

McCloud data collection exercise

Employer FAQs – May/June 2021

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1) Why do I need to provide data for all employees, even if they joined the LGPS after 1st April 2014?

The Government has confirmed that changes will be made to all the main public service pension schemes, including the LGPS, to remove the unlawful age discrimination identified in the McCloud ruling.

In the LGPS, the Government is proposing to provide eligible younger members with a protection equal to the protection provided to older members when the Scheme was changed in 2014. To do this, the administering authority needs to collect extra data (hours worked and service breaks) for all members. This data is needed from the date the LGPS changed in April 2014 up to 31 March 2022.

Although from your records, the member may appear to have only joined the scheme after 1st April 2014, the member may have other LGPS membership which brings them in scope for the McCloud remedy. We also understand from the draft regulations that members will be given another opportunity to join pension records, which may mean, although they are not currently in scope on a specific pension account, they could be if they make an election to join to a pension account which is in scope.

2) Do I have to provide the data?

The data is needed to comply with legislative changes that will be made to the LGPS to remove unlawful age discrimination. The administering authority will let you know what data they need. You are legally required to provide administering authorities with the information they need to calculate members' benefits.

3) How should I submit the data?

You should use the McCloud data collection template to collate the data relating to your employees. Please make sure you read the notes before completing it. Once you have collated your data you should:

- Ensure that the declaration of submission is signed off by the Scheme Employer (this must be a contact known to the administrator and should not be signed off by a payroll provider)
- As you are aware, the pensions administration service is moving to Hampshire Pensions Services from 28 September 2021. Please do not submit your forms ahead of this date.

- Please email your completed form to Hampshire Pension Services at pensions.eoy@hants.gov.uk after 28 September 2021 and by the deadline of 31st January 2022

4) Is there a deadline for submitting the data?

Yes, we require completed McCloud data collections **signed off by Employers (not payroll providers), by 31st January 2022.**

5) What if the data is pulled from different sources, do I need to provide different submissions

This is likely to be the case if you have changed payroll provider since 1st April 2014.

Hampshire Pension Services are happy to accept separate data collection spreadsheets, however you should make it clear on your declaration the period that this covers. Please send separate spreadsheets in one email wherever possible to avoid confusion and/or further queries.

6) Do I have to submit the data for employees who have left?

Yes, the notes that accompany the McCloud data collection template specify that the data should be submitted for members of the LGPS from April 2014 onwards, regardless of whether they are still in employment.

7) Is the data collection only for part time employees?

We require service information for all employees – full-time, part time and casuals. If an employee has been full time throughout in a role, you can just complete one line on your return.

8) Do I only need to provide the information for active members?

This information needs to be provided for all members who were contributing from 1st April 2014, regardless of whether they remain an active employee or in the scheme (including opt outs over 3 months)

9) Do I need to provide information for casual employees?

Yes.

- For variable hours employees, you should provide service information based on the hours worked versus the full-time equivalent hours for the period*.
- For variable time employees (those not paid an hourly rate), should be shown on the data capture as full time – 100%. This is because their benefits are based on variable time final pay and not a full time equivalent.

*Example – If an employee works a total of 60 hours over the period 1st April 2014 to 30th June 2014 and for a full time equivalent for the period was 481 hours, the service % should show as 12.47% (60hrs worked/481 FTE hours) X 100.

10) We have not recorded hour information for casual staff, as we did not think this would be required when the scheme rules changed.

We do require service information wherever possible for all employees. In the event that you are unable to provide this data, please let us know on your submission.

We will review any actions required following receipt of any guidance from Ministry of Housing, Communities and Local Government (MHCLG).

11) Do I need to provide information for employees who have opted out?

- **Opted out within three months** and refunded through payroll – service information is not required, and employee does not need to be included.
- **Opted out after three months** and a leaver form provided – these members **must** be included on the data capture.

12) What about employees who have bought an Additional Pension Contribution (APC) contract do I need to include them on the service break tab

Yes, the notes that accompany the McCloud data collection template detail the requirements for this.

13) I have a member of staff who is on unpaid maternity leave and do not yet know whether they will purchase an APC, do I include them on the service break tab?

Yes, you should include the member on the service break tab. If the member has not yet purchased an APC, then this should be shown as 'N'. In the event, the member does purchase an APC on their return, we will make this correction on their record when we receive the APC application form.

14) When providing multiple lines of data for someone who is still contributing to a role, for column 11, do I complete that they are contributing or non-contributing members for historic service lines.

If the member is still contributing and has never left the scheme in the role in which the service line relates, you should mark this as 'contributing'. You should only mark as 'non-contributing' if the member has left the scheme in the period of membership.

15) We changed payroll provider during the period and no longer have access to the data.

If your old payroll provider still exists, you should contact them to look to obtain the data. If the payroll provider is no longer in business and the data is not held anywhere, please let us know and we will await advice from MHCLG on how we might look to administer members pension records. Wherever possible, the Scheme Employer should look to provide the information to ensure members benefits are correct.

16) We only became an academy after 1st April 2014, do I need to provide past information on employees, as we do not hold it?

If you were a maintained school, and your local authority was both the employer and the payroll, you only need to provide service history for members whilst they were in your employment. If not, you will need to provide service history both as an academy and as a school/college who were previously responsible for the data of staff under the school/college.

17) What if we do not have the resource to undertake this exercise?

As a Scheme Employer it is a legal requirement to provide this information, you should therefore raise any concerns within your organisation, so you do not fail in your obligations.

18) Can I recharge the cost of providing the data?

No, you are legally required to provide administering authorities with the data needed to calculate pension benefits.

19) Might I be charged if I don't provide the data on time and this results in additional costs to the administering authority?

We hope this will not be necessary and that employers will provide this information on time. Employers should be aware of the impact this will have on their employees who may be worse off by not having the correct data on their pension record, especially as many of the members affected are low paid, part-time workers.

The administering authority will give written notice to Scheme employers if additional or disproportionate resources are required from the Pensions Team, because of an employer's poor performance, the cost of the additional resources will be recharged to the employer.

20) I am unsure how to complete the McCloud data collection template?

You should read the notes that accompany the McCloud data collection template to help resolve your questions. If after reading the notes you are still unsure, please email pensions@hillingdon.gov.uk until the transfer to Hampshire has taken place.

21) What happens if I cannot supply the data?

You are legally required to provide administering authorities with the data needed to calculate pension benefits. If the data required is with a previous payroll provider, you should contact them to have discussions on how they can provide you with the data that you need to fulfil your obligations. You should be aware that failure to provide the data may increase your liabilities in the Scheme and therefore could lead to an increase in your employer contribution rate at the next valuation.

If the data no longer exists, and you are genuinely unable to backfill, we will await further advice from MHCLG. You should note this on your submission of your data.