



Walsall Children's Services

Report to: Schools Forum

Date: 28 September 2010

Subject: Pensions Policies – Local Government and Teachers

Contact: Dan Mortiboys
mortiboysd@walsall.gov.uk
Lisa Hemus
hemusl@walsall.gov.uk

Purpose: This report summarises all the pension changes that Walsall council is making to both the local government and teachers pensions. An action within the report is to work with Schools Forum on looking at a different way to fund the teachers pension premature retirement.

Recommendation: Detailed suggested recommendations are included within the body of the report.

1. Introduction

On 9 June 2010 Walsall Council Appointments Board approved recommendations to revise the Pensions Policies on both local government and teachers pension schemes in line with legislative and equality issues. This report is included as **(Appendix 1)**. The recommendations from this report were:

- 2.1 Agree to the incorporation of the injury allowance scheme into the pension's policy statements for both local government and teaching employees.
- 2.2 Agree the new Policy Statements at **Appendix 1** and **Appendix 2**.
- 2.3 Agree the principles of charging to school budgets for premature retirement costs subject to agreement being reached.
- 2.4 Agree that publication of the policy will be made within one month of Appointments Board approval and be applied where applicable from that date.

This report is in connection with recommendation 2.3. to explore this possibility and to provide various recommendations.

2. What are premature retirement costs?

Premature retirement costs are any costs associated with a teacher retiring on unreduced pension on the grounds of redundancy or efficiency of the service before their normal pensionable retirement age. These associated on-going costs are not funded via the pension scheme and remain payable for the lifetime of the individual. Premature retirement can occur from the age of 55.

3. How much are the premature retirement costs?

Walsall Council is currently funding c701 early retirement payments for teaching staff. These payments are forecast to be £1,228,520 for the financial year 2010/11. On this basis the average payment is £1,752.53 per year. The highest of the individual payments is c£5,600 per year.

4. Why are these policy changes being made?

In short these policies represent legislative changes, equality issues and best practice. This process will ensure that there is uniformity for employees whether they are in the local government scheme or the teacher's scheme.

5. Why is Walsall council now looking to schools for these costs?

Individual schools have the power to appoint and terminate staff. As a result of this, Walsall Council cannot control these costs but is currently paying huge sums of money to fund decisions taken elsewhere. An example:

If School A has reduced pupil numbers in a given year, it could be facing a deficit budget situation and will look to reduce staff numbers to achieve a balanced budget. The costs of that termination will be picked up by the LEA. Across the borough School B has seen increased numbers and will potentially appoint more staff. In the following year the trend is reversed and School B looks to terminate and School A looks to appoint. Unless the excess post can move between schools, Walsall council can take on two costs linked with termination but the same number of teaching professionals can be working in the borough for all years.

While this is a simplified example, it shows that the costs of the decision are not lying with the decision makers. It must also be noted that the current charge that Walsall Council is paying for this equates to c1.2% of the entire council tax bill for Walsall.

6. What do other authorities do?

Dudley LA

Dudley LA confirmed that the authority funds all redundancy and premature costs and discretion is applied from age 55 years old.

Sandwell LA

Sandwell LA confirmed that in practice the costs are split between the school and the authority and discretion is applied from age 55 years old.

Wolverhampton LA

Wolverhampton LA confirmed that if the school agrees the redundancy then the funding is from their budget but if it is an authority decision such as a school closure then it is funded centrally. Discretion is applied from age 55 years old.

Birmingham LA

Birmingham LA confirmed that the governing body meets the premature retirement cost unless there is no other option, in which case they meet the cost. However they operate extremely strict criteria such as ensuring that redeployment options are exhausted etc and they only become liable for the mandatory cost as a last resort. Discretion is applied from age 55 years old.

7. What does this mean in practice?

The table below summarises the potential scenarios which relate to the proposed changes:

The situation	Who would pay any redundancy cost	Who would pay the ongoing cost of premature retirement	Any other comments
School governors allow a teacher to take premature retirement outside of Walsall Council policy	The school	The school	
School closure	Walsall Council (unless part of a Schools Forum approved schools re-organisation)	Walsall Council	
If the premature retirement ensures that a compulsory redundancy	Walsall Council (as long as policies are followed)	Walsall Council	Teachers awarded immediate payment of retirement

will be avoided and all re-deployment opportunities have been explored.			benefits shall not be re-employed by the council for a minimum of 12 months
Premature retirement is granted on compassionate grounds but <u>only</u> when it can be demonstratively shown that the inability of the employee to work is as a result of a severe medical condition of the person for which they are the main carer (subject to medical evidence to support the application and approval by relevant panel).	Walsall Council (as long as policies are followed)	Walsall Council	
A school is looking to reduce costs due to a forecast deficit and makes premature retirements to achieve that	Walsall Council (as long as policies are followed)	The school. However, Walsall Council will look at cases where there are risks of schools suffering excessive hardship due to the policy	A hardship policy is being developed
All other situations	Walsall Council (as long as policies are followed)	The school	

Other points to note:

- Walsall Council can only be responsible for redundancy costs where appropriate Council policies regarding redundancy and redeployment are followed per the Scheme for Financing Schools.
- A hardship policy is still being developed. If a school faces a deficit this would be one of the criteria but also the level of that deficit and the cause would need to be considered.
- The agreement for paying out of Council funds would be the sole responsibility of the Chief Finance Officer or his designated officer

8. Draft Potential Recommendation Number One

Schools Forum accepts the principal that the ongoing costs of making a premature retirement should lie with the school that makes that decision. As of 1 December 2010 any premature retirement process that is underway and has been notified to Children's Services Serco will be concluded under the current rules. Any premature retirement processes that start after that date will be governed by the new agreement in line with the report received by Walsall Council Appointments Board on 9 June 2010.

The exceptions to this will be as specified in section 7 of this report. To receive access to this hardship fund, an application process in conjunction with Serco will be followed including the agreement of the Head of Schools Finance.

Schools Forum recommends that the Scheme for Financing Schools is altered for this amendment. Section 6.2.1 needs to be altered to say:

Premature Retirement, Dismissal and Resignation Costs – Costs for resignation or dismissal of an employee are held centrally. Where costs have been incurred by the LA without its prior written agreement, a school's budget share will be charged by the amount which the costs exceed any amount agreed by the LA. Premature retirement costs will be chargeable to the schools budget share per the rules agreed by Schools Forum on 28 September 2010 stated below (see section 7 of the report).

A change in the Scheme for Financing Schools will require consultation with schools. A consultation will conclude on 22 October with a view to reporting to Schools Forum on 9 November 2010.

Schools Forum recommends that consultation is commenced as soon as possible

That a sub group of Schools Forum is set up to evaluate a draft hardship policy to ensure it is fit for purpose.

9. Draft Potential Recommendation Number Two

Schools Forum agrees the principle that the costs of decisions should lie with the body that make the decision. Schools Forum wants to progress this being incorporated into the Scheme for Financing Schools by....

Appointments Board – 9th June 2010

Pensions Policies – Local Government and Teachers

Service: Finance / Human Resources and Development

Wards: All

Key decision: Yes

Forward plan: No

1. Summary of report

- 1.1 Under Regulation 66 of the Local Government Pension Scheme (LGPS) Regulations 2008, 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. Where references are made, A Reg refers to the "Administration" Regulations and B Reg to the "Benefit" Regulations.
- 1.2 This statement is applicable to all employees of Walsall Council who are eligible to be members of the LGPS. Before the exercise of any discretion it will be necessary in each individual case to consider the full financial cost implications to the council and the Pension Fund.
- 1.3 Discretions provided for in the Teachers Pension Scheme Regulations (TPS) are published and kept under review as a Statement of Policy to explain how the Council will apply certain discretions allowed under these Pension Regulations. This statement is applicable to all employees of Walsall Council who are eligible to be members of the TPS including all Foundation and Voluntary aided schools who are funded through the Local Education Authority.
- 1.4 The Council operates an injury allowance scheme for both teaching and non teaching staff payable under the permissive powers of the Local Government (Discretionary) Payments Regulations 1996 and the Conditions of Service for Teachers in England and Wales. It is proposed to incorporate this into the revised pension policy. This will place all payment discretions in one document and ensure that the scheme is kept under review and amended to comply with changes in regulations, council and government policies as and when required.

2. Recommendations

- 2.1 Agree to the incorporation of the injury allowance scheme into the pension's policy statements for both local government and teaching employees.
- 2.2 Agree the new Policy Statements at **Appendix 1** and **Appendix 2**.
- 2.3 Agree the principles of charging to school budgets for premature retirement costs subject to agreement being reached.

- 2.4 Agree that publication of the policy will be made within one month of Appointments Board approval and be applied where applicable from that date.

3. Background information

Local Government Pension Regulations

- 3.1.1 There are a number of discretionary powers contained within the Local Government Pension Scheme regulations to augment a member's LGPS service. The Policy Statement at **Appendix 1** sets out the recommended guidance in terms of the adoption of the above.
- 3.1.2 Additional discretionary powers are contained within The Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006. The policy statement at **Appendix 1** includes the recommended guidance on the adoption of the above.
- 3.1.3 The Local Government Pension Scheme (Benefits, membership and contributions) Regulations 2007 (as amended) raised the age at which a member could access their pension through early retirement to age 55. Contained within this regulation was protection for members who were actively in the scheme at 31 March 2008, to access their pension if aged over 50 until the 31st March 2010.
- 3.1.4 The new pension policy from 1st April 2010 does not now include this protection in accordance with the regulations.
- 3.1.5 It is proposed to nominate the Executive Director for Resources as the "specified person" for disputes.

Teachers Pension Regulations

- 3.2.1 There are a number of discretionary powers contained within the Teachers Pensions Regulations to augment a member's TPS service. The Policy Statement at **Appendix 2** sets out the recommended guidance in terms of the adoption of the above.
- 3.2.2 The teachers' pension policy currently contains discretions which were agreed by the Education Committee in 1997 and 1999; these discretions were approved to bridge the gap between the local government and teachers pension schemes.
- 3.2.3 Benchmarking has been undertaken with neighbouring authorities, the results of which are shown below.

Dudley LA

Dudley LA confirmed that the authority funds all redundancy and premature costs and discretion is applied from age 55 years old.

Sandwell LA

Sandwell LA confirmed that in practice the costs are split between the school and the authority and discretion is applied from age 55 years old.

Wolverhampton LA

Wolverhampton LA confirmed that if the school agrees the redundancy then the funding is from their budget but if it is an authority decision such as a school closure then it is funded centrally. Discretion is applied from age 55 years old.

Birmingham LA

Birmingham LA confirmed that the governing body meets the premature retirement cost unless there is no other option, in which case they meet the cost. However they operate extremely strict criteria such as ensuring that redeployment options are exhausted etc and they only become liable for the mandatory cost as a last resort. Discretion is applied from age 55 years old.

3.2.4 It is therefore proposed in accordance with “Staffing guidance under sections 35(8) and 36 (8) of the Education Act 2002 (extract)” to enter into discussions with the School’s Forum with a view to gaining agreement to charge all premature retirement costs to schools budgets and to allow Governors, with the approval of the authority to agree the early retirement of teachers, once all avenues for redeployment have been explored. The only exception to this would be where the authority takes the decision to close a school. The council does not have the authority to force this change and can do so only with the agreement of the schools forum, as it requires a change to the schools funding agreement. If agreement cannot be reached, funding will continue to be picked up by the LEA. The criteria for allowing premature retirements has been strengthened.

3.2.5 An enhanced redundancy payment for teachers was approved by the Education Committee in 16 March 1999. This provision allowed the discretion to enhance a teacher’s redundancy payment quoted as follows:–

Enhanced severance payment can be made to teachers aged between 50 and 57 year 11 months and whose requests are accepted in order to avoid compulsory redundancy, on the following basis :-

One and half additional weeks compensation for each year between the age of 50 and 60 (i.e. the age at which pension can be accessed).

To qualify for enhanced severance payment a teacher:-

- Must have a least 10 years service of which at least 3 years must be with Walsall MBC and must be in circumstances whereby a compulsory redundancy will be avoided.
- Must not have previously received an enhanced severance payment
- Must not be the subject to formal competency procedures at the time of the redundancy.

3.2.6 The 2009 teacher's pension's policy included a discretion Part 2 (2) which should have replaced the Education Committees decision of 1999 however no formal request for the revocation of this regulation was made and therefore it is proposed to replace the Education Committee decision of 1999 with this discretion. An enhancement is retained but is subject to a cap that will restrict payment to teachers who are paid at less than the full time equivalent value of NJC scale point 29 - currently £24,646.00 per annum. It is to be noted that this discretion does not limit the payment related to age, however due to the salary restriction applications under this discretion will be minimal.

3.2.7 From 1 April 2010 early payment of pension benefits to local government employees will be restricted to members age 55 and over, however the teachers discretionary policy of 2009 only allows for teachers aged between 58 and 59 years 11 months to take early retirement and only in the following circumstances:

- School Closure
- Redundancy of Teachers
- Re-organisation of a sector of the service

3.2.8 The teachers pension regulations allow teachers to access their pension at age 55 on an actuarially reduced basis without the employers consent at no cost to the employing authority. However the local government pension scheme differs in that it is with employers consent from age 55 but if an employee over 55 years old is made redundant then they immediately qualify for payment of their pension benefits on an unreduced basis.

3.2.8 Following an impact assessment, it is proposed to revise the teachers' pension policy to allow in that limited circumstances teachers can be awarded unreduced pension benefits from age 55. This policy change aligns to the discretions contained within the policy applicable to non academic staff.

3.2.9 To limit the financial costs to school and council budgets certain criteria will be placed on this discretion. This includes:

- School closures
- Whereby a compulsory redundancy will be avoided and all re-deployment opportunities have been explored and found unsuitable.
- On compassionate grounds but only when it can be demonstratively shown that the inability of the employee to work is as a result of a severe medical condition of the employee or of the person for which they are the main carer (subject to medical evidence to support the application).
- Teachers awarded immediate payment of retirement benefits shall not be re-employed by the council for a minimum of 12 months.

It is proposed to limit teacher's re-employment after payment of their pension on an unreduced basis to bring this in line with the Local government Scheme.

In respect of restrictions all avenues of redeployment must also have been exhausted by our HR partners Serco before approval will be considered.

- 3.2.10 It is proposed to nominate the Executive Director for Children's as the "specified person" for disputes.

Injury Allowance Scheme

- 3.3.1 The Local Government (Discretionary Payments) Regulations 1996 provides for the introduction of an Injury Allowance scheme payable to employees who are subject to loss of pay as a result of a sickness or injury sustained in the course of their contractual duties.
- 3.3.2 The Conditions of Service for School Teachers in England and Wales provide for a temporary injury allowance to a teacher who is subject to a loss of pay as a result of sickness or injury or illness sustained in the course of their contractual duties.
- 3.3.3 The Walsall Council Injury Allowance Scheme provides the terms of reference for an award of benefits to both teaching and non teaching employees. All awards are subject to the sole approval of the Injury Allowance Panel. No allowance can be paid without their approval and all payments are funded either from school or service budgets.
- 3.3.4 The scheme was original approved by Personnel Committee on the 5th December 2001, as this committee is no longer in existence it is proposed to include the scheme within the relevant pension policies in order that all payment discretions are contained in one document and ensure that the scheme is kept under review and amended to comply with changes in regulations, council and government polices as and when required.
- 3.3.5 It is proposed to revise the LGPS policy to incorporate recent changes to the ill health retirement provisions of the LGPS and put additional monitoring of payments in place:-
- Temporary injury allowances will only be awarded for a maximum period of 6 months. If an extension is required a review report is to be presented to the Panel within the six month period.
 - For non academic staff – permanent payments will be graded in accordance with the tier of benefits awarded to the former employee from the pension fund –
 - 1st tier – no allowance as the benefits are enhanced to age 65
 - 2nd tier – 85 % of entitlement in accordance with the scheme rules.
 - 3rd tier – 85 % as above to cease when benefits cease. Payment to last no longer than 3 years. If benefits are up lifted to 2nd tier the Injury Allowance will be uplifted too.
 - Non contributor to the fund – 85% of entitlement in accordance with the scheme rules.

4. Resource considerations

Financial

Pensions and termination payments

Decisions should be made by considering the discretionary powers contained within the policy statement.

The funding to support early payment of pension benefits differs between the West Midlands Pension Fund and the Teachers pension scheme.

The WMPF is a funded scheme and is subject to a triennial valuation. The valuation is based on assumptions that are expected to happen within the next 3 year period. The relevant assumption to this report is that all employees will continue in membership until their normal retirement age. Early retirement changes this assumption and creates shortfall in funding (pension fund strain) which requires recovery by means of a lump sum payment within the 3 year valuation period or and ongoing increase employers' contribution rate.

The teachers' pension scheme is a national scheme funded on a notional basis. When an early retirement is agreed by the employer the teachers' pensions are responsible for the payment of the pension and lump sum based on the accrued rights as at the date of retirement. The employer can agree to fund the remaining pension rights from the date of retirement to age 60 (mandatory compensation). The responsibility to fund mandatory compensation (both ongoing pension and the lump sum payment) is passed to the LA.

If changes to the policy for teachers at 3.2.6 and 3.2.8 are made the financial implication and comparisons are -

Examples of options and costs

- Retain current enhanced redundancy payment and not adopt reduction in mandatory retirement at age 55
- Retain current enhanced redundancy payment but restrict it to age 55 and above and not adopt reduction in mandatory retirement at age 55
- Revoke enhanced redundancy payment and adopt change to mandatory retirement at age 55.

Based on a teacher with 25 years service on an average salary of £35k

Age	Enhanced redundancy payment £	Mandatory pension £ per annum	Mandatory lump sum £
50	10110	0	0
51	9099	0	0
52	7414	0	0
53	7077	0	0
54	6066	0	0

55	5055	2508	7524
56	4044	2094	6281
57	3033	1624	4870

By lowering the age to 55 the financial impact over the last 3 years is shown in the table below.

Year	Number of Retirees	Estimated Mandatory Pension Costs - A	Estimated Mandatory Lump Sum - B	Enhanced Redundancy Payment	Nett Affect on year's budget	Corporate savings	Additional costs to school budget
		(Annual cost)	(One off payment)	(One off payment)			A+B
2007/08	6	£9,523.00	£28,565.00	0	£28,565.00		£38,088.00
2008/09	3	£4,377.00	£13,126.00	0	£13,126.00		£17,503.00
2009/10	8	£18,006.00	£54,036.00	£16,935.14	£37,100.86	£16,935.14	£72,042.00
3 year total		£31,906.00	£95,727.00	£16,935.14	£78,791.86	£16,935.14	£127,633.00

Injury Allowance payments

Awards of payments are made by the Injury Allowance Panel after considering all the relevant evidence in each individual case, these are funded from either school or service budgets.

5. Legal considerations

5.1 Consultation with legal has taken place.

6 Citizen impact

6.1 None directly arising from this report.

7. Community safety

7.1 None directly arising from this report.

8 Environmental impact

8.1 None directly arising from this report.

9 Performance and risk management issues

9.1 Risk Management

Inappropriate application and use of discretionary powers could lead to financial difficulties therefore the application of the policy will be managed and monitored to avoid this.

Training will be provided to managers and a six monthly report to CMT will be submitted.

9.2 Performance Management

Quarterly monitoring and reporting will be undertaken to senior management and the Chief Finance Officer (CFO).

10 **Equality implications**

10.1 None directly arising from this report.

11. **Consultation**

11.1 Employee Relations Forum – Local Government Pensions Policy

Initial consultation has taken place with the relevant unions by way of ERF on the 9th February 2010 to the changes proposed, their feedback is that as they understood the protection would be removed with effect from the 1st April 2010 and therefore they have no objections.

Teachers JNCC and Serco – Teachers Pensions Policy

Initial consultation has taken place with the relevant unions by way of a special JNCC on the 26th January 2010 their feedback is that they are in agreement with the removal of the discretionary one and half weeks additional compensation on the assumption that both pension policies are brought in line in terms of accessibility to their pension i.e. 55 years old.

It should be noted that the unions have raised objections to the stipulation that states that a teacher can not be re-employed for twelve months following granting of access to their pension on an unreduced basis as they feel that this would be a detriment to the provision of Education within the borough for short term teaching placements.

Serco have expressed concern surrounding the ability to explore and secure redeployment in relation to teaching staff in schools.

Background papers:

Appendix 1 - Revised Local Government Pension Policy and guidance

Appendix 2 - Revised Teachers Pensions Policy and guidance

Local Government Pension Scheme (LGPS) Regulations 2008

Teachers Pensions Regulations 1997 (amended)

Staffing Guidance sections 35(8) and 36(8) of the Education Act 2002

Legal Advice

Vicky Buckley
Head of Finance

☎ 652349

✉ buckleyv@walsall.gov.uk

Lisa Hemus
HRD Employee Services Manager

☎ 655657

✉ hemusl@walsall.gov.uk

Wendy Moore
Payroll & Pension Control Manager
☎ 655690
✉ moorew@walsall.gov.uk

Vicky Buckley
Head of Finance
☎ 652349
✉ buckleyv@walsall.gov.uk

Lisa Hemus
HRD Employee Services Manager
☎ 655657
✉ hemusl@walsall.gov.uk

Wendy Moore
Payroll & Pension Control
Manager
☎ 655690
✉ moorew@walsall.gov.uk

27th May 2010



Walsall Council

Pension Policy Statement: 1 April 2010

Local Government Pension Scheme (LGPS) Regulations Policy Statement for all eligible employees

Under Regulation 66 of the LGPS Regulations 2008 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. Where references are made, A Reg refers to the "Administration" Regulations and B Reg to the Benefit" Regulations

This statement is applicable to all employees of Walsall Council who are eligible to be members of the LGPS.

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

All other past policies and discretions will be revoked following the approval of this policy. The discretions detailed in this policy will be the only ones that will apply from 1 April 2010.

Policy Statement

PART 1 - DISCRETIONS TO BE APPLIED CONTAINED IN THE ADMINISTRATION REGULATIONS

At the start of the employment contract

1. Regulation 15 A: Reg: Re-employed and rejoining deferred members

No policy change.

Explanation	Council Policy
This discretion allows the extension of the 12 month time limited election to aggregate previous periods LGPS service.	The council has <u>NOT</u> adopted this discretion.

2. Regulation 25 A: Reg: Shared cost AVC (additional voluntary contributions)

No policy change.

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

3. Regulation 83 A Reg: Power to allow inwards transfer values to be accepted after 12 months' Membership

No policy change.

Explanation	Council Policy
This discretion allows the extension of the 12 month time limited transfer of pension rights from previous funds to be extended	To allow this discretion in limited circumstances only. Each specific case will be judged equally and fairly on its own merits having fully considered service delivery and financial costs.

PART 2 - DISCRETIONS TO BE APPLIED CONTAINED IN THE BENEFITS REGULATIONS

At the start of the employment contract

1. Regulation 3 B Reg: Contributions Banding payable by active members

No policy change.

Explanation	Council Procedures – How the Regulation is to be administered
Employers will determine the contribution rate payable based on whole time pensionable pay for existing members at 1 April 2010 or at the start of their membership and where there is a material change in pay	The council will review the contribution rate bands at six monthly intervals. Account will be taken when determining the rate of any impending pay award

Discretions to be applied during employment

2. Regulation 12: B Reg: Power to increase total membership of Active Members (augmentation)

No policy change.

Explanation	Council Policy
This discretion allows for an employees membership to be increased but any increase must not exceed, including earlier periods of added years, 10 years	The council has <u>NOT</u> adopted this discretion.

3. Regulation 13: B Reg: Power to award additional pension

No policy change.

Explanation	Council Policy
This discretion allows the employer to award a scheme member additional pension benefits of not more than £5,000 a year, payable from the same date as scheme benefits. This is in addition to Regulation 12 B Reg	The council has <u>NOT</u> adopted this discretion.

4. Regulation 22 A Reg: Applications to make absence contributions

No policy change.

Explanation Employer has the discretion to extend the period of 30 days for a period of unpaid absence if person applies in writing	Council policy The council has <u>NOT</u> adopted this discretion.
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Discretions to be applied at the termination of employment

5. Regulation 18 B Reg: – Flexi Retirement

This is a revised policy – due to Regulation change.

Explanation A member who is aged 55 or over and with their employers' consent reduces their hours/or grade, can, but only with the agreement of the employer, make an election to the administering authority (West Midlands Pension Fund) for all or part payment of their accrued benefits without having retired from that employment. If payment occurs before the age of 65, the benefits are actuarially reduced. The employer may chose to waive the reduction in whole or part. The cost of the waiving will have to be paid to the fund.	Council Policy The council will consider a waiver in exceptional circumstances only. The criteria for exceptional circumstances are defined in the detailed guidelines. Each specific case will be judged equally and fairly on its own merits having fully considered service delivery and financial costs.
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6. Regulation 30 B Reg: Early payment of Retirement benefits at the employees request

This is a revised policy due to Regulation change.

Explanation From age 55 members have the right to apply for early payment of their retirement benefits. Payment will be subject to the employers consent. For a member who joined the Scheme prior to 1 October 2006 where the members age and pension service (in whole years) equals less than 85 then reduced benefits would be payable. For a member who joined the scheme on or after 1 October 2006, then reduced benefits would be payable if taken before	Council Policy a) The council has adopted this regulation to be used in exceptional circumstances only. The criteria for exceptional circumstances are defined in the detailed guidelines. b) Where early retirement is granted the conditions opposite will apply. Each specific case will be judged equally and fairly on its own merits having fully considered service delivery and financial costs.
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age 65	
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7. Regulation 30 B Reg – Former Members Request for Early Payment of Benefits

This is a revised policy due to Regulation change.

<p>Explanation</p> <p>From age 55 former members with deferred benefits have the right to apply for early payment of their retirement benefits. Early payment will be subject to the employers consent.</p> <p>For a member who joined the Scheme prior to 1 October 2006 where the members age and pension service (in whole years) equals less than 85 then reduced benefits would be payable.</p> <p>For a member who joined the scheme on or after 1 October 2006, then reduced benefits would be payable if taken before age 65</p>	<p>Council policy</p> <p>The council has adopted this regulation to be used in exceptional circumstances only.</p> <p>The criteria for exceptional circumstances are defined in the detailed guidelines.</p> <p>The council will consider each specific case which will be judged equally and fairly on its own merits having fully considered service delivery and financial costs.</p>
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PART 3 - EARLY TERMINATION OF EMPLOYMENT (DISCRETIONARY COMPENSATION)

1. Regulation 5 of the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006

No limit on weekly pay for calculation of redundancy payment.

No policy change

<p>Explanation</p> <p>The council may decide to calculate a redundancy payment entitlement as if there had been no limit on the amount of the week's pay used in the calculation</p>	<p>Council Policy</p> <p>The council has decided to adopt this discretion and base redundancy payment calculations on an unrestricted week's pay</p>
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2. Regulation 6 of the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006

Additional lump sum compensation payment

No policy change

<p>Explanation</p> <p>A one-off lump sum compensation payment may be awarded to an employee up to a maximum value of 104 weeks pay (2 years) inclusive of any redundancy payment made.</p>	<p>Council Policy</p> <p>The council has decided to adopt this discretion in part and will award an additional lump sum compensation payment equal to the value of the statutory redundancy payment – maximum payment 30 weeks – but only in cases of some compulsory redundancies</p>
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	<p>Each award will be subject to a cap to be paid to an employee who is paid less than the full time equivalent of scale point 29.</p> <p>Each specific case will be judged equally and fairly on its own merits having fully considered service delivery and financial costs.</p>
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PART 4 – INJURY ALLOWANCES

1. Local Government Discretionary Payment Regulations 1996 - Part V –

This is a new policy decision

<p>Explanation</p> <p>The council operates The Walsall Council Injury Allowance Scheme under the permissive powers of The Discretionary Payment Regulations 1996.</p> <p>The scheme is unique to Walsall Council employees and is operated within the regulatory guidelines.</p>	<p>Council Policy</p> <p>The council has decided that all claims are to be submitted to and agreed by an Injury Allowance Panel. The panel will consist of The Head of Legal Services, The Head of Corporate Finance and the Head of Human Resources and Development or their nominees.</p> <p>Both temporary and permanent allowances are available within the terms of reference of the scheme. Each award will be judged on the relevant evidence presented to the panel.</p> <p>Payment will be made from the service budget.</p> <p>There is no separate internal appeals process as designated by the Injury allowance panel.</p>
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PART 5 – APPEAL PROCESS

1. Regulation 57 A Reg: Internal Dispute Resolution Procedure (IDRP)

No change proposed.

<p>Explanation</p> <p>Responsibility for determination of LGPS disputes under the first stage of the procedure now lies with a “Specified Person” at the employing authority.</p> <p>The Executive Director (Resources) is the appointed Specified Person for the purposes of the Internal Dispute Resolution Process. If this presents a conflict of interest when the complaint relates to a member of the Resources</p>	<p>Council Policy</p> <p>Any disputes about decisions made under the LGPS should be sent in writing to:</p> <p>The Executive Director (Resources) The Council House Walsall Council WS1 1TW or</p> <p>The Chief Executive if the complaint</p>
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<p> directorates, the Chief Executive will act as the Specified Person </p>	<p> relates to member of the Resources Directorate. </p>
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Guidance on how to apply the policy will form part of the policy statement

March 2010



Local Government Pension Scheme Regulations Policy Statement for all eligible employees -

Guidance Notes

These notes establish clear and robust guidelines to managers and human resources officers. All decisions relating to the payments and discretions contained within this policy need to be objectively justifiable if challenged.

PART 1 - DISCRETIONS TO BE APPLIED CONTAINED IN THE ADMINISTRATION REGULATIONS

At the start of the employment contract

1 Regulation 15 A: Re-employed and rejoining deferred members

This Regulation was contained in the previous discretionary powers. There will be a cost to the service so this Regulation has not been adopted.

2. Regulation 25A: Shared cost AVC

This Regulation was contained in the previous discretionary powers. There will be a cost to the service so this Regulation has not been adopted.

3 Regulation 83A: Power to allow transfer values to be accepted after 12 months' membership

This Regulation was contained in the previous discretionary powers and there could be significant cost to the pension fund liabilities if this discretion was not limited. The extension will be allowed when the delay is of no fault of the employee e.g. previous scheme not providing transfer details in a timely manner.

The decision to allow the transfer will be authorised by the Chief Financial Officer or their Deputy (Head of Corporate Finance) on the recommendation of the Payroll & Pensions Control Manager. In the event of a conflict of interest being identified this delegated power will pass to the Head of HRD or their deputy (HRD Manager for Employee Services). An appeal against a decision is provided within Part 5 of this guidance note.

PART 2 - DISCRETIONS TO BE APPLIED CONTAINED IN THE BENEFITS REGULATIONS

At the start of the employment contract

1 Regulation 3B: Contributions Banding payable by active members

This provision determines when and how the employees' contribution banding will be applied. The guidance is set out in the policy statement.

2 Regulation 12 B: Power to increase total membership of active members

There will be a cost to the service so this regulation has not been adopted.

3. Regulation 13B: Power to award additional pension

There will be a cost to the service so this Regulation has not been adopted.

4. Regulation 22 A Reg: Applications to make absence contributions

There will be a cost to the service so this Regulation has not been adopted.

Discretions to be applied at the termination of employment

5 Regulation 18 B: (Flexi Retirement): Requirement as to time of pension payment

Agreement to apply the waiver could have a significant impact on council funding as it is dependant on each individual's pensionable history. A shortfall may be created which will require a payment to the pension fund before the benefits can be paid.

- The waiver will be applied if there is no nett cost to the service or
- On compassionate grounds but only when it can be demonstratively shown that the inability of the employee to work is as a result of a severe medical condition of the employee or of the person for which they are the main carer (subject to medical evidence to support the application).

The above will be on the joint authority of the Chief Financial Officer or their Deputy (Head of Corporate Finance) and the Head of Human Resources and Development (both parties must be in agreement).

Prior to a decision being made the cost of the award must be obtained and the funding to support the award must be confirmed by the relevant Finance Manager.

6 Regulation 30 B: Early payment of Retirement benefits at the employees request

This could have a significant impact on council funding as the council may, dependant on each individual's pensionable history, be responsible for the shortfall the early retirement creates, therefore this will only be granted under the following circumstances.

- If there is no cost to the service.
- On compassionate grounds but only when it can be demonstratively shown that the inability of the employee to work is as a result of a severe medical condition of the employee or of the person for which they are the main carer (subject to medical evidence to support the application).
- To avoid compulsory redundancy and where all re-deployment opportunities have been explored and found unsuitable.
- Employees awarded immediate payment of retirement benefits shall not be re-employed by the council for a minimum of 12 months.

The above will be on the joint authority the Chief Financial Officer or their Deputy (Head of Corporate Finance) and the Head of Human Resources and Development (both parties must be in agreement).

Prior to a decision being made the cost of the award must be obtained and the funding to support the award must be confirmed by the relevant Finance Manager.

7 Regulation 30 B: Former Members Request for Early Payment of Benefits

This could have a significant impact on council funding as the council may, dependant on each individual's pensionable history, be responsible for the shortfall the early retirement creates, therefore this will only be granted under either of the following circumstances.

- If there is no cost to the service
- On compassionate grounds but only when it can be demonstratively shown that the inability of the employee to work is as a result of a severe medical condition of the employee or of the person for which they are the main carer (subject to medical evidence to support the application).

The above will be on the joint authority the Chief Financial Officer or their Deputy (Head of Corporate Finance) and the Head of Human Resources and Development (both parties must be in agreement).

Prior to a decision being made the cost of the award must be obtained and the funding to support the award must be confirmed by the relevant Finance Manager.

PART 3 - EARLY TERMINATION OF EMPLOYMENT (DISCRETIONARY COMPENSATION)

1 Regulation 5 of the Local Government (Early Termination of Employment) (Discretionary Compensation) - calculation of a redundancy payment entitlement as if there had been no limit on the amount of the week's pay used in the calculation.

In calculating a redundancy payment, this will be calculated based on the employee's actual weekly pay at the time of leaving rather than the statutory weekly limit.

In the case of voluntary redundancy, either with or without access to their pension benefits any employee must not be re-employed by the authority for a period of 12 months.

This will also apply in situations of compulsory redundancy where individuals have been given access to their pension benefits.

2 Regulation 6 of the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006 - A one-off lump sum compensation payment may be awarded to an employee up to a maximum value of 104 weeks pay (2 years) inclusive of any redundancy payment made.

This discretion cannot be applied if augmentation is applied (reg 12). Employees can not have both. If employees contracts are terminated through redundancy an exemption in the age regulations will allow employers to apply an enumerator of the statutory redundancy payment. This exemption does not apply to those who are terminated on efficiency grounds.

The council have decided to adopt this discretion in part and will award an additional lump sum compensation payment equal to the value of the statutory redundancy payment –

maximum payment 30 weeks – but only in cases of some compulsory redundancies on the joint authority the Chief Financial Officer or Deputy (Head of Corporate Finance) and the Head of Human Resources and Development (both parties must be in agreement). Each award will be subject to a cap to employees paid less than the full time equivalent of NJC scale point 29.

The enhancement will be restricted to an employee who:

- a) have at least 3 years continuous service with Walsall MBC
- b) are in circumstance where by compulsory redundancy will be avoided
- c) have not previously received an enhanced severance payment
- d) Are not subject of formal competency procedures at the time of redundancy.

Prior to a decision being made the cost of the award must be obtained and the funding to support the award must be confirmed by the relevant Finance Manager.

PART 4 - INJURY ALLOWANCES

1. Local Government Discretionary Payment Regulations 1996 - Part V

This is a new policy decision

An injury allowance is payable to non teachers in cases of absence due to an accident, injury or assault whilst in the course of the contractual duties. This includes attendance for instruction at a physical training or other classes organised and approved by the employer.

All claims are to be submitted to the Injury Allowance Panel and cannot be paid until approved by the Panel; the payments are funded from the service budgets not the Pension fund.

1a. A temporary allowance payable to existing employees

The payment is made to the value of any shortfall in salary payments as a result of a work related absence.

Maximum payable -The difference between normal monthly contractual salary and the actual reduced contractual payments received during absence from work – less all payments received from state benefits and any payment from compensation or insurance resulting from claims made regarding the injury or illness. Reductions to the payments are –

1. 50% reduction for pre existing condition or
2. 50% reduction for contributory negligence.

Temporary injury allowances will only be awarded for a maximum period of 6 months.

If an extension is required a review report is to be presented to the Panel within the six month period which will provide an update on

- Redeployed – once redeployed the allowance ceases regardless of circumstances.
- Ill health retirement
- Medical treatment
- Case reviews

There is no automatic transfer to a permanent allowance if the claimant retires on health grounds; a new claim will be required in every case if applicable.

1b. A permanent allowance payable to employees who have retired on health grounds.

A permanent allowance may be paid to an employee who retires on health grounds. The reason for ill health retirement must be related to an accident, injury or illness related to the contractual occupation and **MUST** be approved by the Injury Allowance Panel. The payment is limited to 85% of pensionable pay reduced by –

- Any payment from the LGPS
- State funded benefits
- Any related insurance payments
- The payment will cease at age 65
- The payments will reduce by 50% for
 - Pre existing condition
 - Contributory negligence
- Payments will be graded in accordance with the tier of benefits awarded to the former employee from the pension fund
 - 1st tier – no allowance as the benefits are enhanced to age 65
 - 2nd tier – 85 % as above.
 - 3rd tier – 85 % as above to cease when benefits cease. Payment to last no longer than 3 years. If benefits are up lifted to 2nd the Injury Allowance will be uplifted too.
 - Non contributor to the fund – 85% as above
- Accident report forms **MUST** be sent to HRD Employee Services to be kept on the employee's personal file.
- The absence cannot be classed as industrial injury until evidence to support the payment is received
- A copy should be sent to Safety Health and Welfare section and retained in the Service area or school accident book

1c. Appeals

- If the award is not approved an appeal should be made to the Secretary of State for Local Government and Communities
- There is no internal dispute process against the amount awarded

PART 5 – APPEAL PROCESS

1 Reg 57 A: Internal Dispute Resolution Procedure (IDRP)

Any disputes about decisions made in respect of these discretions should be sent in writing to:

The Executive Director (Resources)
The Council House
Walsall Council
WS1 1TW

or

The Chief Executive if the complaint relates to a member of the Resources Directorate.

This was contained in the previous policy statement and will continue unchanged within this revised policy. Appeals in writing should be received within 6 months of a decision to the specified person named in the policy.

Wendy Moore
Payroll and Pension Control Manager
March 2010



Walsall Council

Pension Policy Statement: 1 April 2010

Teachers' Pension Scheme Regulations Policy Statement for all eligible employees

Discretions provided for in the Teachers Pension Scheme Regulations (TPS) are published and will be kept under review as a Statement of Policy to explain how the council will apply certain discretions allowed under these Pension Regulations.

This statement is applicable to all employees of Walsall Council who are eligible to be members of the TPS. This includes all Foundation and Voluntary aided schools who are funded through the Local Education Authority.

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

All other past policies and discretions will be revoked following the approval of this policy. The discretions detailed in this policy will be the only ones that will apply from 1 April 2010

Part 1: DECISIONS TO BE MADE AT START OF EMPLOYMENT.

THE TEACHERS PENSION REGULATIONS 1997

- 1. Part F: Power to allow inwards transfer values to be accepted after 12 months' Membership**

No policy change.

Explanation	Council Policy
This discretion allows the extension of the 12 month time limited transfer of pension rights from previous funds to be extended	To allow this discretion in limited circumstances only. Each specific case will be judged equally and fairly on its own merits having fully considered service delivery and financial costs.

THE TEACHERS (COMPENSATION FOR REDUNDANCY AND PREMATURE RETIREMENT) REGULATIONS 1997

- 2. Part V: Power to award additional service – C3C (2)**

No policy change.

Explanation	Policy
This discretion allows the employer to	The council has <u>NOT</u> adopted this discretion.

award a scheme member additional pension benefits of not more than £5,000 a year, payable from the same date as scheme benefits.	
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Part 2: DECISIONS TO BE MADE AT TERMINATION OF EMPLOYMENT

1. EARLY TERMINATION OF EMPLOYMENT (DISCRETIONARY COMPENSATION)

Part III – No limit on weekly pay for calculation of redundancy payment

No policy change

Explanation The council may decide to calculate a redundancy payment entitlement as if there had been no limit on the amount of the week's pay used in the calculation	Council Policy The council has decided to adopt this discretion and base redundancy payment calculations on an unrestricted week's pay
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2. Part VI: Additional lump sum compensation payment

No policy change

Explanation A one-off lump sum compensation payment may be awarded to an employee up to a maximum value of 104 weeks pay (2 years) inclusive of any redundancy payment made.	Council Policy The council has decided to adopt this discretion in part and will award an additional lump sum compensation payment equal to the value of the statutory redundancy payment – maximum payment 30 weeks – but only in cases of some compulsory redundancies on the joint authority of the relevant Executive Director with overall responsibility for the service in which the employee works, the Head of Corporate Finance and the Head of Human Resources and Development. Each award will be subject to a cap to be paid to an employee who is paid less than the full time equivalent value of NJC scale point 29. Each specific case will be judged equally and fairly on its own merits having fully considered service delivery and financial costs.
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The Teachers (Compensation for Redundancy and Premature Retirement) Regulations 1997

3. Part IV: Premature retirement - Mandatory compensation

Revised Policy

Explanation The LEA can determine that a member of the Teachers' Pension scheme can retire at age 55 with the consent of the employer	Policy The council has adopted this Regulation to apply only to approved early retirements of teachers in the following circumstances:- <ol style="list-style-type: none"> 1. A school closure 2. The redundancy of teachers 3. Compassionate grounds Each specific case will be judged equally and fairly on its own merits having fully considered service delivery and financial costs.
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4. Part V: Voluntary early retirement – actuarially reduced benefits

No policy change

Explanation A teacher can elect to apply for immediate payment of their pension benefits from age 55.	Council Procedures – How the Regulation is to be administered The council requires a teacher to provide 6 month notice of intent to retire. Pension benefits will be paid on an actuarially reduced basis in accordance with the Regulations.
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5: Regulation E31 (11) Average Salary Calculation – Dealing with excessive Salary Increases during the Average Salary Period

No policy change.

Explanation This Regulation applies in certain circumstances to restrict the salary used in the calculation of retirement benefits to 10% plus the standard increase. The employer may decide to pay the additional employers costs that reflect the value of the pension and lump sum produced from the actual salary that has been paid.	Policy This is a cost to the service and will not be adopted for funding from council funds. School Governors' may choose to fund the addition from the school's budget but must judge each specific case equally and fairly on its own merits having fully considered service delivery and financial costs.
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PART 3 – INJURY ALLOWANCES

1. Conditions of Service for School Teachers in England and Wales Section 9

This is a new policy decision

Explanation The council operates The Walsall Council Injury Allowance Scheme which will be awarded to employees subject to the teachers pay and conditions	Council Policy The council has decided that all claims are to be submitted to and agreed by an Injury Allowance Panel. The panel will consist of The Head of Legal Services, The Head of
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	<p>Corporate Finance the Head of Human Resources and Development and a representative from SERCO Human of Resources or their nominees.</p> <p>Only temporary allowances are available within the teachers pay and conditions. Each award will be judged on the relevant evidence presented to the panel. Payments will be made from the schools budget.</p>
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PART 4 – APPEAL PROCESS

Policy change.

<p>Explanation</p> <p>Responsibility for determination of appeals and disputes lies with a “Specified Person” at the employing authority.</p> <p>The Executive Director (Children’s) is the appointed Specified Person for the purposes of the appeal process. If this presents a conflict of interest when the complaint relates to a member of the Children’s directorate, the Chief Executive will act as the Specified Person</p>	<p>Council Policy</p> <p>Any disputes about decisions made relating this policy should be sent in writing to:</p> <p>The Executive Director (Children’s) The Council House Walsall Council WS1 1TW or</p> <p>The Chief Executive if the complaint relates to member of the Resources Directorate.</p>
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Guidance on how to apply the policy will form part of the policy statement

January 2010



Teachers' Pensions Scheme Regulations Policy Statement for all eligible employees –

Guidance Notes

These notes establish clear and robust guidelines to managers and human resources officers. All decisions relating to the payments and discretions contained within this policy need to be objectively justifiable if challenged.

All other past policies and discretions are revoked following the approval of the policy. The discretions detailed in the policy will be the only ones that will apply from 1 April 2010.

PART 1 - DISCRETIONS TO BE MADE AT THE START OF EMPLOYMENT

Teachers Pension Regulations 1997

1. Part F: Power to allow inwards transfer values to be accepted after 12 months' Membership

No policy change.

This Regulation was contained in the previous discretionary powers. There could be significant cost to the pension fund liabilities if this discretion was not limited. The extension will be allowed when the delay is of no fault of the employee e.g. previous scheme not providing transfer details in a timely manner.

The decision to allow the transfer will be authorised by the Chief Financial Officer or their Deputy (Head of Corporate Finance) on the recommendation of the Payroll & Pensions Control Manager.

The Teachers (Compensation for Redundancy and Premature Retirement) Regulations 1997

2. Part V: Power to award additional service – C3C (2)

No policy change

There will be a cost to the service so this Regulation has not been adopted.

Part 2: DECISIONS TO BE MADE AT TERMINATION OF EMPLOYMENT

Early Termination of Employment (Discretionary Compensation)

1. Part III – No limit on weekly pay for calculation of redundancy payment

No policy change.

Redundancy payment entitlement will be calculated as if there had been no limit on the amount of the week's pay used in the calculation. In calculating a redundancy payment, this

will be calculated based on the employee's actual weekly pay at the time of leaving rather than the statutory weekly limit.

In the case of voluntary redundancy, either with or without access to their pension benefits any employee must not be re-employed by the authority for a period of 12 months.

This will also apply in situations of compulsory redundancy where individuals have been given access to their unreduced pension benefits.

This will be funded from central funds provided the redundancy is based on council policy of

1. A school closure
2. Whereby a compulsory redundancy will be avoided

Any awards agreed outside this policy will be funded from school budgets.

2. Part VI: Additional lump sum compensation payment

No policy change

A one-off lump sum compensation payment may be awarded to an employee up to a maximum value of 104 weeks pay (2 years) inclusive of any redundancy payment made.

This discretion cannot be applied if premature retirement is agreed. Employees can not have both. If employees contracts are terminated through redundancy an exemption in the age regulations will allow employers to apply an enumerator of the statutory redundancy payment. This exemption does not apply to those who are terminated on efficiency grounds.

The council have decided to adopt this discretion in part and will award an additional lump sum compensation payment equal to the value of the statutory redundancy payment maximum payment 30 weeks – but only in cases of some compulsory redundancies on the joint authority of the Chief Financial Officer or their Deputy (Head of Corporate Finance) and the Head of Human Resources and Development (both parties must be in agreement). Each award will be subject to a cap to employees paid less than the full time equivalent value of NJC scale point 29 – currently £24,646.00 per annum.

If employees contracts are terminated through redundancy an exemption in the age regulations will allow employers to apply an enumerator of the statutory redundancy payment. This exemption does not apply to those who are terminated on efficiency grounds.

The enhancement will be restricted to a teacher who:

- a) have at least 3 years continuous service with Walsall MBC
- b) are in circumstance whereby a compulsory redundancy will be avoided
- c) have not previously received an enhanced severance payment
- d) Are not subject of formal competency procedures at the time of redundancy.

Prior to a decision being made the cost of the award must be obtained and the funding to support the award must be confirmed by the relevant Finance Manager.

Any awards agreed outside this policy will be funded from school budgets.

The Teachers (Compensation for Redundancy and Premature Retirement) Regulations 1997

3. Part IV: Premature retirement - Mandatory compensation

Revised policy

This will be a cost to the service and will be payable for the life time of the employee and spouse. This could have a significant impact on council funding. As a result the council have adopted this Regulation to apply to approved early retirement of teachers in the following circumstances:-

- 1 A school closure
- 2 Whereby a compulsory redundancy will be avoided and all re-deployment opportunities have been explored and found unsuitable.
3. Teachers awarded immediate payment of retirement benefits shall not be re-employed by the council for a minimum of 12 months.
4. On compassionate grounds but only when it can be demonstratively shown that the inability of the employee to work is as a result of a severe medical condition of the employee or of the person for which they are the main carer (subject to medical evidence to support the application).

If the award is agreed and made in accordance with the council policy and on the joint authority of the Chief Financial Officer or their Deputy (Head of Corporate Finance) and the Head of Human Resources and Development (both parties must be in agreement).

The mandatory payments will be funded from school budgets.

4. Part V: Voluntary early retirement – actuarially reduced benefits

No policy change

This is an administration procedure which determines when and how the employee can access their retirement benefits on a voluntary basis from age 55 to normal retirement age. The council requires the teacher to provide 6 months notice of intent to retire, in exceptional circumstances and with the approval of the governors and the authority this can be reduced to 3 months. Pension benefits will be paid on an actuarially reduced basis. There is no cost to the service.

5. Regulation E31 (11) Average Salary Calculation – Dealing with excessive Salary Increases during the Average Salary Period

No policy change

This is a cost to the service and will not be adopted for funding from council funds. School Governors' may choose to fund the addition from the school budget but must judge each specific case equally and fairly on its own merits having fully considered service delivery and financial costs.

PART 3 – INJURY ALLOWANCES

1. Conditions of Service for School Teachers in England and Wales: Section 9

This is a new policy decision

For Teachers – Section 9 of the Conditions of Service for School

An injury allowance is payable to teachers in cases of absence due to an accident, injury or assault whilst in the course of the teachers duties. This includes attendance for instruction at a physical training or other classes organised and approved by the employer or participation in any extra curricular or voluntary activity connected to the school.

- There is no permanent payment.
- Accident report forms MUST be sent to Employee Services to be kept on the personal file.
- The absence cannot be classed as industrial injury until evidence to support the payment is received
- A copy should be sent to Safety Health and Welfare and retained in the school accident book.

Temporary payment

All claims are to be submitted to the Injury Allowance Panel and cannot be paid until approved by the Panel.

An extension to full pay is allowed in all approved cases subject to restrictions detailed below such pay being treated as sick pay, but not exceeding 6 calendar months. An extension can be considered by the Panel if requested and will be agreed based on the evidence presented.

Payments are funded from the school budgets not the Pension fund. All payments will be reduced by payments received from state benefits or any payment from compensation or insurance resulting from claims made regarding the injury or illness.

Reductions to the payments are made if –

1. 50% reduction for pre existing condition or
2. 50% reduction for contributory negligence.

There is no separate internal appeals process as designated by the Injury Allowance Panel.

6. PART 4 – APPEAL PROCESS

Policy change.

Any disputes about decisions made in respect of these discretions should be sent in writing to:

The Executive Director (Children's)

The Council House

Walsall Council

WS1 1TW **or**

The Chief Executive

This was contained in the previous policy statement and will continue unchanged within this revised policy. Appeals in writing should be received within 6 months of a decision to the specified person named in the policy.

Wendy Moore

Payroll and Pension Control Manager,

January 2010