

	<p style="text-align: center;">General Purposes Committee 30th June 2009</p> <p style="text-align: center;">Report from the Director of Business Transformation</p>
Wards Affected: None	
Flexible and Early Retirement	

1. Summary

- 1.1 This report introduces a new policy which brings together and amends the existing retirement provisions for employees who are members of the Local Government Pension Scheme and set out proposals for a new Flexible Retirement policy for such employees.

2. Recommendations

The General Purposes Committee is asked to:

- 2.1 Agree the provisions of the Flexible and Early Retirement policy and procedure at Appendix 1
- 2.2 Agree the policy statement in paragraph 4.12.

3. Detail

- 3.1 The new policy and procedure brings together and amends existing measures for the discretion to allow early retirement with new ones that may facilitate Flexible Retirement.
- 3.2 Flexible Retirement:
- 3.3 Flexible Retirement presents the opportunity to retain experienced and valued members of staff who might otherwise leave or retire. For employees the policy offers the possibility of a measured approach to retirement. They may improve their work life balance at a point in their career where they may wish to reduce their workload, stress and responsibilities but not give up work altogether. It may also be used to manage change e.g. a restructure may require the deletion of a post meaning an employee may face unemployment and the council the

obligation to meet the associated costs including redundancy and severance payments. Instead it may be possible to offer the employee flexible retirement. This could mean that the employee can remain in employment and receive adequate pay via their pension and salary. The council could avoid the cost of redundancy.

3.4 Flexible Retirement differs from other forms of retirement i.e. age, Ill health, redundancy and efficiency. This is because for non Flexible Retirements the member is entitled to receive the immediate payment only on the cessation of their employment. If the pensioner returns to local government employment their pension may be reduced under the council's abatement policy. An employee who is granted a Flexible Retirement does not cease employment. Instead the terms of that employment are amended in accordance with the flexible arrangement and their LGPS pension is paid to them. As such they receive a salary from the council, a pension from the pension fund and abatement does not apply whilst the pensioner remains in the council's employment.

4. The Regulations relating to Flexible Retirement:

4.1 Regulation 18 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended) enables scheme members to apply for and employers to agree the payment of pension benefits where the applicant has reduced their hours and/or grade. Regulation 66 of the Local Government Pension Scheme (Administration Regulations) requires that each employing authority prepares a written statement of its policy on Flexible Retirement.

4.2 In order to receive retirement benefits under a Flexible Retirement arrangement the regulations require that the minimum retirement age and minimum scheme membership have been met. These are that the current scheme member has:

- reached the minimum retirement age of the pension scheme. For some members the minimum age is 50. This applies to staff who were a member of the scheme on 31st March 2008, have remained employed by the same employer since that date and make their request before 31st March 2010. In line with government policy the earliest retirement date for all other members is age 55.
- at least three months scheme membership or has transferred in membership from another pension scheme.
- not reached 75 years of age

The regulations also require that

- the scheme member has his employer's consent to reduce the hours he works, or the grade in which he is employed, and makes a request in writing to receive all or part of their benefits.

4.3 Members will note that the regulations allow part payment of the flexible pension. At the time of writing this report there is no guidance on how the part payment should be calculated. In the absence of the guidance the policy does not facilitate the part payment of the pension. Members

are asked that the Director of Finance and Corporate Resources be given delegated power to decide whether or not to amend the policy to allow the part payment of flexible pensions once the guidance is available. The policy statement in paragraph 4.12 reflects this.

4.4 The proposed policy relating to Flexible Retirement:

The policy requires that the scheme member:

- is not in their probation period
- not a temporary employee with less than six months' continuous employment with Brent at the date of the application
- reduces their contractual working hours by at least one third and/or reduces their grade with a reduction of at least two spinal column points

4.5 The reduction in hours and/or grade must be an arrangement that is financially and operationally in the Council's interest. The Council would also be required to agree to the early release of the employee's pension benefits. The approval of the Flexible Retirement application would depend on the availability of work at the requested grade or the number of weekly hours. The decision to allow a flexible retirement will follow due process requiring the endorsement of the relevant service director and the agreement of the Director of Finance and Corporate Resources. It would also require input from the employee's line manager as well as relevant HR, Payroll and Pensions advice.

4.6 A Summary of the proposed procedure relating to Flexible Retirement:

The proposed procedure for flexible retirement is that the employee makes an application to their line manager. In liaison with their assistant director the manager will prepare a robust business case, which will be given to the service director for approval. If the service director endorses the request it will be sent to the Director of Finance and Corporate Resources who will make the final decision. If the arrangement is agreed the retirement benefits will be paid on commencement of that arrangement. If the decision is not to allow the Flexible Retirement the employee will be informed of their right to appeal under the Internal Disputes Resolution Procedure (IDRP). The full procedure is attached to this report under appendix 1.

4.7 Early Retirement:

4.8 Regulation 30 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended) allows employers such as the council to grant early retirement to scheme members. Regulation 66 of the Local Government Pension Scheme (Administration Regulations) requires each employing authority must prepare a written statement of its policy on Early Retirement. If an employee retires before age 60 there is likely to be a cost to the council due to the early release of benefits as well as an impact on operations caused by the loss of an experienced member of staff. It is for these reasons that members have previously agreed that early retirement will be granted only where one of the following criteria have been met:

- i) There are operational or financial advantages to Brent (or there are no such disadvantages)
 - ii) The result is cost neutral to Brent and to the Brent Pension Fund and no operational disadvantages apply
 - iii) There are genuine and compelling compassionate grounds.
- 4.9 Members have also approved an outline procedure for deciding whether to grant early retirement. It is sensible that the early retirement and Flexible Retirement policy and procedure are joined in one document. Officers have used this opportunity to add detailed instructions and documents to the early retirement procedure, making it clear to officers and applicants the circumstances in which early retirement may be applied for and when it may be granted. The procedure is attached in appendix 1.
- 4.10 There has been consultation regarding the proposed policy and procedure with HR, Legal, Departmental Management Teams, the Corporate Management Team and the unions. Approval has been given from consultees with minor amendments made in accordance with their feedback.
- 4.11 Policy Statement:
- 4.12 Members agree the Policy and Procedure for Early Retirement as detailed in Appendix 1 of the report to the General Purposes Committee 30th June 2009. Members authorise the Director of Finance and Corporate Resources, after consultation with the Borough Solicitor, to change the procedures in accordance with amendments to pensions legislation and the needs of the council. If it is the opinion of that director that the proposed change to the procedures is significant or that an amendment to the policy is required a report seeking approval of the proposed change/amendment will be put before this committee. Members also agree that the Director of Finance and Corporate Resources is given delegated power to decide after consultation with the Borough Solicitor whether or not the policy in relation to the part payment of a flexible pension is made, and what that change should be, once suitable guidance is provided by the Government Actuaries Department.

5. **Impact assessment**

- 5.1 Officers have completed an Impact Needs Requirement Assessment and there are no negative issues arising from the policy and procedure.

6. **Financial implications**

6.1 Flexible Retirement:

- 6.2 If a scheme member is granted flexible retirement before they have reached the age of 60 there is normally a cost to the pension fund. The unit agreeing the Flexible Retirement would be required to make good the loss to the pension fund over a three-year period from its revenue budget.

- 6.3 If the employee receives their benefits before the age of 65 a permanent reduction may apply to their pension. The employee may request that all

or part of the reduction is waived. If agreed this would mean a loss to the pension fund which would be recovered from the employee's service budget. The extent of the unit cost for flexible retirement will vary in accordance with the member's circumstances. The policy states that this may be granted only in wholly exceptional circumstances.

6.4 The policy requires that the employee remains employed under the terms of the flexible retirement for a minimum of 12 months. If the employment is terminated before the minimum term is served, either because the employee terminates their contract or because the council terminates their contract on the grounds of misconduct and/or poor work performance, they may be required to pay to the council an amount equivalent to the associated costs of the retirement. This measure helps to ensure that the council gets value from the arrangement.

6.5 Early Retirement:

6.6 If a scheme member is granted early retirement (before reaching the age of 60) there is normally a cost to the pension fund because the pension will be paid for longer and less pension contributions are paid into the scheme. If a service agrees to the early retirement it will be required to repay the loss to the pension fund, known as the capital cost, over a three year period.

6.7 If an employee receives their pension benefits before they have reached 65 those benefits may be subject to permanent reduction. The employee may request that the council waives the whole reduction on compassionate grounds. If the request is agreed the service would also be required to make good the loss to the pension fund.

6.8 If a member of staff is granted a Flexible Retirement or an Early Retirement there may be an impact on operations and this must be managed. It is pivotal to the successful application of the policy and procedure that the business case robustly demonstrates the benefits to the council and how any potential costs and operational issues will be dealt with. It will be equally important that deciding officers take full consideration of the facts, challenge any inadequacies in the business case and make their decision only when they are satisfied that all the relevant information has been presented to them.

7. **Legal Implications**

The proposed policy and procedure complies with the relevant regulations governing early and flexible retirement, the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007.

8. **Staffing Implications**

8.1 The policy and procedure has the potential to have a positive effect as Flexible Retirement will help to ensure that the council retains experienced members of staff whilst allowing employees the possibility of maintaining their work life balance.

9. Background Papers

- 9.1 The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended)
- 9.2 The Local Government Pension Scheme (Administration) Regulations 2008

Contact Officers

Any person wishing to inspect these documents should contact Andy Gray, Pensions Manager, Chesterfield House, 9 Park Lane, Wembley, HA9 7RH, Tel. 020 8937 3157

GRAHAM ELLIS
Director of Business Transformation



Appendix 1

Flexible and Early Retirement at Brent

Policy and Procedure

2009

Contents:

The policy:	Page
Aim and objectives of the policy	
Legal context	
Who is and isn't covered by this policy	
Policy on Different types of retirement	
• Retirement at 65	
• Retirement between the ages of 60 and 64	
• Early retirement between the ages of 50 (or 55) and 59	
• Flexible retirement	
Links to other policies and procedures	
Evaluation review and change	

The Policy

Aims and Objectives:

The policy aims to provide a structured and supportive approach to early or flexible retirement at Brent.

Specifically the policy and procedures provide:

- Guidance on retiring between the ages of 60 and 64
- Guidance on taking early retirement between the ages of 50 and 59
- A framework to retire flexibly at age 50 or above
- Advice on returning to work at Brent after a period of retirement
- A framework to help staff and managers make informed decisions around retirement
- Some basic advice around the impact of various sorts of retirement on your pension

References in this policy to pension benefits are to benefits paid under the provisions of the Local Government Pension Scheme (LGPS).

Legal Context

The policy and procedures have been written with reference to the law on age discrimination and the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended). In other respects legal advice has been sought on the policy and procedures in general to ensure they comply with current employment legislation and good practice.

Who is and isn't covered by the policy

The policy applies to the following groups of staff:

- Employees of Brent not based in schools
- Employees of Brent based in schools where either the school's delegated budget has been suspended or where the governing body elects to adopt this procedure

The policy does not apply to employees of Brent based in schools where the school's delegated budget has not been suspended and where the governing body has not elected to adopt this procedure.

Policy on different types of retirement

Brent acknowledges that older employees have a wealth of experience and knowledge that can suddenly be lost to the organisation when they retire.

By giving staff a range of options around retirement it should be easier for people to plan and make the transition more smoothly from full time employment to retirement. A planned approach to retirement can also help Brent make sure key skills and knowledge are transferred and not lost.

With the exception of compassionate retirements, in consultation with their Assistant Director, the Line Manager is required to submit a business case to the Service Director and Director of Finance and Corporate Resources for proposals for early retirements between the ages 50(55) and 59 and flexible retirements.

If a compassionate or early retirement is agreed any cost incurred for retiring the employee early will be charged to the employee's service.

1. Retirement at 65

Under the LGPS the normal retirement age is 65 so an employee retiring at that age will receive immediate payment of his/her retirement pension without reduction. Employees do not need to ask Brent's permission to retire at 65. However as voluntary retirement is termination by the employee of his/her contract of employment with the Council the employee will need to give the Council the amount of notice required by their contract to terminate their employment with the Council.

2. Retirement between the ages of 60 and 64

An employee can retire voluntarily, at any point between the ages of 60 and 64 and choose to start drawing their pension immediately. There may be a permanent reduction in the employee's benefits if they start drawing their pension before the age of 65. Retiring Employees will need to give the council the amount of notice required by their contract to terminate their employment.

3. Taking early retirement between the ages of 50 (or 55) and 59

The scheme rules say that staff who were members of the scheme as at 31st March 2008 may, with the council's permission, receive immediate payment of retirement benefits from the age of 50 but their request must be made, in writing, before 1st April 2010. Other members may not receive their retirement benefits before age 55.

Early payment of pension benefits is at the council's discretion. The council's policy is that a request for early retirement will not be agreed unless one of the following circumstances are proven to the satisfaction of senior officers:

- There are operational or financial advantages to Brent (or there are no such disadvantages)

- The result is cost neutral to Brent and to the Brent Pension Fund and no operational disadvantages apply.
- There are genuine and compelling compassionate grounds.*

The procedure explains how to make an application for the early payment of pension benefits.

*It should be noted that if a compassionate retirement is agreed an early retirement reduction may apply to the benefits. An additional request must be made to deciding officers if the employee wishes the council to waive the reduction on compassionate grounds.

Reduction in pension benefits

There may be a permanent reduction in the employee's benefits if the member starts drawing their pension before the age of 65. A limited number of members will be protected under the 85 year rule which means their pension benefits would not be reduced. The procedure explains how to make an application for the reduction in pension to be waived and gives more detail on how the council will consider the request.

Retiring Employees will need to give the council the amount of notice required by their contract to terminate their employment.

It should be kept in mind that waiving a reduction in the pension would be an expense to the council. The council will agree to waive the reduction in benefits only where compassionate circumstances are not only proven but are wholly exceptional.

4. Flexible retirement

If the employee is all of the following:

- (a) Has reached the minimum retirement age of the scheme i.e. age 55 unless the employee was a member of the scheme as at 31st March 2008 and made a request for flexible retirement before 31st March 2010.
- (b) Has at least three months scheme membership or, if the membership is less than this, has transferred their benefits from another pension scheme.
- (c) not in his/her probation period
- (d) not a temporary employee with less than six months' continuous employment with Brent at the date of application.

Then the employee can apply for flexible retirement.

Flexible retirement is where the employee continues working for Brent in a reduced capacity but starts to draw the whole or part of his/her pension. There is no detailed guidance as to how part of the pension may be paid. It is for this reason that if a flexible retirement is granted under this policy the benefits will be paid in full. The policy will be reviewed once detailed guidance is available.

In order for flexible retirement to be awarded Brent must agree to a reduction in the employee's contractual weekly hours of at least one-third and/or a reduction in the grade in which the employee is employed where there is a reduction of at least two spinal column points. The reduction in hours and/or grade must be such that the arrangement is not detrimental to the council's interests. The council must also agree to the early release of the employee's pension benefits. Minimum reductions are specified in the Retirement Procedure.

Reduction in Benefits

If the flexible retirement takes place before the employee's 65th birthday their benefits may be subject to permanent reduction. The council has the discretion to waive part or all of the reduction. Waiving the reduction will be an expense to the council. Deciding officers will agree waiving the reduction only if the business case robustly demonstrates that it is in the council's interests to do so and that wholly exceptional circumstances apply.

Flexible retirement and the waiving of a reduction to benefits are discretionary which means that Brent will consider the employee's request and make a reasonable decision based on the relevant circumstances of the case.

The arrangement must be for a minimum of twelve months. If the employee's contract of employment with the Council is terminated within one year from the date of the flexible retirement, either by the Council on the grounds of misconduct and/or poor work performance or as a result of the employee terminating their contract, then the council reserves the right to require the employee to pay to it a sum equivalent to the whole or part of any costs which the Council has incurred or which it will incur as a result of the employee taking flexible retirement.

The procedure explains in detail how to apply for flexible retirement.

Links to other Policies and Procedures

Managing Change:

The council's managing change procedure deals with restructuring, redeployment and redundancy. In these cases retirement or flexible retirement may be useful options to consider as an alternative to a change in the employee's role or a redundancy. The Managing Change policy will be updated to reflect this

Fairness At Work Procedure:

There are some options in the Flexible and Early Retirement at Brent policy that are discretionary. This means that Brent may refuse requests for early release of benefits to employees retiring before the age of 60, for the waiver of reductions in pensions. There is a right of appeal against these decisions and this is detailed in the procedures. The council's Fairness At Work procedure will not be used for appeals against decision made under the Flexible and Early Retirement at Brent Policy.

Capability Procedure:

This is the procedure that deals with an employee who is not performing to the expected standard at work. Although being subject to a capability procedure does not stop you from applying for retirement of any sort it may be that your progress in the capability process is taken into account when deciding on a request for one of the discretionary options in the Flexible and Early Retirement at Brent policy.

Managing Sickness Procedure:

If you are currently in the managing sickness procedure this will not automatically stop employees from applying for retirement of any sort but it may be that advice on your health from occupational health is taken into account before deciding on a particular course of action.

Disciplinary procedure:

An employee who is subject to a formal disciplinary procedure which may result in the employee's dismissal will not be allowed to apply for early or flexible retirement until the procedure is concluded. Any sanction that has been imposed as a result of the disciplinary procedure will be taken into consideration should a request for early or flexible retirement be made.

Flexible working:

If the employee would like to change his/her hours or grade but not start to draw his/her pension or if s/he is below the minimum age to be eligible for flexible retirement and would like to change his/her hours of pay then this is a request for flexible working. If the employee meets certain criteria then s/he has a statutory right to apply to work flexibly. The council has published on the intranet guidance to employees on this right. If the employee does not meet these criteria s/he may still approach his/her manager to work flexibly under the provisions set out in the council's Work-Life Balance Handbook.

Evaluation review and change

This policy and associated procedures will be evaluated and reviewed every 36 months in line with the valuation of the pension fund or as and when required by the regulations or the council.

The council will not change the provisions in this policy without first consulting with staff and trade unions in such manner as it considers appropriate.

It is not intended that this policy will be incorporated into the contracts of employment of the Brent employees to whom it applies.

The procedures:	Page
Index	
Stopping work at age 65 or after. Stopping work between 60 and 64	
Stopping work between the ages of 50 and 59	
Retiring flexibly at 50 or above	
Coming back to work at Brent after retirement	
Preparing for your retirement	
Standard Forms	

The Procedures

These procedures provide detail on how to apply for Flexible and Early Retirement at Brent. It is advisable to read the Policy first before using these procedures.

The benefits referred to in this procedure are governed by the Local Government (Benefits, Membership and Contributions) Regulations 2007(as amended) and associated legislation. Nothing in this document over rides the aforementioned legislation.

Retirement at age 65 and above

The normal retirement age of the Local Government Pension Scheme (LGPS) is 65. Scheme members who reach this age may retire and start receiving their benefits immediately. The pension will not be reduced as the member will have reached the normal retirement age of the scheme. The employee does not require the council's permission to receive their pension.

If the scheme member retires after their 65th birthday their benefits will be increased.

The employee must give the Council the amount of notice required by their contract to terminate their employment with the Council.

Retirement between 60 and 64

Members may retire between the ages of 60 and 64 and receive the immediate payment of their pension. They do not require the council's permission but as this is before the age of 65 the pension benefits may be permanently reduced. It is important that members consider their future income before deciding to receive their pension in these circumstances.

Members thinking about retirement between the ages of 60 and 65 should contact the pensions section of the People Centre to obtain an estimate of their benefits so that s/he can make an informed decision. The employee may also wish to attend the council's Pre Retirement Course which gives guidance on various issues connected to retirement. Please contact the People Centre on 0208 937 3161 for further details.

The pensions section will inform the employee within 10 working days of the receipt of all relevant information, a calculation of their benefits which will include any reduction that may apply.

The employee must give the Council the amount of notice required by their contract to terminate their employment with the Council.

Once the retirement date is finalised the employee's line manager will complete the necessary leaver form which will be forwarded to the Payroll and Pensions Team. The leaver form instructs the pension service to prepare the employee's retirement benefits.

It is important that employees' pension benefits are paid as quickly as possible. To make sure of this all Retirement Forms must be completed and returned to the Pension Team without delay.

Retirement between the ages of 50 (or 55) and 59

The scheme rules say that staff who were members of the scheme as at 31st March 2008 may, with the council's permission, receive immediate payment of retirement benefits from the age of 50 but their request must be made, in writing, before 1st April 2010. Other members may not receive the immediate payment of their benefits before age 55.

The Local Government Pension Scheme allows employers such as the council the discretion to pay pension benefits to employees earlier than their 60th birthday. The council will not agree to a request for retirement before age 60 unless the deciding officer is satisfied that one of the following apply:

- i) There are operational or financial advantages to Brent (or there are no such disadvantages); or
- ii) The result is cost neutral to the council and to the Brent Pension Fund and no operational disadvantages apply; or
- iii) There are genuine and compelling compassionate grounds.

The employee may not apply for an Early Retirement and a Flexible Retirement at the same time. This is because if the employee is requesting early retirement the circumstances require that they cease employment. Under the terms of a Flexible Retirement the circumstances require that they remain in employment.

Application for Early Retirement under Options i) and ii):

In order that an employee may be considered for early retirement they must first consult their line manager. This is because a retirement is likely to have an impact on their service and because it would be the line manager's responsibility to initiate the application for early retirement. Once the discussion has taken place the employee may apply for the early retirement using Form ER1.

In order that the process for retirement may proceed under items i) and ii) the employee's manager must:

In consultation with the Assistant Director, submit a business case for the early retirement proposal which will show but may not be limited to:

- that the proposal will not have a negative impact on the service provision and may possibly enhance service delivery
- what the effect will be on external and internal customers and how any negative impact could be managed
- the impact on colleagues and how this could be managed.
- how the impact on systems and procedures will be managed, e.g. staffing levels, supervision

- how the proposal will affect the costs to the service. Including any costs incurred in releasing the pension benefits early.

The manager will request an estimate of the benefits payable from the Pension Team of the People Centre. The estimate shall include any costs to the service and any reduction applicable to the pension.

If the opinion of the manager is that there are insufficient grounds for the retirement to proceed they will write to the employee informing them of their position.

If the manager agrees that there are sufficient grounds for the retirement, or if the employee wishes to pursue the request despite the manager's opinion that there are insufficient grounds for the retirement that manager must, after consultation with their service assistant director, forward the request to their service director stating the grounds for the retirement and a business case supporting/ opposing it. This should be made by completing section B of Form ER1.

The service director will seek advice from the relevant Strategic Human Resources Manager or HR officers when deciding whether or not to endorse the request.

If the service director confirms that the request should proceed the business case and their endorsement using Part C of Form ER1 will be forwarded to the Pension Team of the People Centre. That team will ensure that all relevant information has been received and that due process is followed.

If the service director does not endorse the request the retirement may not proceed. This will be done using Part C of FORM ER1. The employee will have a right of appeal against this decision under the Internal Disputes Resolution Procedure (IDRP).

If the service director endorses the request the completed form will be forwarded to the pension team of the People Centre to ensure that the application contains all relevant data. Once this has been done the request will be given to the Director of Finance and Corporate Resources who will decide whether or not the pension will be put into payment.

If the decision is not to allow the payment of the pension that Director will complete Form ER1. They will write to the employee informing them of their decision and the reasons for it. A copy of the form and the notification to the employee will be forwarded to the Pension Team of the People Centre in order that relevant IDRP documentation can be provided.

If the decision is to allow the retirement they will forward the form to the line manager, who will inform the employee, and a copy to the pension team of the People Centre who will ensure that the pension is brought into payment.

Genuine and Compelling Compassionate Grounds:

Requests for early payment of pension benefits under the above discretion ((iii above) are processed differently to i) and ii). This is because the decision to pay the pension on genuine and compelling compassionate grounds will require proof of the individual's personal circumstances and not a business

case from the employee's line manager. The council policy does not define what the compassionate circumstances are as this may exclude genuine and compelling cases that may fall outside the definition. The individual's financial (including personal and household income), personal and other relevant circumstances would be taken into consideration with each case being decided upon its merits.

The employee must first indicate their wish to retire to their line manager. This is because the department would be required to meet any early retirement costs and the departure of a member of staff will have an effect on services. The line manager will request an estimate of benefits in order that the employee is aware of the potential retirement income and that manager understands the potential cost to their department. The estimate will indicate any reduction applicable to the benefits.

The employee must complete form C1 providing evidence of their personal, domestic and financial circumstances. They will then forward this to the pension team of the People Centre. The pension team will check the application to ensure that the form is complete and correct.

Once checked the form will be forwarded to the Deputy Director of Finance who will decide whether or not the pension should be put into payment.

If the decision is not to allow the payment of the pension the Deputy Director of Finance will write to the employee informing them of their decision, the reasons for the decision and the employee's right to have the decision reconsidered.

If the employee wishes to have the decision reconsidered they may contact the Director of Finance and Corporate Resources using form C1A. The form will require the employee to detail why they disagree with the decision. The Director will only decide to put the pension into payment if s/he is satisfied that any reasonable person on the evidence before the Deputy Director would have made that decision

If the decision is to allow the retirement the Director of Finance and Corporate Resources will write to the employee's manager and the reason for it. A copy of the decision will be forwarded to the pension team will ensure that the pension is brought into payment.

If the Director of Finance and Corporate Resources does not allow the early retirement they will inform the employee of their decision, the reasons for the decision and the employee's right to appeal under the Internal Disputes Resolution Procedure (IDRP).

Appeal to waive a reduction to pension benefits (excluding Flexible Retirement):

If a pension is paid before the age of 65 the benefits may be reduced if they do not satisfy the 85 year rule. The estimate provided will indicate whether a reduction applies. For further information regarding pension benefits or the 85 year rule please contact the London Pensions Fund Authority on 020 7369 6249.

If a reduction does apply the council has the discretion, on compassionate grounds, not to reduce the pension. If the employee wishes the council to waive the reduction the process for deciding the early payment of pension on compassionate grounds FORM C2 will be used. Should the reduction be waived there would be a direct cost to the council. Only where compassionate circumstances are proven and agreed by the Deputy Director, or if under appeal the Director, of Finance and Corporate Resources will the reduction be waived. The process for deciding this will be the same as that for compassionate retirements. If a member has been awarded the payment of their pension on genuine and compelling compassionate grounds this does not mean that the reduction to the pension will be automatically waived. The employee would be required to complete form C2. The application would require a separate decision which would require wholly exceptional circumstances.

If the employee wants to retire from the age of 55 (or if applicable from the age of 50) by the council's agreement to a reduction in his/her hours of a least one third or to a reduction in his/her grade, then this would be a flexible retirement and the section on flexible retirement of these procedures will apply. Also see the Flexible and Early Retirement at Brent Policy.

Time Limits:

Requests for flexible retirement: This will not be considered by deciding officers if the reduction in the employee's hours and /or grade which is the basis for the proposed flexible retirement has already taken place before the request is made or before deciding officers have agreed the flexible retirement. The request for flexible retirement must be made no later than three months before the proposed date of the flexible retirement , except that late requests may be considered in wholly exceptional circumstances at the discretion of deciding officers

Request for early retirement: This will not be considered by deciding officers if the employee has submitted their resignation or their employment has ceased before submitting the request to receive early payment of their pension. The only exception to this would be that a member who has submitted their resignation or left employment may request the early payment of their deferred benefits on genuine and compelling compassionate grounds (option iii).

A current contributor to the pension scheme must submit their request four months before the proposed date of the retirement is to take place, except that late requests may be considered in wholly exceptional circumstances at the discretion of deciding officers.

Request to waive reduction in benefits: If the employee wishes to request that the council partially or wholly waives the reduction to the benefits payable under the flexible retirement or that the reduction that applies to the benefits payable under the early retirement is waived on compassionate grounds this request must be submitted at the same time as the request for flexible /early retirement is made to the line manager. Deciding officers will accept applications to waive the reduction submitted after the request for flexible/early retirement only:

- in wholly exceptional circumstances ; and

- the application for waiver is made not later than 4 weeks before the pension commencement/proposed commencement date; and
- All relevant information is made available to them by this date.

Appealing against the decision not to allow early retirement

The decision whether to allow the early payment of an employee's benefits may have significant resource issues for the council. It should be kept in mind that the council will only agree to this if one of the criteria have been proven to the satisfaction of senior officers as set out above. The employee's line manager should make it clear to them that the provision to allow early retirement is discretionary and not a right. Decisions will be made once all relevant factors have been robustly demonstrated and duly considered.

Members of the LGPS have a right to challenge decisions made regarding their pension. This is known as the Internal Disputes Resolution Procedure (IDRP). Members may not appeal against a decision simply because the deciding officer had not allowed the retirement but the member may appeal if s/he feels that the council has not exercised its discretion reasonably.

Should the determination of the IDRP support the member's appeal this does not mean that the original decision will be reversed but that the council would review that decision in accordance with the instructions from the IDRP. Details of how to appeal under IDRP are available from the People Centre who may be contacted on 020 8937 3160.

Retiring flexibly at 50 (55) or above

The scheme rules say that staff who were members of the scheme as at 31st March 2008 may, with the council's permission, as a result of a flexible retirement receive the early payment of the whole or part of their pension from the age of 50 but their request must be made, in writing, before 31st March 2010. Other members may not receive their pension before age 55.

A flexible retirement is one where the employee reduces their hours and/or their grade and receives the immediate payment of part or their entire pension whilst they are still employed by the council. This will not preclude employment in a different part of the council where a sound business case demonstrates this in the council's interests.

If the employee's request is to reduce their hours or grade but not receive their pension benefits they should refer to the council's flexible working policy.

Our Flexible Retirement Policy means that an employee can make a request to their line manager to:

Either:

Reduce their contractual weekly hours by at least a third, rounded down to the nearest half hour. In some circumstances it may be necessary to reduce the hours by more than a third in order to ensure financial or operational viability of the proposal.

And/or

Reduce their rate of pay by at least one grade causing a reduction in pay of at least two spinal column points, or a greater reduction that would make the arrangement financially or operationally viable, and undertake a role with less responsibility.

The council must agree to both the reduction in responsibility and the early release of your benefits.

Employees are not entitled to a flexible pension unless:

- They have reached the minimum retirement age of the pension scheme, as given above, and
- they have been a member of the pension scheme for at least 3 months or have transferred in service from another pension scheme and
- They are under the age of 75.

Should flexible retirement be granted the pension received cannot be reduced under the council's abatement policy whilst the member is employed by the council but may be reduced if the employee leaves Brent and gains employment with another local authority or other scheme employer. The employee may recommence membership of the LGPS and the right to flexibly retire would apply to that post also.

The employee may not apply for an Early Retirement and a Flexible Retirement at the same time. This is because if the employee is requesting early retirement the circumstances require that they cease employment. Under the terms of a Flexible Retirement the circumstances require that they remain in employment.

What will the decision makers think about when considering a request for flexible retirement?

Employees must apply to their manager using Form F1. Decision makers will take HR and financial advice and then arrange to meet with you to discuss your request. A reasonable decision will be made. The circumstances considered when making the decision will include but may not be limited to:

- The availability of work for less hours and/or at a lower grade
- The feasibility to operational requirements of doing a particular job on less than full-time hours
- The resources of the service
- The need to retain skills and knowledge in the organisation

- The impacts, either positive or negative, that the arrangement may have on further long term recruitment to that post left vacant by retirement
- The financial impact on council budgets and/or the pension fund.
- Any other circumstances which reasonably appear to be relevant to decision makers

It may be at the meeting that the employee could negotiate the proposed arrangement; if the council does not agree to the initial request then employees could discuss alternatives that might be more manageable.

After the meeting the manager will take time to consider the request and then write to the employee within 20 working days of the meeting informing them whether or not they support the request. It may be necessary to extend this period if additional information is required.

How to apply for flexible retirement

An employee can apply for flexible retirement by completing the form in the standard forms section of these procedures using form F1. In the form the employee must specify all of the following information:

- The number of hours they propose to work each week
- The extent to which they would reduce their pay
- The kind of work they propose to do
- The length of time that they want the arrangement to last. This may not be any shorter than 1 calendar year
- If a reduction applies to the benefits whether the employee believes that wholly exceptional circumstances exist and they wish the council to waive part or all of the reduction that may apply
- That the employee understands and accepts that in the event the employee's contract of employment is terminated within one year of their taking flexible retirement, either by the Council on the grounds of misconduct and/or poor work performance or as a result of the employee terminating their contract of employment, the Council reserves the right to require the employee to pay to it a sum equivalent to the whole or part of any costs which the Council has incurred or which it will incur as a result of the employee taking flexible retirement.

The employee's line manager will request an estimate of the pension benefits and a calculation of the employee's revised salary based on the employee's or negotiated proposals. This will help the employee understand the revised income that they would be entitled to if the retirement is agreed. It will also help the line manager and other deciding officers to understand the potential costs.

If the manager does not agree that the flexible arrangement they must write to the employee informing them of their position.

Following consultation with their Assistant Director, if the manager agrees in principle to the flexible arrangement or if the employee wishes to pursue the request despite the manager's opinion that there are insufficient grounds for the retirement they will forward the proposals and a business case for or against the request to the relevant service director. That officer must seek the

advice of their relevant Strategic HR Manager when considering the proposal and business case. Their endorsement is required if the request is to progress in the process. If they do not they will write to the employee informing them of their decision, the reasons for the decision and the employees right of appeal under IDRPs.

If the director agrees the proposals they will forward their written endorsement together with all other relevant documentation to the Pensions Team of the People Centre. Officers will ensure that all parts of the application are correct and complete. The form will then be forwarded to the Director of Finance and Corporate Resources for a final decision.

If the Director of Finance and Corporate Resources allows the payment of the pension they will forward the form to the employee's line manager. A copy of the form will be forwarded to the Pension Team of the People Centre.

The employee will then be asked to complete Form D1, declaring that they have understood fully the operational and financial implications of the flexible retirement. Payment of the pension may not commence without this.

The manager will inform the employee of the decision. The unit must comply with the decision and will amend the employees contractual arrangements according to it. A copy of the contract amendment or the new fixed term contract will be forwarded to the pension team of the People Centre together with the Payroll amendment form to ensure that the changes are in accordance with the flexible retirement agreement. The pension will be payable from the date that contractual changes become effective. Depending on the terms of the arrangement this will be done by:

- an agreement terminating the existing contract by mutual consent and entry into a new fixed term contract or
- a variation to the existing contract,

subject to the Council having the right to require the employee to revert to the former contract or to increase the hours or duties (and if appropriate grade) of the employee above those agreed in the flexible arrangement

A copy of the new contract together with a copy of the payroll amendment form will be forwarded to the Pension Team of the People Centre. Payment of the pension will not commence without this.

If agreed, a flexible retirement arrangement will be in place for a minimum of 12 months and reviewed after 12 months have elapsed. If the Director of Finance and Corporate Resources decides that the pension benefits may not be released they will write to the employee informing them of the reasons for their decision and the employee's right to appeal under IDRPs. The decision will be forwarded the employee's line manager and to the Pensions Team of the People Centre who will supply relevant IDRPs documentation to the employee if required.

Requesting the Part Payment of Pension Benefits on Flexible Retirement:

The LGPS allows employees to request that part of their benefits are payable via a flexible retirement. At the time of writing this procedure the government have not clarified how the part pension will be calculated. If deciding officers agree the flexible retirement the employee will receive their entire pension. Requests for part payment of pension benefits will not be agreed until this issue is clarified. Once guidance has been issued the Director of Finance and Corporate Resources will consider whether an amendment will be made to the policy and what that change should be.

Request to waive all or Part of the reduction that applies to the Flexible Pension:

If a pension is paid before age 65 the benefits may be subject to reduction. If this is the case the employee may request that the council waive all or part of that reduction. If agreed the increased cost of the pension would be met directly from council funds. The council will not agree to waive the reduction in the benefits unless wholly exceptional circumstances apply.

Applications to waive the reduction will be considered as part of the application for flexible retirement. It must therefore be commented on by the employee's line manager, endorsed by their service director and agreed by the Director of Finance and Corporate Resources. There must be proven financial and, where appropriate, additional operational reasons if part or all of the reduction is to be waived.

Time Limits relating to an application for Flexible Retirement and the waiving of a pension reduction can be found in the Time Limits Section on pages 19 and 20.

Appealing against the decision not to allow flexible retirement under the Internal Disputes Resolution Procedure (IDRP)

If the flexible retirement is not agreed an employee can make an appeal under the IDRP. The council must exercise its discretion reasonably and the employee may appeal if they feel that the council has not done so. If the appeal is successful the council must reconsider the evidence and make a further decision. This may not mean that the outcome of the original decision will be altered. Details of the IDRP process are available from the Pension Section of the People Centre and can be contacted on 020 8937 3160.

What happens if the flexible retirement arrangement doesn't work out?

When an employee agrees to a flexible retirement arrangement they will enter into revised contractual arrangements. This will be for a period between 12 and 24 months.

The council strongly recommends that the employee follows the terms of the agreement for at least 12 months. However the employee has the right to give notice at any point during the arrangement in accordance with the appropriate notice provisions in the contract. If the employee gives notice to terminate their contract expiring on or before one year from the date of the agreement then the council reserves the right to require the employee to pay to it a sum

equivalent to the whole or part of any costs which the Council has incurred or which it will incur as a result of the employee taking flexible retirement.

Once flexible retirement has been put in place it will not be possible for the employee to go back to their former conditions of employment or duties if the new arrangements do not succeed. However the Council will have the power to require the employee to revert to their former conditions of employment or duties or to increase the hours or duties (and if appropriate grade) of the employee above those agreed in the flexible arrangement if the Council considers this appropriate. Should the unit decide to revert the contract to their original terms or increase the hours or duties above those agreed in the flexible arrangement they will inform the Service Director and the Director of Finance for the reasons for doing so. The proposal may not proceed until those directors have forwarded their response. Those directors will decide whether an amendment to the employee's terms of employment raises any issues in relation to the flexible arrangement, whether further action is required and what that action should be. The unit will be required to comply with any directions given. The unit will put forward the proposed contract amendment to their Service Director and the Director of Finance and Corporate Resources using Form FR1.

Notwithstanding the revised contractual arrangements being agreed, the council retains the right to terminate their employment at any time prior to the expiry of that contract for any potentially fair reason and will follow the appropriate procedure in the event that it considered necessary to do so. It should be noted that if the post is made redundant whilst the Flexible Arrangement is in place the redundancy payments will be based on the new contractual pay and/or adjusted service.

Under the flexible arrangement the employee would again become a member of the Local Government Pension Scheme and build up further pension rights unless the employee confirms in writing that they do not wish to be so.

Coming back to Brent after retirement

Once an employee has retired and terminated their employment with Brent completely they could still apply for jobs with the council in the normal way.

They would still have to comply with the full recruitment process for the post but being aged 65 or older will not preclude them from employment with the council.

The council cannot abate (reduce) the pension paid in connection with a flexible retirement arrangement whilst the person is employed by this council. Should they become employed by another local government scheme employer the pension may be abated dependent on the abatement policy, which may be changed from time to time, and on the employee's total local government income.

The abatement policy in place at the time of writing this procedure that does not apply to Flexible Retirement is that if a pension may be reduced or suspended during re-employment with any local authority including Brent. A pension is reduced when:

The pension payable

Plus

The pay in the new job

Is greater than the final pay the pensioner was earning when they retired from their first job.

They may recommence membership of the Local Government Pension Scheme whilst employed by the council but must commence receipt of those benefits before your 75th birthday.

The council's abatement policy is discretionary and is reviewed. If the council decides to alter the policy scheme members will be notified.

How an Employee's Age at Retirement Affects their Pension

1. Above Age 65: Employees who stay in the pension scheme after their 65th birthday will receive increased benefits.
2. Age 65: This is the normal retirement age of the LGPS. The payment of the pension does not require the council's consent. If an employee retires at 65 they would receive the immediate payment of their pension benefits unreduced.
3. Age 60 or above but below age 65: If an employee retires between these ages they would not need the council's consent to receive the immediate payment of pension benefits but their pension and lump sum may be subject to reduction. Some employees may be protected under the 85 year rule. This applies to a limited number of members who may receive an unreduced pension if the sum of their age and pension membership are 85 or more and

they retire before 1st April 2016 (current negotiations may extend this protection to 2020). Employees should ask for a calculation of their entitlements to better understand how their pension may be affected. They may call our pension contractor, the London Pensions Fund Authority, on 020 7369 6249 for more details. If there is a reduction to the pension the employee may elect to defer the receipt of their benefits until age 65 at which point they would be paid unreduced.

4. Age 50 to 54: If an employee was a member of the LGPS on 31st March 2008 and applies for the early payment of their pension before 1st April 2010 they may be considered for early retirement. They would require the council's consent and the request may be refused or accepted dependant on the circumstances of the case. If the retirement is agreed it may be subject to reduction. If the application is for a flexible retirement all or part of the reduction may be waived if wholly exceptional circumstances are proven. If the request is for other forms of voluntary retirement the reduction may only be waived if compassionate grounds are proven.
5. Age 55 to 59: Retirements would require the council's consent and a request may be refused or accepted dependant on the circumstances of the case. If the retirement is agreed it may be subject to reduction. If the application is for a flexible retirement all or part of the reduction may be waived only if wholly exceptional circumstances are proven and agreed. If the request is for other forms of voluntary retirement the reduction may only be waived if compassionate grounds are proven.

Allegations made in legal proceedings

Decision-makers shall not take into account, when making decisions under this procedure, that the employee has in legal proceedings brought against the Council made allegations of unlawful victimization, except where they are satisfied that the allegations are false and made in the knowledge or belief they are false.

Preparing for Retirement

Whenever an employee decides to retire this is likely to be a big change for most people.

It's always best to get good financial advice before making a final decision.

Brent runs a Pre Retirement Course once a year. This helps employees to prepare for the changes

Most trade unions also provide some advice to their members around retirement.

Standard Forms/Application Forms:

The forms in this section are to be completed by scheme members who are:

1. applying for early retirement.
2. applying for flexible retirement
3. requesting that the council waives the reduction to their early retirement benefits on compassionate grounds
4. are requesting that the council waives all or part of the reduction to their flexible retirement benefits in wholly exceptional circumstances

Form ER1: This form is to be used by employee's who are seeking early retirement before the age of 60 on the following grounds:

There are operational or financial advantages to Brent (or there are no such disadvantages); or

The result is cost neutral to the council and to the Brent Pension Fund and no operational disadvantages apply

Form C1: This form is to be used by members seeking early retirement on genuine and compelling compassionate grounds. If the decision is not to allow the payment an appeal can be made using Form "C1 Appeal".

Form C2: This form is to be used by members who have requested early retirement (other than flexible retirement) and are requesting that the council waive the reduction that applies to their pension on compassionate grounds.

Form F1: To be used when applying for flexible retirement.

Form FR1: To be used if the unit propose (whether as a result of a review after 12 months of the flexible arrangement or otherwise) to revert the contract of an employee who has taken flexible retirement to the original terms or to increase the hours or duties above those agreed in the flexible arrangement.

Retirement Forms:

If your retirement has been confirmed the following forms must be completed and returned in order that your benefits can be paid without delay.

NB: All of the following forms must be completed and returned to the London Pensions Fund Authority in order that your pension may be paid without delay.

Form R1: There are contingent partners and children's pensions payable in the event of your death. This form helps to ensure that we are able to pay important benefits as quickly as possible.

Form R2: This form lets us know which bank or building society your lump sum and pension payments are to be paid into.

N.B. When our pension contractors have calculated your final benefits they will forward to you further forms regarding whether you want to convert some of your pension to a lump sum and a form regarding other pension rights. Both of these forms must be completed and returned to the LPFA as soon as possible. We will not be able to pay your pension until these forms have been returned.

FORM R1:

T3/BRENT
LOCAL GOVERNMENT PENSION SCHEME

LG/126/A

This form should be completed and returned as soon as possible to avoid delay in the payment of your benefits.

TO BE COMPLETED BY the Contributor/former Contributor to whom pension benefits are payable.

Surname: **Title:** MR/MRS/MISS/MS

Other Names:.....**N.I.NUMBER**.....

I am married. My husband's/wife's name is

My husband/wife was born on

I am a widow/widower. My husband/wife died on

I have never been married.

I am divorced. The decree was made absolute on

I am judicially separated from my husband/wife by Separation Order dated

I ENCLOSE
ORIGINAL COPY OF MY BIRTH CERTIFICATE

ORIGINAL COPY OF MARRIAGE CERTIFICATE AND MY HUSBAND'S/WIFE'S BIRTH CERTIFICATE

ORIGINAL COPY OF DIVORCE ABSOLUTE/COPY OF DECREE OF JUDICIAL SEPARATION

ORIGINAL COPY OF HUSBAND'S/WIFE'S DEATH CERTIFICATE

PHOTOCOPY OF ANY FORMAL CHANGE OF NAME AUTHORISATION

I declare that Statement No. () above applies to me.

Signature Date

*** Please cross out items not enclosed**

If you have any children (including step-children and adopted children) who are still at school or college or who are dependent upon you, please give details below as they may be entitled to a pension in the event of your death. Please enclose original copies of birth certificates.

SURNAME	FORENAMES	DATE OF BIRTH	RELATIONSHIP TO YOU

FORM R2:

National Insurance Number _____
Payment of Pension by Direct Credit

Please complete either Section A,B or C and in all cases Section D and return to the Operations Manager at the address shown above.

I hereby authorise you to credit my pension to my Bank/Building Society* account as follows:

(*Delete as appropriate)

Name of Bank _____

Branch _____

Branch Address _____

Bank Sorting Code ____ - ____ - ____ Personal Account Number ____

Name of Building Society _____

Branch Address _____

Personal Reference or Share Account Number _____

Building Society's Sorting Code _____

Building Society's Account Number _____

In accordance with the attached Account Application Form/Authorisation Slip

The above information should be available from either your Bank Manager or your Building Society Branch Manager should you require assistance.

Will you please note that credits to certain building society accounts may appear to be made 2 or 3 days late although interest should accrue from the due payday.

Signed _____ Date _____

Name(BLOCK LETTERS) _____

Address _____

**When complete this form must be sent to the London Pensions Fund Authority,
4th Floor Dexter House, 2 Royal Mint Court, London EC3N 4LP.**

FORM ER 1:**Part A: To be completed by the employee requesting early retirement before age 60 other than on genuine and compelling compassionate grounds**

Regulation 30 of the Local Government Pension Scheme (Benefits, Membership and Contribution) Regulations 2007 as amended:

Before submitting this form you must first discuss your situation with your line manager. Your line manager will be responsible for:

- deciding whether to support your request going forward
- requesting an estimate of your pension benefits
- putting forward a business case for or against your request to your Service Director.

Once you have received an estimate of your pension benefits you may complete and submit this form to your line manager.

Name			
National Insurance Number			
Reason for application (this must be one of the reasons below):	I wish to be considered for early retirement under the category ticked below:		
	i) <input type="checkbox"/>	<input type="checkbox"/>	ii) <input type="checkbox"/>
Please state the reasons why you think this criterion applies to you.	If you are completing the form by hand please use an additional sheet:		
Please state whether you are also making an application for early retirement for genuine and compelling compassionate grounds under iii) of the policy.	YES <input type="checkbox"/>	<input type="checkbox"/>	NO <input type="checkbox"/>
	If you answered yes please state the date of the request and to whom you made it.		
Name of Line Manager			
Date this form has been received by line manager			

The council will not award payment pension benefits unless one of the following apply:

- i) There are operational or financial advantages to Brent (or there are no such disadvantages)
- ii) The result is cost neutral to the council and to the Brent Pension Fund and no operational disadvantages apply

Signed:

Date:

FORM ER1

Part B i): To be completed by the applicants line manager:

Manager's Name			
National Insurance Number of Employee			
Service Area:			
Date of Birth of Employee			
Proposed Last Day of Service			
<p>The Council has agreed that early retirement under Regulation 30 of the LGPS will not be granted unless one of the following apply:</p> <ul style="list-style-type: none"> i) There are operational or financial advantages to Brent (or there are no such disadvantages). ii) The result is cost neutral to Brent and to the Brent Pension Fund and no operational disadvantages apply. <p>Please identify whether the application for the early retirement is under 1, or 2 in the box opposite.</p>	Please tick		
	i)		ii)
<p>Please identify the circumstances under which the application was made e.g.</p> <ul style="list-style-type: none"> • the employee approached their line manager • the retirement application has come about following negotiations between the department and the employee • other (please describe) 			
<p>Please confirm whether the employee has or intends to request the early payment of their pension on genuine compassionate grounds.</p>	<p>If the answer is yes please confirm the date or possible date of the request and to whom the request has been made or is likely to be made.</p>		

FORM ER1: Part B ii) The employee's line manager is to provide a business case below. This is required whether you wish to endorse or oppose the request:

<p>There are operational or financial advantages to Brent (or there are no such disadvantages).</p> <p>If the request is for early retirement under i) above, in conjunction with your Service Assistant Director please provide a robust business case which will include but may not be limited to the following details:</p> <ul style="list-style-type: none"> • the operational advantages and/or explain why there are no such disadvantages • the financial advantages to the department and/or explain why there are no such disadvantages • the financial impact on the pension fund if any • reference to the requisite criteria given in the Flexible and Early Retirement Procedure under the "Application for Early Retirement under Options i) and ii)" Section. • any other issues that should be taken into consideration by deciding officers 	<p>*</p>
<p>The result is cost neutral to Brent and to the Brent Pension Fund and no operational disadvantages apply</p> <p>If the request for early retirement is under ii) above, in conjunction with your Service Assistant Director, please provide a robust business case which will include but may not be limited to the following details:</p> <ul style="list-style-type: none"> • the reasons why the retirement is cost neutral to the Council • the reasons why the retirement is cost neutral to the pension fund • the effect the retirement will have on the operations of the service, highlighting why no operational advantages apply • reference to the requisite criteria given in the Flexible and Early Retirement Procedure under the "Application for Early Retirement under Options i) and ii)" Section. • any other issues that should be taken into consideration by deciding officers 	<p>*</p>

* A robust business case will be given here. If the form is being completed by hand use additional paper if necessary.

FORM ER1: PART B iii) The employee's line manager is to provide information about other issues that decision makers will take into consideration. Please ensure that all of the following questions are answered:

<p>Please answer the following in the box opposite:</p> <p>Is the employee a permanent member of staff and not subject to a probationary period of service with the Council in relation to the relevant employment?</p>	<p>Yes</p>	<p>No</p>
<p>Is the employee currently the subject of disciplinary/competency proceedings, or are such proceedings being considered, in relation to the relevant employment or any other post(s) that they hold with the Council?</p>	<p>Yes</p>	<p>No</p>
<p>Is the employee currently being assessed under the Council's Absence Management Procedure, or are such proceedings being considered, in respect of any position that they hold with the Council? This may include possible termination of employment on capability grounds or possible ill health retirement?</p>	<p>Yes</p>	<p>No</p>
<p>Has the employee taken legal action against the Council in relation to the relevant employment?</p>	<p>Yes</p>	<p>No</p>

FORM C1: PART A
REQUEST TO FOR PAYMENT OF PENSION ON GENUINE AND COMPELLING
COMPASSIONATE GROUNDS (option iii OF THE EARLY RETIREMENT POLICY)
 Regulation 30 of the Local Government Pension Scheme (Benefits, Membership and Contribution) Regulations 2007:

Before submitting this form you should first discuss your situation with your line manager. Once you have received an estimate of your pension benefits you may complete and submit it.

Name		
National Insurance Number		
Department		
Please answer the questions in the box opposite. Are you a permanent member of staff and not subject to a probationary period of service with the council in relation to the employment from which you are seeking retirement?	Yes	No
	If the answer is yes please proceed directly to the next question. If the answer is no please detail the circumstances below before moving to the next question:	
Are you currently the subject of disciplinary proceedings in relation to the employment upon which you are seeking retirement or any other posts that you hold with the council?	Yes	No
	If the answer is no please proceed directly to the next question. If the answer is yes please detail the circumstances below before moving to the next question.	
Are you being or have recently been assessed under the council's Absence Management Procedure in respect of any position you hold with the Council	Yes	No
	If the answer is no please proceed directly to the next question. If the answer is yes please detail the circumstances below before moving on to the next question.	
Are you also applying under i) or ii) of the early retirement policy/procedure.	Yes	No
	If the answer is yes please state the date of the request and the officer to whom it was made before moving to the next question.	
Are you or do you intend to take legal action against the council?	Yes	No
	If the answer is no please proceed directly to question c). If the answer is yes please detail the circumstances below.	

FORM C1: PART B

In this part of the form you must give full details of your personal and financial circumstances in order that deciding officers can make a reasonable decision. Decision makers may require more information from you before a decision is made.

<p>Submit your application for the release of pension benefits on compassionate grounds in the table opposite.</p>	<p>Personal Circumstances:</p> <p>This should include but may not be limited to the reasons you are compelled to cease employment.</p> <p>Financial Circumstances:</p> <p>Please detail the financial reasons why you believe the council should allow the early payment of your pension benefits</p> <p>Please give details of other income to which you are entitled. This must include but may not be limited to:</p> <p>Income/Pension you receive from other employments savings and investments State benefits Local Authority Allowances All other types of personal/ household income. (use an additional sheet if required)</p>
<p>Line Managers Comments if applicable.</p>	

Please sign and date your application before forwarding the form to the Pensions Team of the People Centre, Chesterfield House, 9 Park Lane, Wembley, Middlesex, HA9 7RW.

I have informed my line manager of my intention to apply for a compassionate retirement.

The above information is a true statement of my personal and financial circumstances. I accept that any false information submitted may result in the cessation of my pension benefits and possible legal action against me.

Signed:

Date:

FORM C1:

PART C

<p>Final Decision:</p> <p>The decision whether or not the pension may be awarded is to be made by the Deputy Director of Finance and Corporate Resources.</p>	<p>Name:</p> <p>Position: Deputy Director of Finance and Corporate Resources:</p> <p>Decision: I have read and understood the early retirement for [name].</p> <p>I have decided to allow/not to allow the retirement on this occasion. The reason for this is that:</p> <p>Signed: Date:</p>
--	---

Please return this form to the employee's manager who will inform the employee. A copy of this form together with any supporting documentation must be forwarded to the pension team of the People Centre in order that the pension can be paid/IDRP information can be made available if the decision is not to allow it.

FORM C1 Appeal:

**APPEAL AGAINST DECISION NOT TO PAY PENSION BENEFITS ON
COMPASSIONATE GROUNDS.**

Name:

National Insurance Number:

I refer to the decision made by the Deputy Director of Finance and Corporate Resources not to allow the payment of my pension benefits on compassionate grounds. I disagree with the decision for the following reasons:

I request that the decision is reviewed by the Director of Finance and Corporate Resources.

Please sign and date your request before forwarding it to:

The People Centre
Chesterfield House
9 Park Lane
Wembley
Middlesex
HA9 7RW
FAO The Pensions Team

The above information is a true statement of my personal circumstances. I accept that any false or inaccurate information may lead to a cessation of pension benefits and possible legal action against me.

Signed

Date:

**FORM C2: PART A
APPLICATION TO WAIVE THE REDUCTION OF PENSION BENEFITS ON
COMPASSIONATE GROUNDS:**

This form must be completed if you are requesting that a reduction that applies to your pension is waived on compassionate grounds.

<p>Please give your reasons why the council should waive the reduction to your pension benefits in the box opposite.</p>	<p>Personal Circumstances:</p> <p>Please detail below the reasons why you are compelled to retire.</p> <p>Financial Circumstances:</p> <p>Please detail the financial reasons why you believe the council should allow the early payment of your pension benefits</p> <p>Please give details of other income to which you are entitled. This must include but is not limited to: Income/Pension you receive from other employments Income you receive from savings and investments State benefits Local Authority Allowances Other personal/household income.</p>
<p>Line Managers Comments if applicable.</p>	

Please sign and date your application before forwarding the form to the Pensions Team of the People Centre, Chesterfield House, 9 Park Lane, Wembley, Middlesex, HA9 7RW.

The decision whether or not the reduction to your benefits should be waived will be made by the Deputy Director of Finance and Corporate Resources.

The above information is a true statement of my personal and financial circumstances. I accept that any false information submitted may result in the cessation of my pension benefits and possible legal action against me

Signed:

Date:

FORM C2:

PART B: To be completed by the Deputy Director of Finance and Corporate Resources:

<p>Final Decision:</p> <p>The decision whether or not the reduction to the pension benefits may be waived is to be made by the Deputy Director of Finance and Corporate Resources.</p>	<p>Name:</p> <p>Position: Deputy Director of Finance and Corporate Resources:</p> <p>Decision: I have read and understood the request to waive the reduction to pension benefits for [name].</p> <p>I have decided to allow/not to waive the reduction on this occasion. The reason for this is that:</p> <p>Signed: _____ Date: _____</p>
--	--

Please return this form to the employee's manager who will inform the employee. A copy of this form together with any supporting documentation must be forwarded to the pension team of the People Centre in order that the pension can be paid/IDRP information can be made available if the decision is not to allow it.

FORM F1: Request for Flexible Retirement

PART A: To be completed by the employee:

In order that you may be considered for Flexible Retirement you should first discuss your proposal with your line manager. Your line manager will request a calculation of your pension entitlement and details of the pay you might receive under the flexible arrangement. You must make sure that you understand fully the effect the proposed arrangement would have on your income and way of working before making a formal request:

Name of employee:	
Position of employee:	
Start Date of Brent Service:	
National Insurance Number	
Number of hours you propose to work each week (rounded to the nearest half hour)	
The extent to which you would reduce your pay	
The kind of work you propose to do.	
The length of time that you want the arrangement to last. (This may not be any shorter than 1 calendar year).	
Reduction in pension entitlement: The calculation of your benefits may indicate that a reduction applies. The Council has the discretion to waive part or all of that reduction. Wholly Exceptional Circumstances: The waiving of the reduction represents a cost to the council. Deciding officers will not agree to waive part or all of the reduction to your flexible pension unless you can demonstrate that there are wholly exceptional circumstances. If you would like the council to consider this please provide full details in the box opposite:	I would like the council to waive part/all of the reduction that applies to my pension because:

The above information is a true indication of my circumstances. I understand that any false or inaccurate information may result in the cessation of my pension payments and legal action against me.

I also understand and accept that in the event my contract of employment is terminated within one year of my taking flexible retirement, either by the Council on the grounds of misconduct and/or poor work performance or as a result of my terminating my contract of employment, the Council reserves the right to require me

to pay to it a sum equivalent to the whole or part of any costs which the Council has incurred or which it will incur as a result of my taking flexible retirement.

Signed:

Date:

FORM F1: PART B i): To be completed by the employee's line manager:
Information relating to the employee's application.

Name of Line Manager:	
Position of Line Manager:	
Department and Service Area:	
Please provide information relating to the applicants proposal below:	
Current contractual hours and grade:	
Proposed reduction in hours and/or grade:	I endorse/do not endorse proposed reduction in responsibilities.
Waiving of reduction in pension benefits: If the reduction in pension benefits is waived this will be a direct cost to your service.	I endorse/do not endorse waiving of the reduction in pension benefits. I understand that if the pension is awarded that this will be a direct cost to my service.
Proposed date for commencement of flexible arrangement:	
Age of applicant at the date of the proposed arrangement:	
Supporting Evidence: In order that a decision can be made you are required, in consultation with your Service Assistant Director, to complete a robust business case for or against the flexible retirement. This should include but may not be limited to Financial, Operational and Efficiency Implications inclusive of the issues that decision makers will consider detailed in the procedure :	

The business case has been completed after consultation with my Service Assistant Director. I have been provided with an estimate of the benefits payable and the revised salary. I am aware of any potential cost to the service.

Signed:

Date:

FORM F1: PART B ii): To be completed by the employee's line manager.

Please answer the following in the box opposite: Is the employee a permanent member of staff and not subject to a probationary period of service with the Council in relation to the relevant employment?	Yes	No
	If the answer is yes please proceed directly to question b). If the answer is no the flexible retirement cannot be granted under the council's policy – please inform the employee of this.	
Is the employee currently the subject of disciplinary/competency proceedings in relation to the relevant employment or any other post(s) that they hold with the Council?	Yes	No
	If the answer is no please proceed directly to the next question. If the answer is yes please detail the circumstances below before moving to the next question:	
Is the employee currently being assessed under the Council's Absence Management Procedure in respect of any position that they hold with the Council, or is such action being considered? This may include possible termination of employment on capability grounds or possible ill health retirement?	Yes	No
	If the answer is no please proceed directly to the next question. If the answer is yes please detail the circumstances below before moving to the next question:	
Has the employee taken legal action against the Council in relation to the relevant employment?	Yes	No
	If the answer is no you please proceed directly to the next question. If the answer is yes please detail the circumstances below before proceeding to the next question:	
The flexible arrangement should be in place for at least 12 months from the commencement date of the arrangement. Are you aware of future restructures or other issues that may affect the employee's contract of employment that may take place before the expiry of 12 months from the commencement of the proposed arrangement?	Yes	No
	If the answer is yes please provide details of this below:	

I endorse/do not endorse the proposed flexible arrangement for [Name of Applicant]:

Signed:

Date:

FORM F1, PART C: To be completed by the employee's service director.
 Before making your decision you are required to contact the relevant strategic HR officer to discuss the proposals.

Endorsement of the Flexible Retirement by the service director:	I have read and understood the business case for the above named person and have consulted with [name] who is the Strategic HR Manager for this Service. I agree/do not agree to the proposed arrangement. Name: Position: Signed: Date:
---	--

To be completed only if you agree the flexible arrangement. Please write NA in the box below if this is not the case or no reduction applies.

Endorsement to waive the reduction to pension benefits by the service director.	I have read and understood the case that the employee has given regarding their application to waive the reduction to pension benefits. I endorse/do not endorse this Name: Position: Signed: Date:
---	---

If you endorse the proposed flexible retirement please forward this form to:

The People Centre
 Chesterfield House
 9 Park Lane
 Wembley
 Middlesex
 HA9 7RW
 FAO the Pensions Team

The Pensions Team will ensure that the form has been completed correctly and forward this to the Director of Finance and Corporate Resources for the final decision.

If you do not endorse the proposed flexible retirement you should write to the employee's Line Manager. In the correspondence detail the reasons for your decision and the employee's right to appeal under the Internal Disputes Resolution Procedure. The employee's manager will inform the employee and pass on the contact details of the People Centre who will provide details of the Internal Disputes Resolution Procedure if applicable.

Decision by the Director of Finance and Corporate Resources:

Decision not to allow the flexible retirement:

I have read the information above and do not agree the flexible retirement on this occasion for the following reasons:

This does not exclude the member from making a further application under regulation 13 in the future. The member has the right to appeal under the Internal Disputes Resolution Procedure (IDRP) and may contact The People Centre for relevant documentation (phone 0208 937 3160).

Name: Duncan McLeod

Position: Director of Finance and Corporate Resources

Signed:

Date:

When complete forward please forward the form to the employee's line manager and a copy the Pensions Team of the People Centre.

D1: Flexible Retirement Pension – Disclaimer by scheme member:

Name:	
National Insurance Number:	
Post:	

I declare that:

I have received an up to date estimate of the pension benefits payable. I am fully aware of the financial implications of the flexible retirement and of the altered working arrangements. I confirm that the application for flexible retirement benefits has been made at my request and I will enter into it of my own free will.

I also understand and accept that in the event my contract of employment is terminated within one year of my taking flexible retirement, either by the Council on the grounds of misconduct and/or poor work performance or as a result of my terminating my contract of employment, the Council reserves the right to require me to pay to it a sum equivalent to the whole or part of any costs which the Council has incurred or which it will incur as a result of my taking flexible retirement.

Signed:

Date:

When complete please forward this form to the Pensions Team of the People Centre

The People Centre
Chesterfield House
9 Park Lane
Wembley
Middlesex
HA9 7RW
FAO The Pension Team

FORM FR1: Notification to deciding officers of a proposal (whether as a result of a review after 12 months of the flexible arrangement or otherwise) to revert the contract of an employee who has taken flexible retirement to the original terms or to increase the hours or duties above those agreed in the flexible arrangement.

Name of Employee	
National Insurance Number	
Employee Reference Number	
Date Flexible Arrangement commenced	
Officer proposing the contract amendment	
Service	
Position	
Proposed amendment	
Commencement date of proposed amendment	
Reason for amendment	
Financial and Operational implications (this shall include but not be limited to any costs incurred due to the flexible retirement)	Please use an additional sheet if required

When complete please forward this form to your Service Director and the Director of Finance and Corporate Resources.

Signed:

Date:

Service Director's Name	
Opinion/decision regarding the proposed contract amendment:	Please use an additional sheet if required I have read the proposal to amend [name]' contract of employment and have decided that/to:

Signed:

Date:

Director of Finance and Corporate Resources Name:	
Opinion/decision regarding the proposed contract amendment:	Please use an additional sheet if required I have read the proposal to amend [name]' contract of employment and have decided that/to:

Signed:

Date:

When complete forward please forward the form to the employee's line manager and a copy the Pensions Team of the People Centre.