

Organisational Development, Human Resources & Communications

PENSION AND RETIREMENT PROCEDURE

Version 4

Produced by:

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Inverclyde Council
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INVERCLYDE COUNCIL IS AN EQUAL OPPORTUNITIES EMPLOYER

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1 PURPOSE

1.1 Aims

- 1.1.1 To provide a common framework for dealing with responsibilities relating to pension and retirement under the following:
- the recommendations of Audit Scotland in respect of the management of early retirement within Councils;
 - the Local Government Pension Scheme (Scotland) Regulations and the administration of this legislation by Strathclyde Pension Fund Organisation (SPFO);
 - the Teachers Superannuation (Scotland) Regulations and the administration of this legislation by the Scottish Public Pensions Agency (SPPA) in the form of the the Scottish Teacher's Superannuation Scheme (STSS).
- 1.1.2 These procedures should be used in conjunction with the Council's *Pension and Retirement Policy* which is available from Organisational Development, Human Resources & Communications (OD, HR & Communications) or on ICON.

2 GENERAL PROCEDURES IN OPERATION

2.1 Working Beyond the Council's Retirement Age

- 2.1.1 There is no normal retirement age for Inverclyde Council employees. The abolition of the Default Retirement Age enables employees to continue to work beyond previous set retirement ages, to a future date of their choice.
- 2.1.2 Employees' may still wish to retire aged 65 (or older on a date of their choice) and who are members of SPFO, or STSS (STSS from 01/04/2007) can retire and receive pension benefits without actuarial reduction.
- 2.1.3 It is important that all timescales are met when choosing to retire.

3 PROCEDURES RELATING TO SPFO MEMBERS

3.1 Pension Contribution Rates

- 3.1.1 Payroll Services will be responsible for calculating the pension contribution rate to be assigned to each employee. This will be done so on an annual basis and determined on an employee's full-time equivalent (FTE) pensionable pay as at the 31st March. Communication of the revised rate will be published in an employee's payslip.
- 3.1.2 Employees have the right of appeal against their assigned pension contribution rate. The appeal will be an annual process since the assessment of pensionable pay and assignment to a contribution rate will occur yearly. The process will involve one internal stage.
- 3.1.3 Appeals must be submitted in writing by an employee to OD, HR & Communications using the form (HR/LGPS) - Formal Appeal (Appendix 1) within 6 months of the notification of the assigned contribution rate. A submitted appeal will be acknowledged within 10 working days.

- 3.1.4 Submitted appeals will then be considered by the Head of OD, HR & Communications (or nominated representative) in consultation with Strathclyde Pension Fund. Where it is deemed further information is required in order to make a decision on an appeal additional details may be requested either in writing or at a meeting with the employee. If a meeting is required the employee will be entitled to have a representative present.
- 3.1.5 Appeal outcomes will be provided in writing and within 2 months of the date the appeal was submitted.
- 3.1.6 Although there is no further internal appeal stage, an employee has the right to raise an appeal in writing to the Scottish Ministers within 6 months.
- 3.1.7 There will be no in year changes to contribution rates once these have been set on the 31st March each year. There is however, provision for changing a contribution rate where there has been a permanent material change to a member's terms and conditions. For example, a change in the assigned contribution rate may be appropriate where an employee has had a significant reduction in salary with no protection as a result of a pay review. Approval for any such changes must be sought from the Chief Financial Officer and the Head of OD, HR & Communications.

3.2 **Transitional Arrangements**

3.2.1 For a specific period, transitional arrangements are applicable for certain existing members of Strathclyde Pension Fund. These are:

Retirement Type	Date Joined Scheme	Retiral Age	Protection End Date	Further Information
Redundancy / Efficiency	Before 06.04.06	50	N/A	N/A
	From 06.04.06	55	N/A	N/A
Rule of 85	Before 01.12.06	60 by	31.03.2020	Pension paid, no reduction.
	Before 01.12.06	Not 60 by	01.04.2020	Only benefits accrued from 01.04.08 will be reduced. An employee who meets the rule of 85 before 2020 but stays on will have service from 01.04.2020 reduced.
Retiral Type	Date Joined Scheme	Protection		
Ill-Health	Before 01.04.09	If a leaver would have had a larger enhancement under the old regulations, then benefits will be calculated using the old scheme enhancement.		

3.2.2 All information from this paragraph onwards will relate to the eligibility criteria for retirement options as defined by the new LGPS scheme. Where an employee is covered by the above transitional arrangements they should bear these in mind when considering their eligibility for retirement.

3.3 **Early Retirement in a Redundancy Situation**

3.3.1 Where the Council has taken the policy decision to endorse redundancies on either a voluntary or compulsory basis the relevant identified group potentially affected will be advised as per the Council's Severance Policy and Procedures. The Council may decide to invite employees aged 55 and over and with 5 years or more pension membership to indicate their interest in being considered for early retirement. In considering any request in line with the 'value for money' criteria, the Chief Executive will consult with the Chief Financial Officer, Corporate Director and the Head of OD, HR & Communications. Final approval will be required by the Corporate Management Team and Policy and Resources Committee.

3.3.2 For discretions that may apply in these circumstances reference should be made to Appendix 1, Pension and Retirement Policy.

3.4 **Early Retirement in an Efficiency Situation**

3.4.1 Retirements in the interests of efficiency of the service for employees aged 55 and over and with 5 years or more pension membership may be considered as per the Council's Severance Policy and Procedures. In considering any request in line with the 'value for money' criteria, the Chief Executive will consult with the Chief Financial Officer, Corporate Director and the Head of OD, HR & Communications. Final approval will be required by the Corporate Management Team and Policy and Resources Committee. Either an employee or the employing Service may

initiate early retirement in the interests of the efficiency of the service. Where the employee initiates the application then it should be made in the first instance to the Corporate Director.

- 3.4.2 For discretions that may apply in these circumstances reference should be made to Appendix 1, Pension and Retirement Policy.

3.5 Flexible Retirement

3.5.1 Employees aged 55 and over with at least two years pension membership can apply for flexible retirement. Flexible retirement involves a reduction in your hours/grade and partial withdrawal of pension benefits while being able to continue in employment. Approval from the employer is required and requests for flexible retirement must be done so using the form (HR/LGPS) - Flexible Retirement (Appendix 2) which also contains guidance on the process to be followed in considering such a request.

3.5.2 For flexible retirement to be considered the reduction in hours/salary should normally be at least 20% but no more than 50% of the current hours/salary.

3.5.3 Where appropriate, figures from SPFO may be requested to establish strain on the fund costs to the Council. If flexible retirement is agreed, waiving of any reduction in benefits, in full or part will not normally be approved unless there is a demonstration of value for money.

3.5.4 Approval is required by the Head of Service. Final approval is required by the Head of OD, HR & Communications. Where a strain on the fund cost exists but is demonstrated as being 'value for money', final approval will be required by the Corporate Management Team and thereafter the Policy and Resources Committee.

3.5.5 Employees who have had their flexible retirement request refused may appeal in writing to the Head of OD, HR & Communications who will arrange for the appeal to be heard by a Corporate Director.

3.6 Ill Health Retirement

3.6.1 Ill health retirements are subject to the approval of the Council's Occupational Health Adviser. To be eligible for ill health retirement the Council's Occupational Health Advisor must determine one of two tier levels:

Tier 1: that the member's ill-health or infirmity of mind or body renders the member permanently incapable of discharging efficiently the duties of the member's current employment; or

Tier 2: that there is a reasonable prospect of the member obtaining gainful employment before age 65 (i.e. for not less than 30 hours per week for a period of not less than 12 months).

The benefits which apply to each tier are:

Tier 1: 100% of actual and prospective service up to age 65;

Tier 2: 100% of your service to date PLUS 25% of your prospective service up to age 65.

3.6.2 If the above criteria is met, the Occupational Health Advisor will complete and submit a S18 certificate to OD, HR & Communications for processing.

- 3.6.3 Where a S18 certificate is received a Human Resources (HR) Advisor and the line manager may arrange to meet with the employee to confirm termination of employment arrangements, if this has not been previously discussed. Where ill-health has been granted, the employee's employment will be terminated on the grounds of ill-health and they will be entitled to any pay in lieu notice due. The HR Advisor will confirm the termination of employment in writing. The employee will also be required to complete Part 1, of the S9 form and return to the HR Advisor as soon as possible.
- 3.6.4 Where an employee has been terminated on the grounds of ill-health they will have the right of appeal. Any appeal should be submitted in writing to the Head of OD, HR & Communications who will arrange for the appeal to be heard by the Human Resources (HR) Appeals Board.
- 3.6.5 Where an employee has been rejected for ill-health retirement they will be entitled to a one stage internal appeal as per the LGPS Internal Dispute Resolution Procedures. Appeals must be submitted in writing to the Head of OD, HR & Communications within 6 months of being refused ill-health retirement. A submitted appeal will be acknowledged within 10 working days.
- 3.6.6 Submitted appeals will then be considered by the Head of OD, HR & Communications (or nominated representative) in consultation with Strathclyde Pension Fund. Where it is deemed further information is required in order to make a decision on an appeal additional details may be requested either in writing or at a meeting with the employee. If a meeting is required the employee will be entitled to have a representative present. Appeal outcomes will be provided in writing and within 2 months of date the appeal was submitted.
- 3.6.7 Although there is no further internal appeal stage, an employee has the right to raise an appeal in writing to the Scottish Ministers within 6 months.

3.7 Rule of 85

- 3.7.1 Although the Rule of 85 was removed from the scheme in 2006 a number of protections remain as detailed in paragraph 3.2.1. Where the criteria outlined in paragraph 3.2.1 is met, an employee may request early retirement where the sum of their age and length of service is at least 85. This is known as the Rule of 85. The discretion to release the employee rests with the Council. Where an employee is released under the Rule of 85 no added years will be awarded.
- 3.7.2 Applications for retirement under the Rule of 85 will be subject to approval by the Chief Executive in consultation with the relevant Corporate Director, the Chief Financial Officer and the Head of Organisational Development, Human Resources & Communications. Final approval will be required by the Corporate Management Team and Policy and Resources Committee.

3.8 Certificate of Material Change

- 3.8.1 A Certificate of Material Change (Form S20) applies when:

"There is a material change in circumstances caused by an employee's incapacity to continue to discharge efficiently his or her duties OR from other circumstances beyond the employee's control AND as a result of the material change the employee has suffered a reduction or restriction in pay". *Extract from Form S20, SPFO.*

3.8.2 Where an employee believes their circumstances meet the criteria outlined in paragraph 3.8.1 they should discuss this further with a HR Advisor. Where it is agreed the criteria has been met, the HR Advisor will arrange to have Form S20 forwarded to Payroll with a request to have it complete and sent to SPFO on behalf of the employee.

3.8.3 Form S20 will not be issued where a reduction in pay follows:

- a temporary increase in pay, or;
- a temporary increase is reduced to a level which is above normal pay, or;
- a temporary reduction in pay is made.

3.8.4 Form S20 remains in force for a period of 10 years from the date of the material change.

4 PROCEDURES RELATING TO STSS MEMBERS

4.1 Pension Contribution Rates

4.1.1 Pension contribution rates are a flat rate set by SPPA.

4.2 Transitional Arrangements

4.2.1 For a specific period, transitional arrangements are applicable for certain existing members of STSS. These are:

Retirement Type	Date Joined Scheme	Retiral Age	Protection End Date	Further Information
Normal Pensionable Age (NPA)	Pre 01.04.07	60	N/A	N/A
	After 01.04.07	65		
	If a deferred member subsequently returns on or after 01.04.07 they may come under transitional arrangements that preserve their NPA as 60. Further details can be found from either the member's handbook, employer's handbook or www.sppa.gov.uk			
Actuarially Reduced Pension	Pre 01.04.07	55-60	N/A	N/A
	Post 01.04.07	55-65	N/A	N/A
Phased Retirement	Pre 06.04.88	55	Require only 2 years pensionable service.	
	Post 06.04.88	55	Require 5 years pensionable service.	

4.2.2 All information from this paragraph onwards will relate to the eligibility criteria for retirement options as defined by the current STSS scheme. Where an employee is covered by the above transitional arrangements they should bear these in mind when considering their eligibility for retirement.

4.3 Early Retirement in a Redundancy Situation

4.3.1 Where the Council has taken the policy decision to endorse redundancies on either a voluntary or compulsory basis the relevant identified group potentially affected will be advised as per the Council's Severance Policy and Procedures. The Council may decide to invite employees who meet premature retirement age criteria to indicate their interest in being considered for early retirement. In considering any request the Chief Executive will consult with the Chief Financial Officer, Corporate Service

Director and the Head of OD, HR & Communications. Final approval will be required by the Corporate Management Team and Policy and Resources Committee.

- 4.3.2 For discretions that may apply in these circumstances reference should be made to Appendix 2, Pension and Retirement Policy.

4.4 Early Retirement in an Efficiency Situation

- 4.4.1 Retirements in the interests of efficiency of the service may be considered as per the Council's Severance Policy and Procedures. In considering any request in line with the 'value for money' criteria, the Chief Executive will consult with the Chief Financial Officer, Corporate Director and the Head of OD, HR & Communications. Final approval will be required by the Corporate Management Team and Policy and Resources Committee. Either an employee or the employing Service may initiate early retirement in the interests of the efficiency of the service. Where the employee initiates the application then it should be made in the first instance to the Corporate Director.

- 4.4.2 For discretions that may apply in these circumstances reference should be made to Appendix 2, Pension and Retirement Policy.

4.5 Actuarially Reduced Pension Retirement

- 4.5.1 Employees aged between the ages of 55 and 65 can retire with actuarially reduced benefits. Consent from the Council is required but cannot be delayed by more than 6 months from date of application.

- 4.5.2 Any requests for an actuarially reduced pension must be done so using the SPPA form STSS: (RET) and referring to the SPPA 'Guidance Notes STSS (RET)' which can be obtained from the SPPA website: www.sppa.gov.uk or from OD, HR & Communications. Completed forms should be sent to the Head of OD, HR & Communications for consideration.

4.6 Phased Retirement

- 4.6.1 Employees aged 55 and over with at least 5 years pension membership can apply for phased retirement. Phased retirement requires a reduction in salary of at least 25% for a minimum of 12 months. The reduction may be due to either a reduction of hours or salary. Any applications for such a request must be done so using the SPPA form STSS: (PHA) 1 and referring to the SPPA 'Notes for Guidance for Completing Form STSS (PHA) 1' which can be obtained from the SPPA website or from OD, HR & Communications. Completed forms should be sent to the Head of OD, HR & Communications for consideration.

4.7 Winding Down Retirement

- 4.7.1 Winding down is a phased retirement option which offers those members approaching retirement age, the opportunity to continue in employment on a part-time basis whilst protecting their overall final retirement pension entitlement.

- 4.7.2 To request winding down retirement you must meet a number of eligibility criteria including approval from the Council. Applicants must be at least 56 years old with a minimum of 25 years teaching service. Further eligibility criteria is detailed within your Members Guide, or from the www.sppa.gov.uk website. Any applications for

such a request must be done so using the SPPA form STSS: (WD) 12 and referring to the SPPA 'Guidance Notes for Winding Down' which can be obtained from the SPPA website or from OD, HR & Communications. Completed forms should be sent to the Head of OD, HR & Communications for consideration.

4.8 Ill Health Retirement

4.8.1 Before ill-health retirement would be considered by SPPA consideration must have been given to look at ways to helping employees remain in or return to work (i.e. redeployment, workplace adjustments, a post with less responsibility, etc).

4.8.2 Where 4.8.1 has been considered, or where it is deemed not appropriate, an employee may apply, through OD, HR & Communications, to be considered for ill-health retirement by completing and returning to SPPA the following forms: STSS (INC), and STSS (MED).

4.8.3 All applications, supporting medical evidence and other supporting documents will be sent to the Medical Advisors appointed by SPPA who will assess the evidence provided and make a recommendation to SPPA. Thereafter, both the employee and OD, HR & Communications will receive notification on the outcome from SPPA. To be eligible for ill health retirement one of the following must be determined:

Total Incapacity : granted to members who are totally incapable of teaching and where the teacher's ability to carry out any work is impaired by more than 90% and is likely permanently to be so; or

Partial Incapacity: granted to members who are totally incapable of teaching, but can undertake other employment.

4.8.4 Where ill-health retirement has been granted a HR Advisor and the line manager may arrange to meet with the employee to confirm termination of employment arrangements, if this has not been previously discussed. Where ill-health has been granted, the employee's employment will be terminated on the grounds of ill-health and be entitled to any pay in lieu notice due. The HR Advisor will confirm the termination of employment in writing.

4.8.5 Where an employee has been terminated on the grounds of ill-health they will have the right of appeal. Any appeal should be submitted in writing to the Head of OD, HR & Communications who will arrange for the appeal to be heard by the Education Appeals Board.

4.8.6 Where an ill-health retirement application has been rejected by SPPA employees will have the right to ask SPPA for a review of this decision. The process to be followed in requesting a review will be indicated within the correspondence issued by SPPA to the employee advising of their rejected application.

APPENDIX 1

FORM (HR/LGPS)

NOTIFICATION OF APPEAL

Note to the Employee

Please use this form in conjunction with the Council's Pension and Retirement Policy and Procedure to formally lodge an appeal against your assigned pension contribution rate.

If completing by hand, please do so **CLEARLY** and in **BLACK INK**.

The form must be completed in **FULL** and returned to the Head of OD, HR & Communications, Municipal Buildings, Clyde Square, Greenock, PA15 1LX within 2 months of the notification of your assigned contribution rate.

If you require any assistance in completing this form, please contact OD, HR & Communications (extension 2756 / 2880).

SECTION 1 - PERSONAL DETAILS

Name:		Employee Reference No:	
Address:			
Home Contact Number:		NI Number:	
Service:		Work Location:	
Designation:		Work Contact No:	
Contracted Hrs per Week:		Line Manager:	

TRADE UNION DETAILS

Name of Trade Union / Representative:		Representative Contact No:	
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SECTION 2 – PAY DETAILS

Estimated annual salary (base on current hourly rate)	
Estimated annual amount of pensionable benefits (i.e. allowances, contractual overtime)	
Estimated total annual salary	
Detail pension contribution rate you propose applies	

SECTION 3 – GROUNDS OF APPEAL

Please provide the date you received notification of your assigned pension contribution rate:	
---	--

In the space below please detail, in full, your reason/s for appeal. Please note it is not sufficient to only state “you do not agree”. You must detail the reason/s why you believe your assigned contribution rate has been assigned incorrectly:

(continue on a separate sheet if required)

EMPLOYEE SIGNATURE:	
DATE:	

APPENDIX 2

**FORM (HR/LGPS)
FLEXIBLE RETIREMENT APPLICATION FORM**

Note to the Employee

This form should be used to make an application for flexible retirement in conjunction with the Council's Pension and Retirement Policy and Procedures which are available on ICON or from Organisational Development, Human Resources & Communications (OD, HR & Communications).

To be eligible to make a request for flexible retirement you need to meet the following criteria:

- have been a member of Strathclyde Pension Fund for at least 2 years;
- be at least age 55.

To access your pension under this scheme you must ask for flexible retirement at the same time as asking for a reduction in your current grade and/or hours. The reduction in grade and/or hours should be at least 20% but no more than 50% of your current position. Any requests for a reduction in grade and/or hours requires to be approved by Inverclyde Council.

If a flexible retirement request is approved you must inform Strathclyde Pension Fund in writing. You should note that it may take up to a minimum of 3 months prior to the date of your retirement to ensure that pension benefits are paid promptly.

Ensure you complete Section 1 of this form prior to forwarding it to your Line Manager or Head of Service for their consideration. A meeting will then be arranged within 14 days of receipt to discuss your request. You will receive a written response within 7 days of this meeting. If the request is granted this will mean a permanent change to your terms and conditions unless otherwise agreed.

You have the right of appeal if your request is refused. If choosing to appeal, you must do so in writing within 5 working days of receipt of the letter from your Line Manager. Your appeal must be submitted to the Head of OD, HR & Communications who will arrange for it to be heard by a Corporate Director not previously involved in the approval process.

Note to the Manager

On receipt of this form, you must do the following:

- arrange a meeting within **14 days** to discuss the employee's request;
- provide the employee with a written response detailing the outcome of this meeting within **7 days**;
- allow the employee the right to be accompanied at the meeting by a trade union representative, or person of their choice;
- complete Section 2 then send this form and a copy of any correspondence to OD, HR & Communications for final consultation and processing.

Confirmation will be issued to the employee subject to final approval from the Head of OD, HR & Communications. If you require any assistance in dealing with the request, please contact OD, HR & Communications. Example letters can be requested from OD, HR & Communications.

SECTION 1 – to be completed by the employee

(a) PERSONAL DETAILS			
Name:		Date of Birth:	
Employee Reference Number:		NI Number:	
Service:		Location:	
Job Title:		Grade:	
Date joined Inverclyde Council:		Hours:	
Date joined pension scheme:		Contact Number:	
(b) TRADE UNION DETAILS			
Name of Trade Union / Representative:		Contact Number:	
(c) ABOUT YOUR APPLICATION			
Describe your current contracted working pattern (days/times/contract type, i.e. 52 week, term time)			
Is your request for a reduction in:	<input type="checkbox"/> Grade	<input type="checkbox"/> Hours	<input type="checkbox"/> Both
Describe how you would like this reduction to apply and explain any affect you think it will have on your Service.			
Describe how you think any difficulties could be overcome:			
Please Note: this will result in a permanent change to your contract of employment and you will have no right to revert to your previous working arrangements.			
Date you wish the change to commence from:			
Effective date of retirement:			
(d) DECLARATION			
Signed:		Date	

SECTION 2 – to be completed by the Manager

(a) Date application received:					
(b) Has a meeting taken place with the employee to discuss the request?		<input type="checkbox"/> YES	<input type="checkbox"/> NO		
(c) Is the request supported?		<input type="checkbox"/> YES	<input type="checkbox"/> NO		
(d) If yes,					
Please confirm details of agreement:					
Date wishing to take effect from:					
(e) If no,					
Please state reason(s) for refusal:					
Has employee been informed of right of appeal via the Head of OD, HR & Communications?		<input type="checkbox"/> YES	<input type="checkbox"/> NO		
Please now sign and return this form, along with a copy of your correspondence to OD, HR & Communications.					
Name (please print):		Designation:			
Signed:		Date:		Ext:	