



---

**This bulletin from the Staffordshire Pension Fund, focuses on current issues that you should be aware of relating to the Local Government Pension Scheme (LGPS)**

---

**Issue January 2022**

## **Special Edition – McCloud Judgement Progress Report**

### **Background**

When the LGPS changed from a final salary to a career average pension scheme in 2014, protections for scheme members of a certain age were introduced. Similar protections were provided in other public sector pension schemes.

However, the Court of Appeal ruled that other members not benefiting from the age protections, in the judges' and firefighters' pension schemes have been discriminated against because the age protections do not apply to them.

Following this judgement, the government has confirmed that there will be changes to all main public sector schemes, including the LGPS, to remove this age discrimination. This ruling is often called the 'McCloud Judgment'.

### **Fund and Employers working in partnership**

Over the last year the Fund has provided all employers with regular updates and guidance notes to support them to report additional employee data for hours worked and service breaks for past and present employees dating back to 1 April 2014.

The Fund has also worked successfully with our software provider to establish a solution to identify the individual employees within scope. As a



result, once we have received the required data from all employers, we will be able to upload the missing data onto our pensions database.

## All Employer Data Requests will be issued by 31 January 2022

In October, based on a phased approach we sent out Employer Data Requests to nominated employer contacts. To date 95% of data requests have been issued. We are now in the final stages of issuing the 2014 – 2021 data templates to the remaining employers.

### What information has been sent to employers?

- A Secure File Transfer (SFT) email  
The email is informing you that there is a secure file transfer waiting for you via the link contained in it. You may also receive an access passcode in a separate email, to enable you to register and retrieve the files.
- The email contains the following contents: Introduction Letter, Completion Guidance Notes, and a Data Template (partially completed with all the LGPS members we have linked to your organisation).
- The Data request covers the period of 1 April 2014 up to 31 March 2021, for both contractual hours and service breaks, for both past and present employees (a further request for 2021/22 year end data will follow where required).

**Please contact us immediately at [SPFdata@staffordshire.gov.uk](mailto:SPFdata@staffordshire.gov.uk) if you haven't received your template or are still to notify the Fund of your McCloud direct email contact.**

### We would like to remind Employers that:

- Secure files are available to download from the email link for 10 calendar days from receipt.
- **You must return the required data within 3 calendar months from receipt of the data request.**
- Data returns must be sent back to us and submitted by secure methods, to protect the confidential data they contain.



## **Please Note**

30 Employer templates issued between October and December 2021 are yet to be downloaded within the 10 Day available window. These templates will no longer be accessible via the secure email received.

Please contact us immediately to request an additional copy should your email have expired. (Attachments from secure emails can only be downloaded by the intended recipient)

We will shortly be contacting employers to discuss any difficulties which are preventing the download of the secure email.

We are now approaching the first phase of the 3 calendar month deadlines for data submissions.

**Please discuss with us any challenges you are experiencing which could prevent you from submitting your data within the requested timeframe.**

## **Frequently Asked Questions**

Q. How will the service data I provide be used?

**A. Returns will be used as the confirmation of an employees correct contractual hours worked during the period 2014 – 2022 when McCloud protection ceases. This will override any data we may hold currently.**

Q. When do I need to return the information to the Pension Fund?

**A. Three calendar months from receipt of the request.**

Q. I have more than one payroll provider for the time frame requested, do I need to combine my reports into one template?



**A. Yes: One template containing all the requested information should be submitted to the Pension Fund.**

Q. My payroll provider delivers services for more than one employer in the pension fund. Do I request the hours and service breaks data from my provider for the time frame where my Employee has been under contract with another employer in the fund?

**A. No: Data should only be recorded on your template that relates to the period when the member was in your contractual employment only.**

Q. How do I record a casual employees data?

**A. Please mark the data line in the comments field "Casual". We are awaiting additional guidance regarding casual hours under McCloud protection and will liaise with you further on these records.**

Q. Where are the attachments in the secure email received?

**A. Attachments are in the blue section at the bottom of the secure email. Here you will find a button to "Download files" where they are stored for you to access.**

Q. Do I need to include any contractual Hour changes that ended before April 2014?

**A. No**

Q. The first set of hours for an employee being reported has a contractual start date before April 2014, which date should I use as the start date on my data return? 1 April 2014 or the actual contractual start date of the hours?



**A. Please enter the contractual start date of the hours, even if this is prior to 1 April 2014.**

### **Academy Specific**

Q. Do I need to provide data for employees pre academisation?

**A. No: Please only provide data on your template from the date of academisation onwards only.**

**Maintained school data has been requested directly from the appropriate Local Authority as the contractual Employer during that time.**

### **Further assistance needed**

Any questions/queries you may have can be submitted to [SPFdata@staffordshire.gov.uk](mailto:SPFdata@staffordshire.gov.uk) where we will work with you to update and resolve these, as soon as possible.

