



SIX MONTHLY LEGAL UPDATES



The law is constantly changing and evolving and we understand that for many registered providers it can be daunting to provide certification that their organisation complies with regulatory requirements.

Many organisations only discover they are non-compliant when problems arise, which is often too late, and can open them up to criticism, an IDA, or potentially a downgrade by the Regulator.

Our six monthly legal update report is designed to enable you to proactively address legal issues by providing an update on relevant legal issues from the previous six months and highlighting issues which should be identified or addressed in the forthcoming six months.

GOVERNANCE
ARRANGEMENTS SHALL
ENSURE REGISTERED
PROVIDERS...ADHERE TO
ALL RELEVANT LAW -
GOVERNANCE AND
FINANCIAL VIABILITY
STANDARD, REQUIRED
OUTCOME 1.1.

I had been looking for a product such as the Legal Update Report for some time, as a way of ensuring that things didn't fall through the cracks. The report provided by ACS meets our needs well. It is comprehensive but well structured, allowing colleagues to focus on areas closest to their specialist needs. We make reference to it during our annual assurance report to our board, as one of the controls used within the business to make sure we remain abreast of what seems to be an increasingly fast-paced world. This helps the Board to take comfort that they can state within the statutory accounts that we take reasonable steps to ensure legal and regulatory compliance.

Paul Medford, Aspire Housing Group

Area of Law	Legal Issue	Rating	Further Information	Action Points	For your use
Employment ACS Contacts Matthew Gregson	ACAS Updates		ACAS has updated the following guidance: • Guidance on Religion and Belief • Guidance on Employment References For further details see: http://www.acas.org.uk/index.aspx?articleid=4008	These guidance notes provide employers with a useful and practical starting point when issues of religion or belief or employment references arise.	
Employment ACS Contacts Matthew Gregson	Dress Codes		The Government Equalities Office has published new guidance on Dress Codes and Sex Discrimination. Standards imposed on men and women should be equal but do not have to be the same.	For more information see: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/709335/dress-code-guidance-may2018-7.pdf	
Pensions ACS Contacts Douglas Mullen	Social Housing Pension Scheme ("SHPS") revaluation		The triennial valuation of the SHPS is currently taking place with the valuation taking account of the position as at 30 September 2017. Results were finally published on 16 October 2018. Funding overall has improved to 75% but the deficit has increased by a further £0.2 billion. Deficit contributions to cover the cost of past service benefits will ultimately rise by approximately 30% on average with increases starting in April 2019 and being phased in over several years. Contributions for future service benefits will rise by about 30% and will start from July 2019. This is later than initially advertised to give employers the opportunity to consult on and implement any changes they might wish to make. The Employer Committee of SHPS is going to review whether the existing benefit structures remain appropriate and any changes are likely to be announced in summer 2019 for implementation in April 2020.	Further employer forums are planned for September 2019 but employers are likely to want to start planning their response earlier than this. Employers may wish to consider the following: • Closing the defined benefit sections to all staff; • Changing the defined benefit structure offered; • Sharing the increase in contributions with staff or requiring staff to fund this; • Agreeing with staff that future pay increases will not be pensionable; • Ending participation in SHPS and entering into a deferred debt arrangement (see below); • Transferring assets and liabilities out of SHPS to a new scheme – for more information read: https://www.anthonycollins.com/media/2115/transfers-out-of-the-social-housing-pension-scheme-should-i-stay-or-should-i-go.pdf	
Pensions ACS Contacts Douglas Mullen	Employer contributions to unfunded public sector pension schemes		Employer contributions to unfunded public sector pension schemes are set to rise significantly. This will affect schemes such as the NHS Pension Scheme which some housing providers participate in but not the Local Government Pension Scheme ("LGPS"), as this is a funded scheme. Contributions to the Teachers Pension Scheme ("TPS") are set to rise by over 7% in 2020. It isn't yet clear what rise will apply in other schemes but the increase could well be similar.	Employers with employees in unfunded public sector pension schemes will need to budget for increased contributions and may wish to review whether they continue to participate in public sector schemes. Further information on this development can be found here: https://www.anthonycollins.com/newsroom/updates/public-sector-pension-scheme-costs-to-rise/	
Pensions ACS Contacts Douglas Mullen	Pension Ombudsman fees awards for non-financial loss		The Pensions Ombudsman has power to award compensation for non-financial loss where an employer is guilty of maladministration, such as where an employer fails to provide benefits promised, fails to consider all relevant matters in making a decision about whether to award discretionary	Employers may have no involvement in decisions about the award of benefits but in the LGPS, employers do often have a significant role. Employers participating in the LGPS should therefore ensure	

The report is presented in a "traffic light" format, making it easy for you to identify issues which need urgent action or consideration.

Within the report, we also provide suggested action points in relation to each legal issue, tailored to our social housing clients, to ensure they are relevant and pragmatic.

If you require a more thorough assessment of your organisation's legal compliance, we also offer our "Legal Compliance Certification" product – please do contact us if you would like more details of this.

FOR FURTHER INFORMATION OR TO DISCUSS IN MORE DETAIL PLEASE CONTACT:

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