

WILTSHIRE POLICE



XXXX – Via email



Police Headquarters

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DEVIZES
Wiltshire
SN10 2DN

disclosure@wiltshire.police.uk

Date: 4th March 2025

Our ref: FOI 2025-174

Reply contact name:

Dear XXXX,

I write in connection with your request for information dated 10th February 2025 regarding ill health retirement for police staff.

I am required by the Freedom of Information Act 2000 to handle all requests in a manner that is blind as to the identity and motives of the requestor. Any information released as a response to a request is regarded as being published and therefore in the public domain without caveat.

Following receipt of your request, research was conducted by the Strategy Unit and HR at Wiltshire Police.

Your request for information has now been considered and I am able to respond as follows.

You wrote:

Under the Freedom of Information Act, I would like to request the below:

Please provide me with ALL policy and procedure documents relating to ill health retirement for police staff, including but not limited to the documents listed below

1. A copy of the ill health retirement policy/process document relating to police staff
2. A copy of any documentation that has been sent to Independent registered medical practitioner (IRMP) Dr Philip Arthur Johnson, by Wiltshire Police, which outlines his role and responsibilities when reviewing ill health retirement cases for police staff members
3. A copy of the Wiltshire Police (employers) discretions policy. This relates to the Local Government Pension Scheme (LGPS) and a copy of the policy should have been supplied to Wiltshire Pension Fund.

Our response:

Q1 – see below “RESIGNATION AND RETIREMENT PROCEDURE - POLICE STAFF”

Keeping Wiltshire Safe

Q2 – Wiltshire Police can neither confirm nor deny that it holds information relevant to this request by virtue of Section 40(5). This is because confirmation or denial of the information requested would constitute personal data and as a result, would contravene the first Data Protection Principle, which states in part to process personal data fairly and lawfully.

Section 40 is an absolute exemption and therefore there is no requirement to articulate the harm or conduct a Public Interest test.

Q3 – see below “Discretions policy”

Section 17 of the Freedom of Information Act 2000 requires the Constabulary, when refusing to provide information (because the information is exempt) to provide you the applicant with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies.

Exemptions applied:

Section 40(5) - Personal Information

I am satisfied that all the relevant information has been passed to me and been considered in the light of your request within the time constraints applicable under the legislation.

Wiltshire Police would like to thank you for the interest that you have shown in the Force.

Yours sincerely

Force Disclosure Decision Maker

WILTSHIRE POLICE

FORCE PROCEDURE



RESIGNATION AND RETIREMENT PROCEDURE – POLICE STAFF

Author	Mark Milton
Department	Human Resources
Date of Publication	1 st October 2010
Review Date	1 st October 2013
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RESIGNATION AND RETIREMENT PROCEDURE

INTRODUCTION

This procedure details the process to be followed when an individual decides to leave Wiltshire Police either through voluntary resignation or retirement.

The Employment Equality (Age) Regulations 2006 came into effect on 1 October 2006. The regulations seek to protect those in the workplace from being discriminated against because of their age at any stage throughout their employment, from recruitment through to retirement.

This procedure refers to Police Staff only.

Glossary of Terms

Term	Meaning
NRA	Normal Retirement Age
ERD	Extended Retirement Date
LGPS	Local Government Pension Scheme

Strategic Aims

The strategic aim/s linked to this document are set out below.

Force Priorities Linked to this Procedure
Take our Staff with us Deliver 'Safe & Satisfied' .

European Convention on Human Rights (ECHR) Compliance –

The table below lists the ECHR Compliance Guide paragraphs that specifically relate to this Procedure.

Reference: The Compliance Guide can be found in TROVE in Policy and Procedures / Corporate Development / ECHR Compliance Guide.

ECHR Compliance Guide paragraphs relating to this document
(Delete those not applicable and this text in red) 1. Statement of Compatibility 5. The Impact of The European Convention on Human Rights 12. Article 8 - Right to Respect for Private and Family Life 13. Article 9 - Freedom of Thought, Conscience and Religion 14. Article 10 - Freedom of Expression 15. Article 11 - Freedom of Assembly and Association 17. Article 14 - Prohibition of Discrimination 19. Positive Obligation
Disability Discrimination Act 1995

In writing this procedure the main implications of the above Act, together with the Disability Discrimination Act (Amendment) Regulations 2000 have been taken into account.

Race Equality and Diversity Impact

This procedure has been assessed for relevance to the general duty to provide race equality under the Race Relations (Amendment) Act 2000.

This assessment has shown that the procedure and its aims are likely to have the relevance level indicated below

Relevance Level <i>(Please see Wiltshire Constabulary Race Equality Scheme for details of how to assess the Relevance levels of policies and procedures)</i>
(Delete those not applicable and this text in red) high relevance medium relevance low relevance

Relevant duties under the RRA Act 2000
(Delete those not applicable and this text in red) Elimination of unlawful racial discrimination Promotion of equality of opportunity Promotion of good race relations.

In this regard a full race equality impact assessment will / will not be undertaken in accordance with the Race Equality Scheme Action Plan.

Freedom of Information Act

This procedure is suitable for public access

Data Protection Act

Any information relating to an identified or identifiable living individual recorded as a consequence of this procedure will be processed in accordance with the Data Protection Act 2018, General Data Protection Regulations and the [Force Data Protection Policy](#).

SECTION ONE

VOLUNTARY RESIGNATION

NOTICE TO BE GIVEN BY THE INDIVIDUAL

When police staff wish to leave the organisation, they must provide a period of notice based upon their length of police authority service and grade as follows:

	Grades W1 – W9 inclusive	Grades W10 and above
Within the first month of employment	One weeks' notice	One weeks notice
Thereafter	4 weeks notice	12 weeks notice

The notice above applies to all individuals, unless stated differently within your contract of employment.

Notice should be given in writing to the individual's line manager using Form 232.

In exceptional circumstances, a shorter notice period may be mutually agreed between the organisation and the individual and pay will be based upon that agreed period. If an individual seeks a shorter notice period and it is agreed, they will be paid up to and including their last day of service.

Line Manager

Forward this notice (232) to the Departmental Head or the Divisional Commander, who will also acknowledge acceptance of the notice by signing the 232.

The 232 should then be sent by the line manager or Departmental Head or the Divisional Commander then to the HR Business Centre at HQ for actioning. - The Department / Division are responsible for ensuring Form 232 is sent through to HR Business Centre in adequate time to ensure all internal processes can be carried out.

An Exit Checklist will be sent to the line manager by HR Business Centre, which should be used to ensure:

- Form 248 is requested to Finance promptly in order appropriate systems can be updated and Individual are removed from all internal systems
- Return of police property including: telephones, laptops, ID access badges, car parking permits, uniforms, warrant cards, pockets books and Mobile and Remote equipment etc
- Line Manager should email the Payroll Inbox to inform payroll of any outstanding leave to be paid / deducted in final salary.
- The Exit checklist should be returned electronically to the HR Business Centre inbox or manually to Business Centre.

- The Payroll Department will only action a 248 when they are in receipt of the appropriate memo from HR Business Centre.

HR will:

On receipt of authorised resignation notification, HR will:

- Reply to the Departmental Head / Divisional Commander (copy to all relevant parties) confirming the acceptance of the resignation and attaching a copy of the exit checklist
- Ensure an Exit letter and Interview Form is sent directly to the individual.
- Inform payroll of the resignation
- On receipt of 248 action this to update record on system

The Department / Division is responsible for ensuring Form 232 is sent through to HR in adequate time (and a 248 is requested) to ensure all internal processes as detailed above can be completed within the appropriate timescale.

PAYMENT

Normal pay including any regular payments will continue during the notice period. If any overtime or public holiday has been worked, this will be paid whenever possible to the individual in the last month of working. However, if the overtime claim form isn't received by the payroll cut-off point for that month, the monies will be paid to the individual in the following month's pay run.

If the organisation wishes to shorten the notice period and an agreement cannot be reached, the organisation reserves the right to remove the requirement for the individual to work the notice period. Payment will then be made in lieu of notice.

Annual leave is calculated on a daily basis via the Global Rostering System (GRS). If an individual leaves part way through the leave year, they will be entitled to receive payment for the annual leave accrued for that leave year. If more leave has been taken than has been accrued, this will be deducted from the final salary.

Any accrued leave not taken, owed lieu days will be paid to the individual in their final salary. Any holiday taken, but not accrued, will be deducted from their final salary.

Line Managers must advise payroll directly if an employee has any outstanding holiday to be paid.

Details of how annual leave is calculated when leaving the Force is detailed within the annual leave policy.

EXIT INTERVIEWS

All staff leaving the organisation will receive an exit interview questionnaire from the HR Business Centre upon receipt of Form 232. Completed forms should be returned to the Business Centre for recording and analysis.

INTERVIEW WITH THE CHIEF CONSTABLE

Police Staff who are resigning or retiring from the Force (regardless of their length of service) have the opportunity to request an interview with the Chief Constable prior to their departure (this excludes those leaving whilst still in their probationary period).

Police Staff who are retiring from the Force are presented with a framed Certificate of Service, which can be arranged to be presented by the Chief Constable or Head of Department. Alternatively this can be sent to the home address.

It is an individual responsibility to inform the HR Business Centre if they wish to take up the opportunity of an interview with the Chief Constable, who will ensure the appropriate arrangements are made.

SECTION TWO

RETIREMENT

The Default Retirement Age will be abolished from 1st October 2011. From 1st April 2011 Wiltshire Police will no longer issue Compulsory Retirement Notifications using the Default Retirement Age Procedure (limited exemptions will apply). This change in legislation means that Police Staff have the right to work beyond 65.

If an individual wishes to retire at their normal retirement date or after, they should complete **Form 232**. This should detail their intention to retire at their retirement date, ensuring that they provide the appropriate amount of notice in accordance with their contract of employment. **Form 232** should be sent to the line manager.

The line manager will forward the retirement request to the Divisional Commander / Departmental Head for acknowledgement and agreement.

Following acceptance from the Department Head / Divisional Commander, Form 232 should be forwarded to the HR Business Centre for action. HR will:

- Reply to the Departmental Head / Divisional Commander (copy to all relevant parties) confirming the acceptance of the request to retire attaching a copy of the exit checklist. The memo will remind the manager to inform the individual of the opportunity to have an interview with the Chief Constable.

If you have any queries regarding your pension please contact the Wiltshire Pension Fund or your relevant independent Pension Scheme Provider.

SECTION THREE

EARLY RETIREMENT

SUMMARY & GENERAL PRINCIPLES

The following presumes that the member of staff is in the Local Government Pension Scheme (LGPS) for police staff. Police Staff who have elected not to join such a Scheme will not be eligible for the options outlined.

There will be occasions where it is appropriate that an individual retires at the request of the Force earlier than the options outlined above. The three circumstances in which early retirement may apply are:

- On the grounds of **permanent ill health**
- On the grounds of **efficiency of the organisation**
- On the grounds of **redundancy**

More details on these follow

Whilst the police staff pension scheme does allow for voluntary 'ordinary early retirement' at 55 plus for police staff, it is only possible with the consent of the employer. Force policy is that it does not support this as the cost to the organisation is prohibitive.

An individual may choose to leave the organisation before their normal retirement age and refer to it as 'retirement'. However, for these purposes, unless any pension benefits become payable, such a departure should more correctly be referred to as a resignation.

Normal retirement age in the Local Government Pension Scheme is age 65 and is the same for men and women. However, under the Rule of 85 it is possible for Scheme members to retire at any time between 60 and 65, without their benefits being reduced. Their age and service in whole years must add up to 85. So, for example a Scheme member aged 60 with 25 years membership (adds up to 85) can retire immediately with their full pension entitlement. For further information please visit [Wiltshire Local Government Pension Scheme website](#).

The final decision to grant or offer early retirement to an individual rests with the Head of People Services.

The circumstances outlined below relate to individual cases. Where groups of staff are potentially involved, the HR Department may consider developing a different package more appropriate to the circumstances, in consultation with the relevant staff associations.

For details of the pension entitlements appropriate to various circumstances, individuals are advised to consult with the Pension Scheme Administrators below:

| Wiltshire Pension Fund or the Payroll Department at HQ

1: EARLY RETIREMENT ON THE GROUNDS OF PERMANENT ILL HEALTH

If Police Staff has to leave their role at any age due to permanent ill-health, the Local Government Pension Scheme provides a tiered ill health retirement. This tier provides graded

levels of benefit based on how likely an individual will be capable of gainful employment after they have left their respective role with Wiltshire Police.

For more information, please visit the [Wiltshire Pension Fund Website](#)

2: EARLY RETIREMENT ON THE GROUNDS OF EFFICIENCY

Where it would be inefficient to retain an individual within their current role; for example where working practices need to change significantly and the individual is not willing or would struggle with the new skills that may be required.

- Staff must be aged 55 or over
- Added years are not awarded
- Cost borne by staff members Department

Where a manager has a case that they consider potentially eligible for early retirement on the grounds of efficiency, they must consult with the HR Department at an early stage.

3: EARLY RETIREMENT ON THE GROUNDS OF REDUNDANCY

Where significant change occurs to an individual's role, it may be declared as redundant. Where an individual qualifies, they may be entitled to early pension benefits as well as potential redundancy payments.

- Staff must be aged 55 or over
- Minimum of 3 months pensionable service
- (Minimum of 2 years service required to qualify for redundancy payments)
- Cost borne by staff members Department (for larger restructuring exercises other funds may be made available)

Individuals and managers are advised to consult the Redundancy and Redeployment Procedure for further details of this process.

The Discretions policy (Section 5) is also relevant in the above instances

SECTION FOUR

FLEXIBLE RETIREMENT

SUMMARY & GENERAL PRINCIPLES

Flexible retirement is the opportunity for an employee to continue working for Wiltshire Police on reduced hours of work or a lower grade, whilst drawing their accrued pension benefits early whilst remaining in Force employment.

Approval for flexible retirement may only be agreed where it is of benefit to service provision or is of sound economic benefit to the Force. All requests for flexible retirement will be considered against consistent criteria as detailed below. There is no automatic right to flexible retirement.

Eligibility, conditions and criteria

To be considered for flexible retirement an employee must:

- Be aged between 60 and 74. (74 is the maximum age for admission to the LGPS.)
- Have 3 or more months' membership of the LGPS, or have transferred the equivalent pension rights into the LGPS.
- Reduce the hours of their current job by at least 20 per cent OR transfer to another available job which has either at least 20 per cent fewer hours or is at a lower grade.
- Local Government Pension Scheme Regulations specify that an employee can only take flexible retirement if the Force gives its consent to:
 1. A reduction in the individual's hours and/or grade, AND
 2. Release of their accrued pension benefits
- Once flexible retirement is granted, an individual cannot apply for a future position that may result in either an increase in hours or a higher grade.
- Individuals should note that if they wish to continue working beyond age 65, they must apply using the existing retirement procedures as detailed within section 2.

- In considering the employee's request, the Force will need to consider the following issues:
 - The benefits to the service – for example: enabling the transfer of skills/knowledge; enabling the retention of a balanced age profile within the workforce; offering the opportunity of better succession planning.
 - The effect on the ability to meet organisational needs – for example: continuity of service provision; supply of work during the periods the employee wishes to work;
 - Workload considerations;
 - Impact on other staff;
 - Resource implications: e.g. the capitalisation costs associated with the early release of pension (this applies to employees who meet the 85 year rule and who wish to take flexible retirement before age 60 – see paragraph 13 below); helping to avoid redundancies elsewhere.

Financial considerations

- **Effect of flexible retirement on Pension Benefits**
 allowing early release of a pension imposes additional costs on the Pension Scheme. These costs will be met by the Police Staff member having their benefits actuarially reduced, in line with Local Government Pension Scheme regulations. This may result in an individual's monthly pension benefits (and lump sum, if applicable) being substantially reduced – but, of course, it is anticipated that these benefits will be paid for longer.
- How much an individual's benefits are reduced depends on how early they draw their benefits. Those individuals meeting the 'Rule of 85' will not be subject to any actuarial reduction of benefits. (The 'Rule of 85' is met if the individuals age at the date they draw benefits and their completed years of scheme membership add up to 85 or more.)
- It is essential that an individual receives pension estimations from the Wiltshire Pension Fund, prior to making a final decision.
- Please note that, following flexible retirement, an individual can choose to continue to be a member of LGPS in order to build up separate benefits on their reduced hours/grade.
- **Effect of flexible retirement on any future redundancy situation**
 If, at a future date following flexible retirement arrangements being put into place, an employee's post is identified as being at risk of redundancy, the following would apply:
 - An individual's **existing** pension taken under flexible retirement will **not** be affected by subsequent redundancy.
 - However, if an individual has continued in membership of LGPS after taking flexible retirement: they would also receive immediate payment of their pension accrued following their flexible retirement date. This pension, including any augmentation if appropriate, will only be based on pensionable service following their flexible retirement date.
 - Statutory Redundancy pay would be calculated on the basis of the individual's length of continuous service within local government. The individual's weekly

pay would be calculated on the basis of their reduced salary under the new flexible arrangement.

Application Process

- Interested individuals should begin the process by completing Form FR1 and e-mailing it to their line manager. The application should contain information such as:
 - the hours of work requested,
 - and a date for the flexible retirement to start.
 - Individuals are responsible for obtaining their respective pension estimations via the payroll department before an application is made. The line manager should meet with the individual to discuss their application.
 - The line manager is then responsible for submitting the employee's request to their relevant SMT for approval.
 - The HR Partner will be responsible for forwarding the application to the HR Business Centre for processing.
 - The HR Business Centre will then write to the employee advising him/her of their new contracted hours. The HR Business Centre will be responsible for raising the necessary paperwork to advise of the changes to the Payroll Department. .
-

Appeal

- If a request is not approved, an employee may appeal to the Head of People Services. The appeal should be made in writing within 10 working days of the individual receiving written notification that their request has been unsuccessful. The Head of People Services will notify them of the outcome in writing within 10 days of receipt of their appeal.
- There is no further right of appeal.
- A further application to work flexibly can be made at a later date, but the individual should wait 12 months from the date on which their last application was made before making any further requests.

SECTION FIVE

DISCRETIONS POLICY

Introduction

LGPS Regulations require the Force to formulate, publish and keep under review policies with regard to the arrangements relating to the discretionary powers adopted by the Force.

The Regulations and Force discretions are outlined below:

REGULATION	POLICY ON INDIVIDUAL DISCRETIONS
BCM12: Augmentation of membership of an active member (up to 10 years)	The Force will not exercise this discretion. .
BCM 13: Whether to grant additional pension to a member (up to £5,000pa)	The Force will not exercise this discretion in addition or as an alternative to augmentation.
BCM 18(1): Whether all or some benefits can be paid if an employee reduces hours/grade and continues to work ("flexible retirement")	The Force does not give blanket consent for staff in the LGPS aged between 60 and 74 years to flexibly retire and draw immediate payment of pension benefits. Requests will be referred to the Resources Directorate and assessed on their merits taking into account such factors as cost and service delivery.
BCM (3): Waiving actuarial reduction on flexible retirement.	The Force will not be responsible for waiving actuarial reduction in relation to Flexible retirement. .
BCM30 (2): Whether to allow early payment of benefits at/after 55.	The Force does not give blanket consent for staff in the LGPS aged between 55 and 59 years to retire and draw immediate payment of pension benefits except in the cases redundancy. Requests will be referred to the Resources Directorate and assessed on their merits taking into account such factors as cost and service delivery.
BCM30 (3): Waiving actuarial reduction on early retirement.	. The Force will not exercise this discretion

Admin 16(4)(b)(ii): Whether to extend 12-month period to combine previous LG service. Admin 83(8): Whether to extend 12-month period to allow a transfer-in of non-LG pension rights.	The Force will allow an option to combine either previous LG service or non-LG pension rights for 12 months only in both of these discretions.
BCM 3 Determine rate of employees' contributions.	The Force will allocate employees to the appropriate contribution rate according to pay band at 1 April each year and adjust only where there is a contractual change during the year.
Admin 22(2): Whether to extend the period for a member to elect to pay contributions to cover unpaid leave of absence, maternity, paternity, or adoption leave beyond 30 days after returning to work or leaving.	The Force will allow the extension of the period in cases where the member was not notified of the right to pay contributions.

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**LGPS EMPLOYER'S
DISCRETIONS POLICY FOR Wiltshire Police
LGPS 2014 Scheme**

WILTSHIRE PENSION FUND

DISCRETION & REGULATION	POLICY ON INDIVIDUAL DISCRETIONS
1). Reg 31: Whether to grant additional pension to a member (up to £6500pa) <i>(Required in Policy Statement)</i>	<i>Wiltshire Police will only exercise this discretion in exceptional circumstances. This discretion will only be exercised with the expressed position of the Chief Finance Officer after consideration of the costs that would apply.</i>
2). Reg 16(2)e & Reg 16(4)d: Whether to it make either a regular or lump sum Additional Pension Contribution (APC) to a member's account (part or whole funding this) [Note: this discretion only relates to cases when the member is working as normal rather than absent from work with permission but no pensionable pay – in the latter scenario, employers must fund it if necessary.] <i>(NEW - Required in Policy Statement)</i>	<i>Wiltshire Police will only exercise this discretion in exceptional circumstances. This discretion will only be exercised with the expressed position of the Chief Finance Officer after consideration of the costs that would apply.</i>
3). Reg 30(6) Whether all or some pension benefits can be paid if an member aged 55 or over reduces their hours/grade and continues to work (“flexible retirement”) <i>(Required in Policy Statement)</i>	<i>Wiltshire Police will consider employee requests to take flexible retirement on a case by case basis after taking into factors such as service delivery and any costs that may apply. The Head Of People Services will be responsible for agreeing (or otherwise) to all requests to take flexible retirement.</i>
4). Reg 30(8) Waiving actuarial reduction on flexible retirement. <i>(Required in Policy Statement)</i>	<i>Wiltshire Police will only waive the actuarial reduction on flexible retirement in exceptional circumstances following approval from the Chief Finance Officer</i>
5). Reg 30(8) Waiving actuarial reduction on early retirement (age 55+) – for both active, deferred members & suspended tier 3 ill health pensions <i>(Required in Policy Statement)</i>	<i>Wiltshire Police will only waive the actuarial reduction on early retirement in exceptional circumstances and as the result of the expressed permission of the Chief Finance Officer after considering the costs that would apply.</i>
6). TP Regs 1(1)(c) of Schedule 2: Whether to allow the rule of 85 to	<i>Wiltshire Police will only agree to “switch on” the rule of 85 in exceptional circumstances following</i>

be “switched on” for members who would normally meet the rule but who will not if they draw the benefits age 55-59 <i>(NEW - Required in Policy Statement)</i>	<i>approval from the Chief Finance Officer after considering the costs that will apply.</i>
7). Regs 22(8 & 9) Whether to extend 12-month period to separate previous LG service. <i>(Not Mandatory in Policy Statement but please complete)</i>	<i>Wiltshire Police will only allow an extension to the 12-month period to separate previous LG service where it can be reasonably shown that the member was not provided with the required information within 6 months of starting.</i>
8). Reg 9(3) Determine rate of employees’ contributions. <i>(Not Mandatory in Policy Statement but please complete)</i>	<i>Wiltshire Police will review all employees’ contribution bands when there has been contractual change to a member’s salary or hours at some point during the year. A member’s contribution rate will not be reviewed as the result of one-off additional payments (such as honorariums)</i>
9). Reg 100(6) Whether to extend 12-month period to allow a transfer-in of non-LG pension rights. <i>(Not Mandatory in Policy Statement but please complete)</i>	<i>Wiltshire Police will only allow an extension to the 12-month period to combine previous non-LG service where it can be shown that the member was not provided with the required information within 6 months of starting.</i>

Abbreviations

“Reg 16(2)e” means Regulation 16(2)e of the Local Government Pension Scheme Regulations 2013 [Which apply from 1 April 2014]

“TP Regs” means LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014].

Updated 14 March 2014