

# **Procedure for Dealing with Requests for Early Release of Deferred Pension Benefits on Compassionate Grounds**



Human Resources  
Reviewed August 2014

**PROCEDURE FOR DEALING WITH  
REQUESTS FOR EARLY RELEASE OF DEFERRED PENSION BENEFITS  
ON COMPASSIONATE GROUNDS**

**1. Requests for Early Release of Deferred Pension Benefits**

Part 1, Paragraph 1, of the council's Policy on Applying Discretionary Pension Provisions, provides that a former employee aged 50 or over may request the early release of deferred pension benefits on compassionate grounds.

**2. Council Policy on Applying Discretionary Provisions – Regulation 30**

- 2.1 The council's policy states that applications made under Regulation 30, of the Local Government Pension Scheme (Scotland) Regulations 1998, will be considered on an individual basis.

'Where the council consents to early release of benefits, it may decide that the member's benefits should not be reduced. The discretion will only be exercised on compassionate grounds, in exceptional cases of hardship'.

- 2.2 'Compassionate grounds' is not specified under the regulations nor is the term 'hardship' and it is therefore for individual authorities to define the circumstances in which they would support such requests. The council's Corporate Management Team has elected to interpret compassionate grounds and hardship with reference to the criteria set out in Section 3 below.

**3. Criteria to be Considered**

- 3.1 The council will generally only support requests for early release of benefits where a former employee has had to give up work because of extenuating personal circumstances.
- 3.2 Requests from individuals who have been forced to give up employment to provide direct care to a dependant, supported as necessary by medical evidence, would be afforded the most favourable consideration. It is proposed that the following factors should be taken into account when considering whether requests are to be supported:
- The nature of the compassionate circumstances and whether they would be considered permanent or temporary.
  - The individual's age, service with the council and membership of the Pension Fund.
  - The nature and reasons for leaving council employment (e.g. disciplinary action pending at the time).
  - The individual's general employment record.
  - Any other reasonable means of support/income available to the individual.
- 3.3 In summary, the council will generally look favourably on cases where:

- individuals find themselves in difficult circumstances through no fault of their own;
- their situation is likely to be permanent;
- they are unlikely to secure employment on the same basis to that previously held;
- their departure from the council was without controversy and their employment record gave no cause for concern.

#### **4. Protocol for Processing Requests**

- 4.1 Requests should be passed to the Head of Corporate Services in the first instance.
- 4.2 The individual should be asked to complete and sign the pro-forma set out in Appendix 1 to this document.
- 4.3 On receiving the completed pro-forma, the Head of Corporate Services will check that the relevant criteria are met and that all necessary supporting information is available.
- 4.4 Requests that satisfy the relevant criteria as detailed in Section 3 above will be passed to the Chief Executive with a recommendation from the Depute Chief Executive supported by full details of the associated costs obtained from the Pension Fund.
- 4.5 The Chief Executive will decide if the request is to be accommodated, based on the supporting information (see Approval Mandate set out in Appendix 2).
- 4.6 Costs associated with consenting to the early release of pension benefits on compassionate grounds will be met from individual Service budgets.

**Human Resources**  
**August 2014**

**APPLICATION FOR EARLY PAYMENT OF PENSION BENEFITS  
ON COMPASSIONATE GROUNDS  
DETAILS IN SUPPORT OF APPLICATION**

Part A (to be completed by Service Area)			
Applicant's Name			
Date of Birth:			
Job title prior to leaving:			
Previous employing service:			
Dates of employment:	From:	to:	inclusive
Applicant's home address:			
		Post Code:	

Part B (to be completed by applicant)	
1. State your reasons for leaving the above employment:	
2. If you left employment to care for a dependant, please complete below:	
Relationship of dependant:	
Why it was necessary to leave employment:	
3. Have your circumstances changed in any way since leaving the above employment?	
Please ✓ as appropriate	
<input type="checkbox"/> YES	<input type="checkbox"/> NO

P.T.O.

4. If your circumstances have changed, please state how:

5. Are you currently in any form of paid employment?  
Please ✓ as appropriate  YES  NO

6. If you are in employment please provide details below:  
Employer's name:  
Your job title:  
Hours you work per week:

7. Are you in receipt of an occupational pension?  
Please ✓ as appropriate  YES  NO

**APPLICANT'S DECLARATION**

I declare that the information I have given on this form is a true and correct account of my circumstances.

Applicant's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Completed form to be returned to:  
**West Lothian Council, Human Resources, Civic Centre, Howden South Road, Livingston EH54 6FF**

**APPROVAL OF EARLY PAYMENT OF PENSION BENEFITS  
ON COMPASSIONATE GROUNDS****EMPLOYEE'S PERSONAL DETAILS**Name of applicant: Previous Job Title: Previous Service: **AUTHORISING SIGNATURE****CHIEF EXECUTIVE****Graham Hope**Signature: Date: