



COUNCIL

8 November 2004

COUNCIL EMPLOYEES LOCAL GOVERNMENT PENSION SCHEME

Summary of report:

Under the Local Government Pension Scheme Regulations 1997 (operative from 1 April 1998) each Scheme employer must publish and keep under review a Statement of Policy to set out how certain discretions allowed under the Pension Regulations will be applied.

Amendments to the Pension Regulations effective from 1 April 2004 have added some new discretion. The attached Policy Statement has been updated to reflect these, including amendments to the early retirement policy.

Background Papers:

Local Government Pension Scheme (Amendment) Regulations 2004; Managers Guidance to Early Retirement; Audit Commission's report "Retiring Nature"; West Midlands Pension Fund Actuarial Valuation Report 2001; Redeployment Policy Redundancy and Early Retirement Policy.

Recommendations;

1. To approve actions and decisions required by employers following the enactment of the Local Government Pension Scheme (Amendment) Regulations 2004, as set out in the shaded boxes numbered 1, 2 and 3 within this report.
2. To note the annual report of non-ill health early retirement activity and costs to the Council and the West Midlands Metropolitan Authorities' Pension Fund for the year ending 31 March 2004
3. To endorse the changed delegations for approval of non- ill health early retirements as set out in shaded box number 4 in the report.

Signed

Executive Director

Date: 25 October 2004

Contact officer:

Wendy Moore - Acting Payroll and Pensions Manager

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1. DECISIONS REQUIRED FOLLOWING THE ENACTMENT OF THE LOCAL GOVERNMENT PENSION SCHEME (AMENDMENT) REGULATIONS 2004.

1.1 Power of an employer to increase total membership: Regulation 52

An employer may now award a scheme member additional added years at any time during active membership of the scheme. The previous discretion required a decision to be made at the start or end of employment. The current policy provides for this discretion to only be used in limited circumstances. No circumstances have arisen to warrant the granting of this discretion. By agreeing to increase an employee's scheme membership, the council would have to pay a capitalised sum into the fund to support the cost. The value of this discretion can be seen when used as a recruitment or retention tool. The employee is the beneficiary of this purchase and once granted and paid for, it cannot be rescinded. If employment ceases the added years would form part of the transferred pension rights.

Recommendation 1: To allow the discretion in limited circumstances only as a retention or recruitment tool on the joint authorisation of the Executive Director for the relevant service and the Head of Personnel & Employee Relations. The capitalised sum is required to be funded from the service area's budget.

1.2 Power to allow transfer values to be accepted after 12 months membership: Regulation 121

New regulations limit the transfer of previous pension rights to the first 12 months of the new employment unless the employer consents to an extension. Currently, transfers from other funds happen at any time at the request of an active scheme member. Employers now have to form a policy on whether to allow an extension beyond the first 12 months of employment. By allowing a transfer at any time, an employee could transfer funds immediately before early retirement, substantially increasing the capitalised cost to the council. All employees will be advised that a transfer of funds needs to take place in the first 12 months of employment. If there is a genuine reason why the transfer did/could not take place within the first 12 months, an extension can be considered, although this would be very rare.

Recommendation 2: To allow this discretion in limited circumstances only if the employee can show good reason why the transfer did not take place in the first 12 months. Each application will be judged on its own merits and jointly approved by the Executive Director for the relevant service and the Head of Personnel & Employee Relations. Any appeal against the decision is to be taken to the Specified Person named in the Internal Dispute procedure (IDRP).

1.3 Internal Dispute Resolution procedure (IDRP): Regulation 98(5)(c)

Until now, the regulations have included provisions enabling employees to appeal against a decision by the employer of award of benefit. These could include:

- Non-award of ill health retirement
- Calculation of pensionable pay
- Nature of award of benefits on leaving.

The current process requires an employee to make a written application to the Appointed Person nominated by the pension fund to formally lodge an appeal. For the West Midlands Pension Fund, the appointed person is the Chief Executive of Wolverhampton City Council. From 1 June 2004 new arrangements need to be made. The regulations now require the first stage of the IDR process to start at employer level. Therefore, this authority needs to put a process in place and appoint an official arbiter named the Specified Person. The Executive Director (Finance, Law & Performance) has acted as the interim Specified Person since June 2004. A formal IDR process is attached at **appendix 1**.

Recommendation 3: That the Executive Director (Finance, Law & Performance) be appointed the Specified Person for the purposes of the IDR process. If this presents a conflict of interest when the complaint relates to a member of the Finance, Law & Performance directorate, the Chief Executive will act as the Specified Person.

2. COST OF EARLY RETIREMENTS FROM 1.4.03 to 30.09.04

2.1 Financial Implications

There are two main financial implications to the council arising from early retirements:

- The impact on employer's contribution to the Pension Fund
- The revenue costs of allowing individuals to take early retirement.

Walsall Council's employer's contribution rate to the West Midlands Pension Fund is 13%. This rate is in place until 31 March 2005. The actuary is currently assessing the fund and individual employers' liabilities to determine the contribution rate necessary for the 3 years starting April 2005.

An allowance of £2.562 m is built into the current contribution rate, to provide for the cost of a limited number of early retirements during the period from 1 April 2002 to 31 March 2005. This is expected to provide for 122 average costing early retirements (ie: approximately 40 per year). The granting of early retirement benefits is discretionary. The award of additional added years is also discretionary. When an individual takes early retirement and is awarded added years enhancement, the following costs are incurred by the council:

- **An additional lump sum** – this is paid on top of the employee's own personal entitlement. This is a one off payment charged to the budget of the service where the employee worked.
- **The additional added pension** – this is awarded on top of the employee's own personal entitlement. This is payable for the rest of the employee and spouse's lifetime. This can be payable for many years, sometimes longer than the period for which the person was employed for. Council managers have been responsible for ensuring this is adequately budgeted for.

The tables overleaf show the latest early retirement costs.

Table 1: Cost of non-ill health early retirements during 2003/04			
Number of Retirements	Reason	Cost to Pension Fund £	Cost to Service (Walsall MBC) £
21	Redundancy	761,610	370,887
12	Efficiency	391,992	28,679
33	Total	1,153,602	399,566

Table 2: Early Retirement experience for the period 1.04.04 to 30.09.04			
Number of Retirements	Reason	Cost to Pension Fund £	Cost to Service (Walsall MBC) £
8	Redundancy	172,802	0
3	Efficiency	141,710	0
11	Total	314,710	0

Table 3: Levels of Retirement for the period 1.4.03 to 30.09.04			
Year	Actuarial Assumptions £	Actual Pension fund strain £	Savings achieved (Walsall MBC) £
2002/2003	854,000	686,458	167,542
2003/2004	854,000	1,153,602	- 299,602
2004/2005	854,000	552,378	301,622
TOTAL @ 30.09.04	2,562,000	2,392,438	169,562

This leaves a balance for the remainder of 2004/5 of £169,562 equating to an average of 4 retirements at average cost. If the council were to exceed this before 31 March 2005 the West Midlands Pension Fund would require a capital payment to meet the shortfall created.

2.2 Revenue cost to the council following the discretionary added years award:

For officers who are members of the local government pension scheme, a published policy is in place to which there has been no change. The awarding of added years has always been discretionary, currently up to a maximum of 5 added years. If added years are awarded to an individual the council funds this liability every year until the person and their spouse dies. This represents a payment, which does not deliver any service to users and presents an ongoing liability.

National pension funds face challenges arising from lower investment returns and earlier retirement trends. The council have a responsibility to protect current pension assets and future pensioners. Every three years the actuary undertakes a detailed evaluation of the fund and the impact on the fund of individual employers decisions on allowing early retirement. The higher the level of retirements the higher the annual employer's contribution required from that individual employer. This can be significant and represents another major cost to the council.

2.3 Pension scheme activity and resulting costs

Pension scheme activity for the whole of 2003/4 and to date in 2004/5 is set out in the following tables.

Table 4: Details for the financial year 2003/4				
Service	No of retirements	Added Years Awarded	Cost To Service (Walsall MBC) £	Cost to Pension Fund £
Built Environment	4	5	102,285	358,300
Education (non teachers)	8	3/029	7,186	92,446
Finance	4	2/162	9,580	72,382
Housing	1	4/135	92,000	90,047
Legal	3	0	0	153,782
Leisure	8	20	167,019	316,666
Social Services	5	3/060	21,492	69,976
Total	33		399,566	1,153,603

Table 5: Details of Planned Retirements costs for 2004/5				
Service	No of retirements	Added Years Awarded	Cost To Service (Walsall MBC) £	Cost to Pension Fund £
Built Environment	3	0	0	178,717
Cleaning PSE	1	0	0	7,434
Education (non teachers)	4	0	0	38,556
Finance	3		0	185,761
Legal	1	0	0	11,516
Leisure	1	0	0	50,429
Social Services	1	0	0	79,961
Total	14		0	552,378

Recommendation 4:

- a) That the Council retains the existing policy of awarding added years up to a maximum of 5 years enhancement.
- b) The decision to grant non ill health early retirements with no added years will be under the joint delegation of the relevant Executive Director or Assistant Director for the service and Head of Personnel and Employee Relations
- c) The decision to grant non ill health early retirements and award added years will be under the joint delegation of the relevant Executive Director for the service and Head of Personnel and Employee Relations

3. SUMMARY

- 3.1 The draft internal dispute procedure policy (**appendix 1**) and the revised draft policy statement (**appendix 2**) will be published and made available to all Walsall Council employees eligible for membership of the Local Government Pension Scheme when approval is confirmed by Council.

LOCAL GOVERNMENT PENSION SCHEME

INTERNAL DISPUTE RESOLUTION PROCEDURE

SCHEME MEMBERS' GUIDE:

WHAT TO DO IF YOU HAVE A COMPLAINT: THE RULES FOR SETTLING DISPUTES

IDRP JUN 2004

1 INTRODUCTION

- 1.1 This explanatory guide is to help you to understand and use the Local Government Pension Scheme (the Scheme) rules for settling complaints, which came into effect on 1 June 2004. For the purpose of this guide these rules are called 'the dispute rules'.

you can use the dispute rules to settle any disagreement or complaint you may have about the decisions that have been made about you under the Scheme rules.

- 1.3 You can also use the dispute rules to help to settle any complaint you may have about the way your case has been dealt with, but please also read the section headed complaints about maladministration.

2 DECISIONS

- 2.1 From the day you start your job with Walsall Council it must, as your Scheme employer, make certain decisions under the Scheme rules that affect you. These can include:

- whether or not you can join the Scheme
- how you should join
- the hours you work
- the rate of contributions you must pay and what pay they must be based on
- how much you can pay in extra contributions to improve your benefits
- if you have been in the Scheme before, how your previous membership counts and the effect your re-employment has on any pension you are already getting from the Scheme.

- 2.1.1 When you leave the Scheme, Walsall Council and the West Midlands Pension Fund administering authority (Wolverhampton City Council) will make further decisions about the benefits you can have and how they are calculated. When you die, they will decide what death benefits can be paid, who they can be paid to and how much they will be.

2.2 How and when you should be told about decisions

- 2.2.1 Every time Walsall Council or the administering authority makes a decision about you under the Scheme rules, they must write to you as soon as they can to tell you about it, including a decision that you are not entitled to a benefit. If the decision is about the amount of your benefit, they must tell you how they have worked it out. You must also be given details of where you can apply for further information and give you the name, address and job title of the 'Specified Person', that is, the person you can complain to if you are not happy with the decision. When you die your dependants must also be given certain information about their benefits.

2.3 What to do when you are told of a decision

- 2.3.1 When you or your dependants are told of a decision you should check, as far as you can, to see if you think it is based on the right details and that you agree with it.
- 2.3.2 If you are not happy with the decision then, under the dispute rules, you have the right to have it looked at by the Council's Specified Person and if you are not happy with the referee's decision, by the Appointed Person at the administering authority at Wolverhampton City Council. If you are still unhappy following that second stage decision, you can then choose to take your case to the Pensions Ombudsman.

- 2.3.3 You also have the right to use the dispute rules if you feel that a decision should have been made by the Council or the administering authority and given to you, but hasn't been.

2.4 What to do first if you are unhappy with a decision

- 2.4.1 When the Council or the administering authority tells you about a decision they have made, you are advised to get in touch with them first if you want any further explanation or if you are unhappy with the decision. Initially, at Walsall Council this will usually be through the Pensions Office. For information, their telephone number is 01922 653033. It is recommended that you make an informal enquiry in the first place if you have a problem or complaint to do with the Scheme. It may save you a great deal of time and trouble in the long run.
- 2.4.2 The majority of problems can be resolved satisfactorily in this way. These are usually caused by misunderstandings or wrong information which can be explained or put right quickly and easily by the Council or administering authority.

2.5 Complaints about Maladministration

- 2.5.1 It may be that your complaint is about something other than a decision, for example, if you feel that there has been some maladministration in the way your case has been dealt with.
- 2.5.2 The following are examples of maladministration:
- Unreasonable delays in letting you know about or paying your pension benefits.
 - Failure to let you know about changes in your pension entitlement or changes in the scheme rules that may affect you.
 - Failure to give you adequate or timely information that you need to enable you to make informed decisions about your rights and benefits in the Scheme.
- 2.5.3 You must first use this dispute process for this type of complaint but, even if the Specified Person at Walsall Council or the pension administering authority finds that there has been maladministration, neither has the power to award compensation for any loss you may have suffered, However, you will then be able to take your complaint to the Pensions Ombudsman who does have the power to award compensation in such cases.

3 WHO CAN USE THE DISPUTE RULES

3.1 You have the right to use the dispute rules if:

- You are a Scheme member. This includes members who are paying into the Scheme and those who have now left but who get a pension from the Scheme or who have deferred pension benefits
- You are a prospective member of the Scheme. This means, that though you are not a member now you could become one by opting in, or by the Council bringing you in or agreeing to let you join
- You are the widow, widower, child or other dependant of a person who fell into one of the categories above before he or she died
- You think that you either might or ought to fall into one of the above categories

during the last six months.

3.2 Using Someone Else to Represent You

- 3.2.1 Under these dispute rules you can, if you wish, ask someone else to deal with your complaint for you, for example a trade union representative or a relative. You will however need to give the person you choose written authority to act for you by signing a simple statement to that effect. Alternatively, if the person who is entitled to make the complaint has died, his or her personal representative (the person dealing with the estate) can deal with the complaint on his or her behalf.
- 3.2.2 If the person who is entitled to make the complaint is a child, or is for some other reason not capable of making and carrying on the complaint him or herself, the complaint can be made and carried on by a member of his or her family or by another suitable person.

4 STAGE ONE OF THE DISPUTE RULES

Applying to the Specified Person for Walsall Council

4.1 The Specified Person

- 4.1.1 Like every employing authority, Walsall Council has to have a Specified Person to deal with complaints made by Scheme members, prospective members and their dependants about decisions made by administering authorities and also about decisions made by employers. Neither the Council nor the administering authority has the right to refer cases to local referees for decisions.
- 4.1.2 Specified Persons are not necessarily completely independent of employers and administering authorities. They could also be an employee of one of them. But, the role of the Specified Person is to deal with complaints in an unbiased way as an individual, not as an employee or agent of the administering authority or employer. So, when she is dealing with a complaint sent to him in his role as the Specified Person, this person is acting independently and will make her decision purely on the facts of the case as they appear to there.
- 4.1.3 To help maintain the Specified Person's personal independence, they are not allowed to deal with a complaint if they had anything to do with making the original decision that is complained about. In a case like that, the complaint would be sent to another referee to deal with. This will be notified to you if applicable.
- 4.1.4 When the Specified Person gets a complaint they must gather all the facts relevant to the complaint, taking advice from other sources as necessary and seeking the views of both the complainant and the complaint's administering authority or employer. They must then look at all the facts and the relevant Scheme rules and decide whether or not the original decision was correct. If they decide that it was not correct they must give a new decision of their own which will override and replace the original decision made by the Council or the administering authority.
- 4.1.5 Some decisions are made by the Council or administering authority 'in the exercise of discretions'. This means that they have a choice about the decision they make rather than simply looking at the Scheme rules and deciding how they apply.

- 4.1.6 If you make a complaint about a discretionary decision, the Specified Person will investigate it in the same way as any other complaint but, in this case, they have no power to overturn the decision. What they can do however is to ensure that the discretion is exercised reasonably and to insist on the decision being reconsidered, with account being taken of all proper considerations.

4.2. When to apply to the Specified Person

- 4.2.1 If you want to use the dispute rules you must make your complaint to the Specified Person at Walsall Council in the first place. If you go straight to the administering authority referee or the Pensions Ombudsman they will simply refer you back to the Specified Person.
- 4.2.2 You must make your application to the Council's Specified Person within 6 months after you were told of the decision you are complaining about. If your complaint is that a decision was not made, you must make your application within 6 months of the date the decision ought to have been made. You should not therefore leave things too long before writing to the Specified Person, although as stated previously, you should first contact the office that has made the decision in dispute to see if it can be resolved informally. The 6 months time limit can be extended for a reasonable period where there are special circumstances, for example where further information from another source is needed.

4.3. How to apply to the Specified Person

- 4.3.1 Your application to the Specified Person must be in writing. You can apply directly to them at the address given in the decision letter from your employer or administering authority. You will find an application form at the back of this booklet that should be used when making an application

4.4 What details the Specified Person needs from you

- 4.4.1 In all cases you must explain your complaint as fully as you can; enclosing copies of any documents you think may be helpful. In particular, if you are complaining about a decision that has been made you must send a copy of the letter or notice from the Council or the administering authority telling you about that decision.
- 4.4.2 If you are the scheme member or prospective member, you must state in your application your full name, address, the service area you work (ed) in, date of birth and national insurance number.
- 4.4.3 If you are the spouse, child or other dependant of the scheme member you must state in your application your full name, address, date of birth, relationship to the member and the member's full name, address, date of birth, national insurance number and former employee's service area.
- 4.4.4 If you are the member's or dependant's representative you must state in your application the member's or dependant's details as above together with your own name and address and the appropriate address for correspondence. You must also send written evidence of your authority to act for the complainant.

4.5 What more you may be asked to do or provide

explanation so that they can be sure that he understands your complaint and is able to make a proper decision.

- 4.5.2 If the state of your health has a bearing on your complaint, you may also be asked subsequently to attend a medical examination or to give consent for your medical records to be released to a doctor chosen by the Specified Person. You will not have to pay any medical charges.

4.6 When you can expect the Specified Person's decision

- 4.6.1 The Specified Person will either give you a decision within two months of receiving your written complaint or write to you at the end of two months telling you the reasons for the delay in reaching a decision and giving you the date they expect to be able to let you know the outcome.
- 4.6.2 If you get neither a letter giving the Specified Person's decision nor a letter giving the reason for the delay within three months from the date the application was made or if you don't receive their decision within one month of the date they said they expected to let you know their decision, you can apply directly to the second stage of the dispute process (the Appointed Person at Wolverhampton City Council).

4.7 What the Specified Person must tell you

- 4.7.1 The Specific Person must write to you or your representative to let you know their decision. In this letter they must state:
- What the decision is. The Specified Person could either confirm the Council's or administering authority's original decision or replace the decision with a new decision of their own, and
 - The particular Scheme rules they have taken into account in reaching that decision, and your further rights under the dispute process

5 STAGE TWO OF THE DISPUTE RULES

Applying to the Administering Authority

5.1 The Administering Authority Appointed person and who can apply to him

- 5.1.1 If either you, the Council or administering authority (whichever your complaint was against) are unhappy with the Specified Person's decision, either of you can ask the Administering Authority Referee, as the second stage of the dispute process, to take a further look at the facts of the case.
- 5.1.2 When a complaint is made to the Administering Authority Referee, he will ask the local referee for copies of all the evidence, correspondence and other documents he obtained during his investigation. He will also gather whatever other information, views and professional advice he thinks necessary.
- 5.1.3 The Administering Authority Referee must then decide on the basis of the scheme rules, and taking due account of the facts and evidence he has obtained, whether or

replace that decision with a new decision of his own.

- 5.1.4 You should bear in mind that, because your employer or administering authority has the right to ask the Administering Authority Referee to review the Specified Person's decision as well as you, he may reconsider and could overturn a Specified Person's decision that was in your favour. Similarly, as the Administering Authority Referee may review a decision made by your employer at your administering authority's request, he could change an employer's decision that you were perfectly happy with.
- 5.1.5 If the original decision of the Specified Person was made in the exercise of discretion and the Administering Authority Referee decides that it was not taken in a reasonable manner, he can only insist on the employer or administering authority reconsidering its decision – he cannot replace their original decision with a decision of his own.

5.2 When and how to apply to the Administering Authority Referee

- 5.2.1 If you want to refer your complaint to the Administering Authority Referee you must do so within 6 months of the date of the Specified Person's letter telling you of his decision. If you are referring your complaint to the Administering Authority Referee because you have not had a reply from the Specified Person within the appropriate time limits you should do it as soon as you can after the Specified Person's time limit is up.
- 5.2.2 You should make your application to the Administering Authority Referee in writing. Walsall Council will give you the address to write to.

5.3. What the Administering Authority Referee needs from you

- 5.3.1 The Administering Authority Referee will need the same personal details about you or your representative and/or the scheme member as the Specified Person at Walsall Council required. These have been detailed previously.
- 5.3.2 However, you must also enclose a copy of the letter you got from the Specified Person telling you of his decision about your complaint. You must also state in your letter to the Administering Authority Referee that you wish him to reconsider the Specified Person's decision and explain why you are unhappy with it.
- 5.3.3 As with complaints to the Specified Person, it is possible that the Administering Authority Referee will write to you to ask for more information so that he can fully understand your complaint, or if your health is a factor in the complaint, that he will ask you to attend a medical examination or consent to the release of your medical details to another doctor.

5.4. When you can expect the Administering Authority Referee's decision

- 5.4.1 The Administering Authority Referee must either write to you to let you know his decision within two months of the date he receives your complaint or he must write to

and the reason for the delay.

5.5 What the Administering Authority Referee must tell you

- 5.5.1 When the Administering Authority Referee writes to let you know of his decision he must also tell you whether his decision confirms or replaces the Specified Person's decision and he must tell you the particular Scheme rules he used in reaching his decision.
- 5.5.2 He will also point out that both the Occupational Pensions Advisory Service (OPAS) and the Pensions Ombudsman are able to assist with problems to do with the Scheme which have not been resolved under the dispute rules. He must also give you the addresses of OPAS and the Pensions Ombudsman.

6. WHAT OPAS CAN DO TO HELP?

- 6.1 OPAS offer a free service to all members of pension schemes who have problems with their pensions. They have local advisors who can help to explain and obtain more information about your pension for you. You can normally contact an OPAS advisor through your local Citizen's Bureau or by contacting them directly at 11 Belgrave Road, London, SW1V 1RB, telephone 020 7233 8080.
- 6.2 If you would like the Pensions Ombudsman to consider a complaint you have, you should normally contact OPAS first. If OPAS cannot sort out your problem themselves and they believe that there has been some maladministration or that a decision made by the Administering Authority Referee is wrong, they will recommend that you make a formal complaint to the Ombudsman.
- 6.3 You can ask OPAS for help at any time if you are having difficulties in sorting out your complaint under the dispute rules.

7. APPLYING TO THE PENSIONS OMBUDSMAN

- 7.1 The Pensions Ombudsman can investigate complaints of maladministration or disputes of fact or law about decisions that have been made about your pension but you must go through the procedures laid down in the disputes rules first. This means that you must first take your complaint to the Specified Person and then to the Administering Authority Referee before the Pensions Ombudsman will investigate.
- 7.2 The Pensions Ombudsman can also investigate complaints or disputes about the handling of a case either by the Specified Person or the Administering Authority Referee.
- 7.3 You should also note that you can take your case to the Pensions Ombudsman even if you were not the one who complained to the Secretary of State. For example, you may have made a complaint to the Specified Person which was resolved by him to your satisfaction but referred to the Administering Authority Referee by your employer. If the

could complain to the Pensions Ombudsman about that decision.

- 7.4 The Pensions Ombudsman's address is: 11 Belgrave Road, London SW1V 1RB, telephone 020 7834 9144.

The application form on which to record your dispute is on the following page.

You must use this form to apply to the Specified Person at Walsall Council if you want them to investigate a complaint to do with your pension. Please write clearly in ink and fill in this side of the form in capital letters.

1. Member's Details:

If you are the member (the person who is or was in the Scheme) please give your details in this box. You can then go straight to the other side of the form and ignore the other boxes on this side. If you are the member's dependant (for example husband, wife or child) or if you are representing the person with the complaint, please give the member's details in this box, then go on to the next box.

Name	
Address	
Date of Birth	
Service Area	
National Insurance No.	

2. Dependant's Details:

If you are the member's dependant and the complaint is about a benefit for you, please give your details in this box. If the complaint is about a benefit for a dependant and you are the dependant's representative please give the dependant's details in this box.

Name	
Address	
Date of Birth	
Relationship to member	

3. Representative's Details:

If you are the member's or dependant's representative please give your details in this box:

Name	
Address	
Address letters should go to if different to that above.	

4. Your Complaint

exactly why you are aggrieved, giving any dates or periods of Scheme membership that you think are relevant. If there is not enough space please go on to a separate sheet, writing your name and national insurance number, if you are a member, or the member's name and national insurance number at the top and attach the extra sheet to this form.

Your signature.....

I would like the Specified Person to look into this complaint and make a decision about it. I am the **Scheme member / dependant / member's representative** (please delete as appropriate)

Signed..... Date.....

Print Name.....

Please enclose a copy of any notification you got from your employer or administering authority about the decision you are complaining of, together with any other letter or notification that you think might be helpful. Please send this form to the Specified Person at the following address:-

Walsall Metropolitan Borough Council
The Council House
PO Box 23
Walsall
WS1 1TW



APPENDIX 2

Local Government Pension Scheme Regulations Policy Statement for all eligible employees

Under the Local Government Pension Scheme Regulations 1997, operative from 1 April 1998, each Scheme employer must publish and keep under review a Statement of Policy to explain how it will apply certain discretions allowed under the Pension Regulations.

Amendment Pension Regulations that came into force on 1 April 2004 have added some new discretions and the Policy Statement published previously has been amended to reflect those changes. This Statement applies to all employees of Walsall Council who are eligible to be members of the Local Government Pension Scheme. The discretionary powers contained within the regulations were approved by Council at their meeting on 8 November 2004. These discretions are underpinned by fair and equitable treatment for all employees.

Before the exercise of any discretion it will be necessary in each individual case to consider the full financial cost to the Council and the Pension Fund.

Policy Statement

Part 1: Additional Benefits for Employees.

1. Regulation 53: Power of an employer to increase total membership.

Explanation	Council Policy
The employer may now award a scheme member additional added years at any time during active membership of the scheme. Previously this discretion was limited to the first 6 months of employment	This discretion has been adopted only to be used in limited circumstances and on the joint authority of the relevant Executive Director with overall responsibility for the service for which the employee works and the Head of Personnel & Employee Relations.

2. Regulation 67: Shared cost AVC

Explanation	Council Policy
This discretion allows the council to maintain and contribute to an employee's Additional Voluntary Contribution Scheme	The Council have NOT adopted this discretion.

3. Regulation 15: Waiver of employees contribution after 40 years pensionable service

Explanation	Council Policy
This discretion allows the council to waive the employees' standard contribution to the pension fund after 40 years service	The council have adopted this discretion to be used in exceptional circumstances only

4. Regulation 121: Power to allow transfer values to be accepted after 12 months' membership

Explanation This discretion allows the extension of the 12 month time limited transfer of pension rights from previous funds to be extended	Council Policy To allow this discretion in limited circumstances only. Each application will be judged on its own merits.
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5. Regulation 7 (9): Admission to the pension scheme of non-pensionable employees

Explanation The council have the discretion to allow a member who has opted out of the scheme more than once to re-join the scheme	Council Policy The council have adopted this discretion in full.
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6. Regulation 23(4): Reduction in pay certificate

Explanation The council must decide whether to issue a certificate of reduced pay if an employee through no fault of their own suffers a reduction in their rate of pay	Council Policy The council will issue a reduced pay certificate where an employee has a reduction in pay through no fault of their own.
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7. Regulation 98(5)(c): Internal Dispute Resolution Procedure (IDRP)

Explanation Responsibility for determination of LGPS disputes under the first stage of the procedure now lies with a "Specified Person" at the employing authority.	Council Policy Any disputes about decisions made under the LGPS should be sent in writing to: The Executive Director (Finance, Law, & Performance) PO Box 23 The Council House Walsall MBC WS1 1TW or The Chief Executive If the complaint relates to member of the Finance, Law & Performance service.
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Part 2: Additional benefits for Employees taking Early Retirement

8. Regulation 31: Early payment retirement at the employees request

Explanation	Council Policy
<p>a) An employee can request that the council grant them early retirement between 50 and 60 years old. (Employees aged over 60 who were members at 1 April 1998 do not need their employer's consent)</p> <p>b) If the pensionable service and the age of the employee total 85 or more, in whole years, benefits can be paid unreduced. If the total is less than 85 the benefits will be reduced. Such a retirement needs the employers consent before becoming payable.</p>	<p>a) The Council have adopted this regulation to be used in exceptional circumstances only</p> <p>b) Where early retirement is granted the conditions opposite will apply</p>

9. Regulation 32: Re-employed and rejoining deferred members

Explanation	Council Policy
<p>This discretion allows the extension of the 12 month time limited election to aggregate previous periods LGPS service.</p>	<p>To allow this discretion in limited circumstances only. Each application will be judged on its own merits.</p>

10.Regulation 52(augmentation): Added service on termination of employment

Explanation	Council Policy
<p>The Council can increase an employee's pensionable service (augment) as an alternative to awarding added years when an employee is made redundant or retires in the interest of the efficiency of the service.</p>	<p>The council have adopted this discretion to be used in exceptional circumstances on the joint authority of the relevant Executive Director with overall responsibility for the service in which the employee works and the Head of Personnel & Employee Relations.</p>

11.Regulation 26: Early Retirement – Redundancy or Efficiency of the Service

Explanation	Council Policy
<p>The Council can increase an employee's service up to a maximum 10 added years when an employee retires at age 50 or over in the interests of the efficiency of the service or redundancy.</p>	<p>The council will allow a maximum enhancement of 5 added years on the joint authority of the relevant Executive Director with overall responsibility for the service in which the employee works and the Head of Personnel & Employee Relations.</p>

Employees wishing the Council to exercise these discretions are required to apply in writing to their Executive Director. A decision will be given in writing following the request as soon as possible and in any event no later than 3 calendar months after the date the written request is received.

October 2004