.10am to 11.30am – Funding Strategy Statement from Hymans Robertson
- 11.30am to 12noon – i-Connect update from Matt Allen (Payroll, Data and Employer Manager)
- 12noon to 12.30pm – Responsible investment update from Sean Johns (Pensions Investment Manager)
- 12.30pm to 1pm – Lunch
- 1pm to 5pm – 20 minute 1 to 1 meetings*

*In the afternoon there will be an opportunity if you wish, to discuss your organisations proposed valuation outcome with Hymans Robertson, in a 20 minute pre-bookable 1 to 1 meeting.

A lunch will also be provided on the day.

To book your place at this employer meeting, please complete the online booking form here: <https://www.cornwall.gov.uk/jobs-and-careers/cornwall-pension-fund/employers/2022-employer-annual-meeting/>

Consultation on public sector exit payments

On 8 August 2022, HM Treasury (HMT) launched a consultation on public sector exit payments. The Government is proposing to introduce:

- an expanded approval process for employee exits and special severance payments
- additional reporting requirements

The guidance is intended to apply to all bodies that are classified as ‘Central Government’.

This **does not** include local authorities or bodies under devolved administrations. **The guidance will apply to academies.**

The new approvals requirement would apply to decisions made by employers to agree to an exit where the total payment to be made would be more than £95,000. This includes relevant statutory, contractual or discretionary payments. This would include any strain cost where an LGPS member aged over 55 leaves due to redundancy or efficiency. A further approval will be needed if special severance payments – payments in excess of contractual obligations – are to be offered.

Employers would need to report any exit to HMT if the total payments made in relation to it exceed £95,000.

You can find more information about the proposals in the draft HMT guidance on public sector exits found here: [Approval of Exits and Special Severance Payments](#)

Supreme Court decision concerning term time workers

The Supreme Court has ruled in favour of a zero hours contract worker who works on a term-time only contract in a school. The case concerned how to calculate their holiday pay. It also has implications for workers who work varying hours during only certain weeks of the year but have a continuing contract.

The employer adopted a policy of adding 12.07 per cent to the worker's pay to cover their holiday pay entitlement. The Supreme Court ruled that it was wrong to do so. The holiday pay should instead have been based on the worker's pay for the relevant period, with any weeks of nil pay ignored. The relevant period in relation to this claim was 12 weeks. This has since been changed to 52 weeks.

LGPS Scheme employers may be reviewing their policy on calculating holiday pay for members in this category in light of this judgment. They may wish to seek specialist legal advice to establish whether to change their current practices and whether any backdated payments are due.

You can read more about the Harpur Trust v Brazel case, including a useful summary of the judgment on the Supreme Court's website here: <https://www.supremecourt.uk/cases/uksc-2019-0209.html>

Final pay bitesize training

The Local Government Association (LGA) have recently published their final pay bitesize training. This free, interactive training is aimed at employers and payroll providers.

It covers how to calculate final pay for members with final salary benefits. Final salary benefits were generally built up before April 2014. It also covers final pay protection where a member's pensionable pay is reduced or restricted in certain circumstances.

You can find the final pay bitesize training on the [employer bite size training page](http://www.lgpsregs.org) of www.lgpsregs.org

A text only version of the course is also available.

Pensions Ombudsman

The Department for Work and Pensions (DWP) have confirmed the appointment of Dominic Harris as the next Pensions Ombudsman. He will take on the role from 16th January 2023 with the current Ombudsman, Anthony Arter, remaining in post until this date.

Dominic is currently a partner in the pension team at CMS and also is the Chair of the Association of Pension Lawyers' Investment and Defined Contribution Committees.

Are the right people receiving this communication?

Please ensure that staff responsible for providing information to us from your organisation receives this communication and if necessary, please notify us of the updated contact details for your organisation.

Contact:



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