



**ABERDEEN**  
**CITY COUNCIL**

**PENSION  
CONTRIBUTION RATE  
APPEALS PROCEDURE**

**Approved by the Finance, Policy and Resources Committee on  
15 September 2015**

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## **Section 1: Introduction**

The Local Government Pension Scheme has a tiered employee contribution rate structure, with tiers operating on a banding system. The current table of contribution rates is included with the employee's pension contribution rate letter.

All employees in the Pension Scheme will pay pension contributions based on the appropriate tier. The Council calculates the pension contribution rate each year using the employee's pensionable pay plus pensionable allowances and informs each employee in writing of the pension contribution rate he/she will pay. The pension contribution rate is fixed for the whole of the forthcoming financial year (April to March); unless there is a permanent and material change to the employee's terms of employment comprising an increase or decrease in pensionable pay of over £4000 per annum (pro rata for part-time). The tiers on which contribution rates are set are adjusted from the beginning of each financial year in line with the change in the Consumer Price Index.

Before this appeals procedure can be instigated, where an employee considers that their pension contribution rate has been incorrectly identified, they must first enquire with the Payroll Section by telephone about how their pension contribution rate was identified, by asking what pensionable pay plus allowances figure was used to determine the rate. The enquiry must be made within 10 days of receipt of the letter confirming the pension contribution rate. If following receipt of an answer in writing to the enquiry, the employee still considers that their pension contribution rate has been incorrectly identified and the Payroll Section do not agree with the employee's view, the employee has the right of appeal against the identified pension contribution rate within 10 days of being notified in writing by the Payroll Section. Any error identified in the setting of an employee's pension contribution rate will be appropriately corrected.

This procedure has been designed to deal with such appeals and to enable them to be dealt with promptly and fairly.

## **Section 2: Scope and Principles**

### **Employees covered by this Appeals Procedure**

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This procedure applies to all employees of the Council who are members of the Local Government Pension Scheme.

### **Individual and group appeals**

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Appeals can be made on an individual or group basis. Group appeals would only apply in respect of employees in the same job earning exactly the same pensionable pay plus pensionable allowances and where the agreement of the individual employees and their trade unions (where appropriate) has been obtained. In the case of group appeals, arrangements can be made, where the parties agree, for a spokesperson to attend the appeal hearing on behalf of the group of employees.

## **Representation at the Appeal Hearing**

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Employees will have the right to be accompanied by a trade union representative or work colleague of their choice at the appeal hearing. In the case of group appeals, more than one trade union representative can be present where employees are being represented by more than one union. They will not be permitted to be accompanied by a legal practitioner, partner or spouse.

## **Offer of Assistance**

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Throughout the procedure, appropriate assistance and arrangements will be made available to employees whose first language is not English and to employees with a disability.

### ***Section 3: Ground for Appeal***

An employee can appeal if they consider that:-

- The pensionable pay plus pensionable allowances used to determine the employee's pension contribution rate has been incorrectly identified. The employee would be required to state the reason(s) why they considered this to be the case.

### ***Section 4: Registering an Appeal***

## **How to Appeal and Timescales**

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An employee appealing against the identified pension contribution rate does so by registering the appeal in writing to the Head of HR and Customer Service within 10 days of receipt of the letter from Payroll informing them of how their rate was calculated for the coming year. The employee would set out the ground for the appeal in the letter. Appeals will only be considered if submitted in accordance with the above.

## **Who Hears the Appeal?**

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The Head of HR and Customer Service will nominate an appropriate officer at Service Manager level or above to hear the appeal. The officer hearing the appeal will write to the employee to invite them to the appeal hearing as soon as practicable following being nominated as chair of the hearing (see Appendix 1).

## **Who Attends the Appeal Hearing?**

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In addition to the chair of the hearing, the appellant will attend along with their companion (restricted to a trade union representative or work colleague). In the case of group appeals, a spokesperson may attend on behalf of the group. The appellant is permitted to submit written evidence in advance if they do not wish to attend the appeal hearing in person. An HR representative will be present to provide advice and

guidance on the appeals procedure and to answer general queries relating to the operation of the pay bands and the tiered contribution rate structure.

(An interpreter/signer/support worker can be present, where necessary, to assist employees whose language is sign or whose first language is not English or to assist people with disabilities).

## **Section 5: Format of the Appeal Hearing**

The appeal hearing will comprise the following steps:-

### **STEP 1 – INTRODUCTION**

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The Chair explains the purpose and format of the hearing and deals with any procedural issues.

### **STEP 2 – PRESENTATION**

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Appellant or their companion presents the key points of their appeal explaining why they consider the incorrect pension contribution rate has been identified in their case.

### **STEP 3 – INFORMATION GATHERING**

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The Chair will then ask questions in order to gain more information to confirm that the grounds for appeal are valid.

### **STEP 4 – CLOSING STATEMENTS**

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The Chair will give the appellant or their companion the opportunity to make closing remarks.

### **STEP 5 – ADJOURNMENT**

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The hearing is adjourned to allow the chair to consider the merits of the appeal. The chair will decide whether to:

- Uphold the appeal, in which case the appellant's pension contribution rate will be changed to be based on the pensionable pay plus pensionable allowances identified by the appellant (please note that any decision to uphold the appeal must be in accordance with the pension regulations).
- Reject the appeal, in which case the pension contribution rate will stand, with there being no further right of appeal for the employee.
- Suspend the appeal to allow for additional information to be gathered before making a decision.

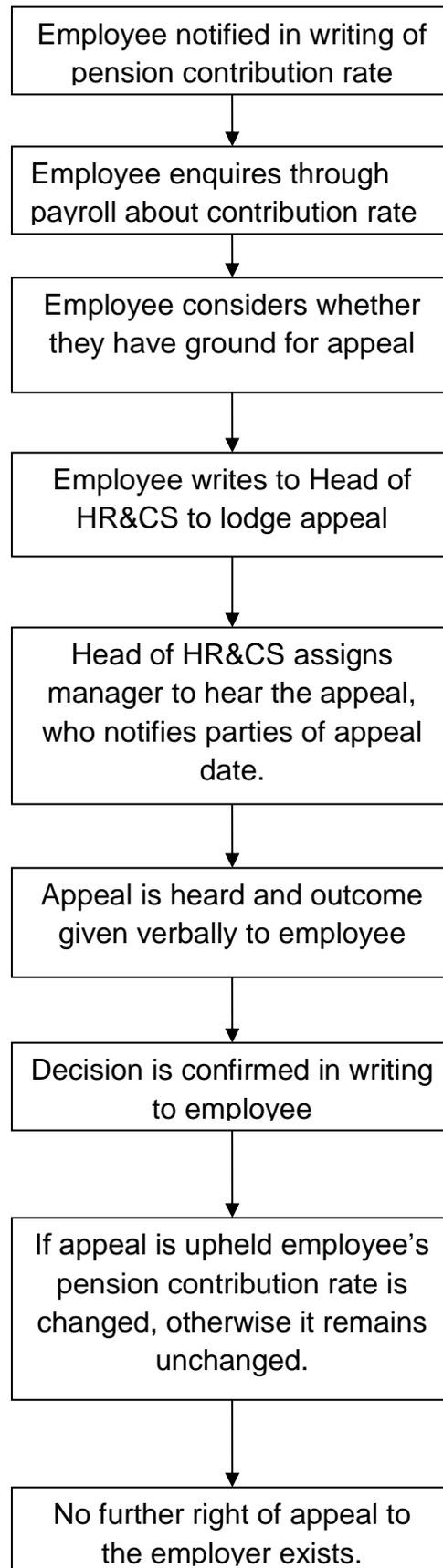
## STEP 6 – DECISION

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The chair will reconvene the hearing and verbally inform the employee of the decision. The decision is then confirmed in writing within 10 days of the hearing. The letter will include the reason(s) for arriving at the decision (see Appendix 2). There is no further right of appeal to the employer following this process.

**Note:** the Payroll and Pension sections will both be informed of the outcome of the appeal and if upheld, the appropriate amendment will be made to the employee's pension contribution rate as soon as practicable. This will take effect from the commencement of the particular financial year. Any arrears of over or underpayment of pension contributions will be appropriately addressed.

## Section 6: Overview of appeals process



## ***Section 7: Review of the Procedure***

HR and Customer Service will review this procedure as required. It will, nevertheless, be subject to continual review and amendment in the light of experience of its operation, employment best practice and statutory requirements. Changes will only be put into effect following the normal consultation arrangements.

## **APPENDIX 1**

### **MODEL LETTER – CALLING EMPLOYEE TO APPEAL HEARING**

#### **PERSONAL**

Dear

#### **NOTICE OF APPEAL HEARING FOR PENSION CONTRIBUTION RATE**

You have appealed against the decision with regard to the identification of your pension contribution rate confirmed to you in writing on \_\_\_\_\_. I will be hearing the appeal.

#### **When appeal will be heard**

I wish to hear the appeal on \_\_\_\_\_ (*date/time*) at \_\_\_\_\_ (*location*).

#### **Format of the appeal hearing**

I intend to conduct the appeal hearing using the following procedure:

1. Firstly, I will explain the purpose and format of the hearing and deal with any procedural issues that may arise.
2. I will then ask you to state your grounds and reasons for the appeal.
3. I will ask questions of you and my colleague(s) may also do so as a means of clarifying matters.
4. I will give you and your companion the opportunity to ask any questions and to then make a closing statement.
5. I will allow adjournments during the course of the hearing where they are necessary.
6. At the end of the hearing, I will adjourn the meeting.
7. During this adjournment, I will consider all of the relevant issues that have emerged from the hearing to make my decision
8. I will then reconvene the hearing and announce my decision, along with the reasons for arriving at that decision. I will thereafter confirm my decision in writing

### **Potential outcome of hearing**

I will carefully consider your grounds for appeal and then decide whether there are sufficient and reasonable grounds to either:

- (a) uphold the appeal in which case your pension contribution rate will be amended and arrears of contributions appropriately addressed (any decision to uphold the appeal must be in accordance with the pension regulations)
- (b) reject the appeal in which case the identified pension contribution rate will stand
- (c) suspend the appeal to allow for additional information to be gathered before making a decision

### **Your right to be accompanied**

You have the right to be accompanied by another work colleague or a trade union representative if you so wish. Please note however that the procedure does not allow you to be accompanied by your partner, a spouse or a legal practitioner.

I will be accompanied by *(name of officer)*.

The decision of this appeal hearing is final and there is no further right of appeal to the employer.

### **Confirming your attendance**

Please confirm that the above date and time for the hearing is suitable and whether you will be accompanied and, if so, by whom.

Yours sincerely

### **NAME OF OFFICER CONDUCTING HEARING**

cc HR Adviser  
Personal File

**APPENDIX 2**

**MODEL LETTER – TO CONFIRM OF OUTCOME OF APPEAL HEARING**

**PERSONAL**

Dear

**CONFIRMATION OF OUTCOME OF APPEAL HEARING**

On ..... (*date of letter*), you appealed against the decision with regard to the identification of your pension contribution rate

I heard the appeal on ..... (*date of hearing*) in the presence of ..... (*names of officers present, including companions if applicable*).

This letter confirms my decision.

**Outcome of appeal hearing**

Having given full consideration to the issues that emerged during the course of the appeal hearing, I write to confirm my decision, \*to uphold the appeal and hence your pension contribution rate will be appropriately amended with effect from the beginning of the financial year and arrears of contributions appropriately addressed/ \*to reject the appeal and hence your pension contribution rate will stand (*\*delete one option*).

**Reasons for my decision**

My reasons for arriving at this decision and the factors that I considered relevant were: (*to insert*)

You have now exercised your right of appeal to your employer under the Council's Pension Contribution Rate Appeals Procedure and my decision is final.

Yours sincerely

**NAME OF OFFICER CONDUCTING HEARING**

cc HR Adviser  
Personal File