



**Royal County of Berkshire Pension Fund
Employer Bulletin
January 2012**



THE ROYAL COUNTY OF
BERKSHIRE
PENSION FUND

In this issue:

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Introduction

Welcome to the latest employer bulletin. The main purpose of this bulletin is to update you on developments regarding the Public Sector Pensions Reform, of which there have been quite a few. You will also find information on Injury Allowance, details of our Annual Employers meeting and an update for Academies.

As always if you have any questions about the information contained in this bulletin please do not hesitate contact us (see page 17 for our contact information).

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Public Sector Pensions Reform update

Following the strikes which took place on 30th November 2011 the Government made an improved offer to Unions concerning Public Sector Pensions Reform and the LGPS. On 21st December 2011 Danny Alexander, the Chief Secretary to the Treasury announced that a proposed way forward for reform of the Local Government Pension Scheme had been reached between the Government and Unions.

A summary of this agreement is detailed below:

- New regulations regarding the new scheme to be laid before Parliament in **April 2013**.
- New scheme to be introduced from **1st April 2014**
- Increases in contribution rates if any, to also be introduced from 1st April 2014 and not 1st April 2012.
- LGPS to change from Final Salary scheme to Career Average Revalued Earnings (CARE) Scheme. It is important to note that membership built up to 31st March 2014 will still be calculated on a Final Salary basis.
- It has been proposed that members who are within 10 years of retirement at 1st April 2012 will be protected from these changes (however this is still in negotiation and yet to be confirmed).
- The LGPS retirement age will be flexible and linked to the State Pension Age

Further negotiations are still ongoing regarding the above. However a Questions and Answer document has been released by the Local Government Association in an attempt to answer some of the questions raised as a result of the agreement. A link to this document is provided overleaf along with further useful information.



<p><u>Employer and Union Agreement on the Future of the LGPS</u></p>	<p>Document detailing the New Scheme Design Principles as a result of the discussions between the LGA and UNISON, GMB and UNITE</p>
<p><u>Questions and Answers</u></p>	<p>Q&A document released as a result of proposed reform between Government and Unions.</p>
<p><u>Written Ministerial Statement</u></p>	<p>Formal statement released by The Secretary of State for Communities and Local Government (Mr Eric Pickles)</p>

We have produced a separate section on the website dedicated Public Sector Pensions Reform which can be found at www.berkshirepensions.org.uk/pension-fund_public_sector_reform.htm

Annual Berkshire Employer's Meeting 2012

We would like to invite you to attend our **2012 Berkshire Employers Annual Meeting on Tuesday 20th March 2012** to be held in the **Desborough Suite** at the Town Hall, Maidenhead. Refreshments will be available from **10am** and the meeting will commence at **10:30am** and finish at approximately **12:00pm** followed by a light buffet lunch.

In attendance will be **Kevin Taylor** - Pensions Administration Manager, **Graeme Muir**, Partner at Barnett Waddingham the actuaries to the Berkshire Pension Fund, and a representative from our pensions software provider Heywoods. Representatives from the Pension Team will also be in attendance.

The main items for discussion at the meeting will be as follows:

- **Auto-enrolment**
- **Pension Scheme updates** – general updates on the LGPS
- **2012 Year-end processing** – what information we require from you
- **Actuarial Update on the Berkshire Pension Fund**

There will be an opportunity to put questions to us about the LGPS and meet with the pension team.

It is important that a representative from each employer attend this meeting. If you are unable to attend I would be grateful if you could nominate a colleague who could attend in your absence.

A separate e-mail will be distributed to all contacts advertising this meeting.



RPI/CPI – High Court Ruling

As reported in previous employer bulletins the Government switched the pensions increase inflation rate from the Retail Prices Index (RPI) to the Consumer Prices Index (CPI) with effect from 1st September 2010. Various Trade Union groups appealed this decision through the High Court. However on 2nd December this change was ruled lawful which means that we will continue to use CPI to inflate Public Sector pensions.

Pensions Increase in line with CPI is normally paid to:

- **Former members who retain deferred pensions within the LGPS**
- **Pensioners who are aged 55 or over; or**
- **Pensioners who have retired for the reason of permanent ill health at any age;**
or
- **Spouses and dependants of former pensioners**

It has, however recently been reported that the unions will continue to challenge this decision.



Auto-enrolment – further information

As you are aware auto-enrolment in workplace pensions will be introduced from 1st October 2012 and gradually phased in over four years. Under the reforms, every employer will be required to automatically enrol their eligible employees into a pension scheme and to pay contributions to that pension scheme.

We have recently produced a guide to Auto-enrolment and the LGPS which is available from our website.

A section dedicated to Auto-enrolment is available in the [Employers section of our website](#)

Further Information

The Pensions Regulator has published a detailed guide on the new employer duties and how to comply with them. The guidance includes:

- A summary of new employer duties for professionals
- A table to find the dates the new law will apply to you.

The guidance is available to download from the Pensions Regulator website at www.tpr.gov.uk/wpr-ifa

Direct links to the guidance provided by The Pensions Regular is detailed below:

An introduction to workplace pension changes (PDF, 1233kb, 4 pages)	a basic introduction setting out the changes
Workplace pensions law is changing... (PDF, 797kb, 5 pages)	a summary of the new employer duties
http://www.thepensionsregulator.gov.uk/staging-date-timeline.aspx	Auto-enrolment timeline
TPAS (The Pensions Advisory Service) also has a section on its website which covers auto-enrolment.	
http://www.pensionsadvisoryservice.org.uk/future-pension-reforms/auto-enrolment	
Barnett Waddingham Auto-enrolment Information Sheets are available by visiting our website at www.berkshirepensions.org.uk/employers.htm	



Public Sector Pensions Strike

Any member of the scheme that was away from work as a result of the Public Sector pensions strike on 30th November 2011 will have a break in pension membership of one day, unless they take the option of repaying missed contributions at a rate of 16% in order to avoid such a break in membership.

You will need to provide us with details of the members who were on strike highlighting those that made up the 16% contribution so that we can update their pension records accordingly.

We can accept this information in the format of a spreadsheet which lists names and NI numbers. Please arrange to send this listing to info@berkshirepensions.org.uk

[Absence Due to a Trade Dispute - Download our factsheet here](#)

Annual Report and Accounts 2010/2011

The Annual Report and Accounts for **2010/2011** is now available to view via our website and a summary of this document was included in the Autumn edition of *The Quill*.

To access this document please visit www.berkshirepensions.org.uk

If you would like hard copy of this document please contact Joanne Brazier on **01628 796754** or e-mail joanne.brazier@rbwm.gov.uk

Early Retirement Costs – Factsheet

We have produced a factsheet providing further information regarding the costs which arise as a result of a member retiring early.

A capital cost will always be calculated where:

- A member is retired on the grounds of redundancy **or** as a result of business efficiency; and
- The member is aged between 55 and 60

OR

- A member is retired on the grounds of redundancy or as a result of business efficiency; and
- The member is aged between 60 and 65; and



- The member has not reached his eligible retirement age i.e. the date at which the member achieves the 85-year rule under protections afforded by previous scheme regulations.

Ill-Health retirement capital costs

In all cases of ill-health retirement a capital cost is calculated. However this cost is not charged directly to the employer. It is instead assessed as part of the triennial actuarial valuation of the Fund and is taken into account when determining the contribution percentage that the employer will pay.

The full Employer Cost Guide is available to [view here](#) or you can download it via our website at www.berkshirerpensions.org.uk/employers.htm

Redundancy - Frequently Asked Questions

In recent months we have received an increased number of enquiries from members and employers regarding the pension rules around redundancy/efficiency retirement.

We have detailed below a series of frequently asked questions which can be included on your intranet sites or publications aimed at employees who may be affected by redundancy in the future.

If you would like further information on redundancy or retirement in general then please contact the pensions team on **0845 602 7237** or e-mail info@berkshirerpensions.org.uk

Please note that the pensions team does not calculate redundancy pay.

- ***What happens to the pension if I am made redundant?***

If your employer makes you redundant or retires you in the interests of business efficiency and you are **aged 55 or over**, your benefits are payable immediately without actuarial reduction.

- ***What happens if I am made redundant but under the age of 55?***

If you are under the age of 55 at the point of being made redundant then unfortunately your pension cannot be released at this stage. Instead your pension is deferred for you within the Fund and can be released from age 60 at the earliest.

- ***Will my pension be enhanced in any way?***

At their discretion, your employer can award you with up to 10 years additional membership to improve your retirement benefits. They can also grant you up to £5,000 extra annual pension. **These are discretions your employer can use if they so wish** and they will publicise their policy on this for your information.



- ***How do I obtain a redundancy quotation?***

If you would like an estimate of your pension entitlement should you be made redundant please contact your employer directly. Unfortunately we are unable to provide redundancy figures directly to the employee.

- ***How do I claim my pension if I am made redundant?***

If you are aged 55 or over at the point that you are made redundant then your employer will be contacting us directly with confirmation of your leaving details. Once this is received we will calculate your pension entitlement and contact you to arrange payment.

- ***Can I defer payment of my redundancy pension until a later date?***

No, we are obliged to pay your pension to you at the point you are made redundant.

- ***When will my redundancy pension commence?***

Your redundancy pension will be payable from the day after your employment ceases.

- ***Am I entitled to a lump sum from the pension fund if I am made redundant?***

If you have built up membership prior to 1st April 2008 you will automatically be entitled to a tax-free lump sum from the pension fund. If you joined the LGPS after 1st April 2008 you will not be entitled to an automatic lump sum, however you will have the option of converting some of your annual pension to purchase a lump sum.

- ***Will I still be entitled to my pension if I take voluntary redundancy?***

Yes, if you retire through either compulsory redundancy or voluntary redundancy then you will automatically be entitled to your pension if you are aged 55 or over.

- ***If I am in receipt of my redundancy pension what happens if I become re-employed?***

If you become re-employed your pension will be unaffected. We will continue to pay your pension in the normal way.



Pension Events Calendar 2012

The Berkshire Pensions Team has organised a series of pension surgeries to be held at the six main unitary authorities within the Berkshire area.

These surgeries are run throughout the year and provide an opportunity for employees to meet with representatives of the Pensions Team face to face and raise any questions they may have about their pension benefits. We also run Pre-Retirement seminars at these locations, which are run in conjunction with the Prudential.

We are happy to arrange pension surgeries or presentations at your place of work to meet with scheme members by appointment.

These surgeries are proving to be very popular with our scheme members particularly in light of the current financial climate.

If you would be interested in arranging a pension surgery please contact **Joanne Brazier** on **01628 796754** or e-mail: joanne.brazier@rbwm.gov.uk

DATE	LOCATION
Tuesday 17 January 2012	West Berkshire Council
Wednesday 14 March 2012	RBWM
Monday 19 March 2012	Reading Borough Council
Thursday 12 April 2012	West Berkshire Council (School Staff)
Thursday 10 May 2012	Bracknell Forest Borough Council
Monday 4 June 2012	Slough Borough Council
Monday 11 June 2012	Wokingham Borough Council
Tuesday 24 July 2012	West Berkshire Council
Wednesday 19 September 2012	RBWM
Tuesday 16 October 2012	Bracknell Forest Borough Council
Monday 3 December 2012	Wokingham Borough Council
Monday 10 December 2012	Slough Borough Council

A date for your diary:

The Berkshire Pension Fair and Annual Meeting for 2012 will take place on Tuesday 27th November 2012 at Reading Town Hall.



Year-end 2011/2012

The Service Level Agreement requires your annual return to be submitted by 30 April each year. In view of this it is essential that your return for 2011/2012 be submitted in accordance with the April deadline. You will soon be receiving a request to submit your year-end returns to us and these must be returned to us by **30th April 2012**.

Once received should you have any queries regarding completion of your year-end return please contact Philip Boyton directly on **01628 796 752** or e-mail: philip.boyton@rbwm.gov.uk

Updated LGPS Statutory Ill-Health Certificates – a Reminder

Don't forget that the updated Ill-Health Certificates are available on our website which can be accessed via the links below:

Document	
<u>LGS26</u>	for a current employee who is retiring on ill-health post 30 September 2008
<u>LGS26B</u>	for a Deferred Beneficiary who ceased membership as an employee on or after 1 April 2008
<u>LGS26C</u>	for a Deferred Beneficiary who ceased membership as a employee on or after 1 April 1998 and before 1 April 2008
<u>LGS26D</u>	for a Deferred Beneficiary who ceased membership as an employee before 1 April 1998
<u>LGS26E</u>	Third Tier Ill-Health retirement review certificate for a 3rd tier pensioner review taking place within 3 years of date of cessation of employment
<u>LGS26F</u>	Third Tier Ill-Health retirement review certificate for a suspended 3rd tier pensioner review taking place within 3 years of date of original date of leaving

These certificates must be completed by your independent registered medical practitioner in the event of an approved ill-health retirement and a copy of the certificate must be attached to the **LGS15C** leaver notification which is sent to the Berkshire Pensions team.



Employer Discretions - Injury Allowance

The Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011 S.I. 2011/2954

This instrument revokes and replaces Part 5 (injury allowances etc) and regulation 45 (decisions and appeals) of the Local Government (Discretionary Payments) Regulations 1996 (S.I. 1996/1680) with a new discretionary injury allowance scheme for persons employed by a relevant Local Government Pension Scheme employer. This instrument also revokes the remaining parts of the 1996 Regulations not previously revoked, in particular Part 6 which concerns the payment of gratuities in respect of non-pensionable service.

The new injury allowance provisions bring into line the operational practice in other public service injury benefit/allowance schemes and other legislative changes specifically tax regime changes driven by equalities legislation.

The instrument also introduces a new internal appeals procedure adapted in line with the internal dispute resolution procedure (IDRP) already operated under the LGPS.

It is important to note that the injury allowance scheme **is operated by employers rather than pension funds** and runs independently from the LGPS although it does share some definitions and operational procedures. The instrument makes it clear that granting of an injury award is discretionary.

The main purpose of the new regulations is to provide relevant employers with the opportunity to award an employee an injury allowance where, in the course of carrying out his or her normal work, an employee, who is employed in a relevant employment, sustains either an injury or contracts a disease.

In accordance with regulation 14 of these regulations, all LGPS employers must formulate, publish and keep under review the policy that it applies in the exercise of its discretionary powers to make an award under these Regulations.

The main points of these new regulations are set out below:

- LGPS employer means a Scheme employer, being a body mentioned in regulation 8 of, or listed in Schedule 2 to, the LGPS (Administration) Regulations 2008 (as amended).

Regulation 8 – Eligibility for membership of employees of other bodies not listed in Schedule 2

- (1) A person may be an active member if he is an employee of the governing body of:
 - (a) a voluntary school (within the meaning of the School Standards and Framework Act 1998);
 - (b) a foundation school or foundation special school (within the meaning of that Act) maintained by a local education authority;
 - (c) any technical institute or similar institution which is for the time being assisted by a local education authority under the Education Act 1996; or
 - (d) a federated school (within the meaning of the Education Act 2002), and the local education authority has, with the consent of his employer, designated him, or a class of employees to which he belongs, as being eligible for membership of the Scheme.



- (2) *Such a person shall be deemed to be in employment with the relevant local education authority and all references in these Regulations to employment by or under a Scheme employer and all similar expressions shall include references to that person.*

Schedule 2 – Scheme Employers

- *A county council, a unitary authority, a district council or a borough council;*
- *A fire and rescue authority;*
- *A probation trust;*
- *A further education corporation;*
- *A higher education corporation;*
- *A proprietor of an academy;*
- *A local housing authority;*
- *A body which is a precepting authority i.e. town and parish councils;*
- *A designated institution which immediately before designation was assisted or maintained by a local education authority.*

NOTE: Community admission bodies and transferee admission bodies and admission bodies in general do not qualify under the The Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011 and so cannot award injury allowances.

- Relevant employer means the employer by whom the person in question was employed immediately before the person qualifies for any allowance or lump sum paid under these regulations or if the person dies without qualifying for any such allowance or lump sum, the employer who last employed the person in a relevant employment before the person's death.
- An award can be granted where an employee suffers a reduction in remuneration as a direct result of sustaining an injury or contracting a disease whilst carrying out his or her normal work.
- An award can be granted where an employee loses employment through permanent incapacity as a direct result of sustaining an injury or contracting a disease whilst carrying out his or her normal work.
- Before determining whether or not an award should be granted, the relevant employer must obtain a certificate from an independent registered medical practitioner (IRMP), as to whether in his or her opinion the employee has sustained an injury or contracted a disease in the course of carrying out his or her work, continues to suffer from the injury or disease or as a result of the injury or disease, ceases to be employed as a result of a permanent incapacity caused by the injury or disease.
- Where the employee dies as a result of sustaining an injury or contracting a disease in the course of carrying out their normal work, an allowance or lump sum can be paid to a surviving spouse, civil partner, nominated cohabiting partner or dependant as determined by the employer and in line with the definitions of these terms under the main LGPS regulations.
- The amount of any allowance or lump sum has to be determined by the relevant scheme employer having due regard to all the circumstances of the case.
- The cost of any payment to be made under these Regulations is not to be met out of any pension fund.



Other points of consideration:

- References to admission bodies have been removed from the injury benefit provisions as they are not Scheme employers as defined in Schedule 2 to the LGPS Administration Regulations;
- A provision has been introduced at the request of HMRC to ensure that National Insurance Contributions are deducted from any injury award paid in line with other public service injury benefit schemes;
- A provision has been introduced whereby an employee wishing to pursue either a temporary or permanent injury allowance will need to first have their injury or disease certified by their employer's independent registered medical practitioner (IRMP). This aligns the award of an injury allowance with the current procedure for ill health retirement as set out on the main LGPS regulations;

All relevant employers should avail themselves of a copy of these Regulations, which can be found at the following link, and take action to produce a policy statement.

<http://www.legislation.gov.uk/2011/2954>

Academies and the Local Government Pension Scheme (LGPS)

All schools/academies will be aware of a joint note issued by the Secretaries of State for Education and Communities and Local Government in December 2011 regarding the possibility of pooling academies together for the purpose of working out the rate of employer contribution to be paid into the LGPS.

In Berkshire a number of schools have already converted to academy status with a large number still considering conversion and questions have already been asked about the possibility of a pooled contribution rate.

The main question that this proposal raises is three-fold:

1. Should a pooled rate be agreed for all academies across the pension fund (i.e. regardless of their lead unitary authority)? or
2. Should separate pooled academy rates be agreed within each area of the pension fund (i.e. within each of the six unitary authorities)? or
3. Should academies be pooled with their own unitary authority and therefore pay the same employer contribution rate as their local education authority (LEA)?



The issue of pooling a number of small similar bodies is an issue for the pension fund actuary to consider (subject to methods and assumptions that keep employer contribution rates stable etc) whereas the issue of pooling academies with LEAs is perhaps one for the Royal Borough of Windsor & Maidenhead (RBWM) as the administering authority to the Royal County of Berkshire Pension Fund (RCBPF) to consider having consulted with the LEAs as to how any future deficit might be funded and what impact such a pooled arrangement might have on them as a scheme employer.

There will inevitably be further debate at a national level regarding this issue the results of which will need to be known before any final decision can be made at a local level. However, if the pooling of academies is to be the way forward, then it may ultimately be up to each LEA to decide whether or not academies should be pooled with them or not.

Further details will follow in due course subject to wider consultation being undertaken.

Academy Status - website update

We have now added a separate page to the Employers section of the Berkshire Pension Fund website specifically for Academies, which contains the following information:

- **Academy conversion process**
- **Employer responsibilities**
- **Employer Discretions**
- **Employer Contributions**
- **Service Level Agreement**

You can visit this section via the following link:

www.berkshirerpensions.org.uk/Employers_Academy_Status.htm

Reminders

Connect with us on social networks

You can now connect with the Berkshire Pension Fund online through our brand new social media networks available on Twitter and Facebook.

Our social media sites enable you to receive up to the minute Berkshire pensions news and information.



- **Follow Berkshire Pensions on Twitter...** www.twitter.com/berkspensions
- **Join us on Facebook** www.facebook.com search "Berkshire Pension Fund"

Our new social media sites enable us to keep you posted about: *Forthcoming pension changes, Pension events, Latest regulation changes and links to new publications*



Online Forms

Scheme members can now update personal details or request pension information by completing the online forms that are available through our website.

www.berkshirerpensions.org.uk/Pension-Fund_online_forms.htm

- ✓ **Change your address**
- ✓ **Pension Estimate Request**
- ✓ **Purchase of Additional Pension**
- ✓ **Tracing your Benefits**
- ✓ **Factsheet Request form**
- ✓ **Transfer value request form**
- ✓ **Comments and Suggestions**
- ✓ **Send us your pension queries**

www.berkshirerpensions.org.uk/pension-fund_employers_online_forms.htm

The employer section of the website also contains an online request which contains an Employer Estimate request form.

Reductions in pay factsheet

Don't forget that we have produced a factsheet specifically for members who may have suffered a reduction in their full-time equivalent pensionable salary. The factsheet sets out the options that are available to members and the meaning of both pensionable and final pay.

Retirement Notifications

In order to assist us in processing a scheme member's retirement more efficiently we would be most grateful if you could advise us in advance of any forthcoming retirements which have been agreed. You can do this by sending an e-mail to info@berkshirerpensions.org.uk confirming the member's name, NI Number, date of leaving and reason for leaving.

Please also submit the **LGS15C** leaver notification at the earliest opportunity so that we may make payment of the member's pension without delay.



Pension Forms

All the standard forms that you will require are now available in Word format as well as pdf versions. The forms can be downloaded via our website at www.berkshirerpensions.org.uk/employers_standard_forms.htm

Contact Us

If you would like to discuss any issues raised in this bulletin please do not hesitate to contact us on the numbers below:

Kevin Taylor	Pensions Administration Manager	01628 796747
Sandra Rice	Deputy Pensions Manager	01628 796754
Philip Boyton	Senior Pensions Manager	01628 796752
Joanne Brazier	Assistant Pensions Manager	01628 796754

Pensions Helpdesk: **0845 602 7237**

Fax: **01628 796 700**

Pensions Helpdesk E-mail: info@berkshirerpensions.org.uk

Website: www.berkshirerpensions.org.uk

Twitter: <http://twitter.com/berkspensions>

Facebook: [Berkshire Pension Fund](https://www.facebook.com/BerkshirePensionFund)

If you have a query regarding the employee or employer contribution payments please contact:

Helen Macpherson	Performance Analyst	01628 796705
David Leech	Fund Accountant	01628 796703



Useful Links Directory

HM Treasury Tax Relief information	www.hm-treasury.gov.uk/consult_pensionsrelief.htm
Independent Public Service Pensions Commission	www.hm-treasury.gov.uk/indreview_johnhutton_pensions.htm
Official Local Government Pension Scheme website	www.lgps.org.uk
The Pensions Advisory Service	www.pensionsadvisoryservice.org.uk
The Pensions Regulator	www.thepensionsregulator.gov.uk



Action to be taken

1. Familiarise yourself with the latest information regarding Public Sector Pensions Reform and Auto-enrolment.
2. Report strike break data to the Berkshire Pension Fund.
3. Notify the pensions team of forthcoming retirements that have been agreed.
4. Confirm your attendance to the Annual employers meeting
5. Familiarise yourself with the new injury allowance provisions and issue your policy statement, copying this to the pensions team.

Disclaimer

The information contained in this Bulletin has been prepared by the Royal County of Berkshire Pension Fund. It should not be treated as a complete and authoritative statement of the law. Readers may wish, or will need, to take their own legal advice on the interpretation of any particular piece of legislation. No responsibility whatsoever will be assumed by the Pension Fund for any direct or consequential loss, financial or otherwise, damage or inconvenience, or any other obligation or liability incurred by readers relying on information contained in this Bulletin. Whilst every attempt is made to ensure the accuracy of the Bulletin, it would be helpful if readers could bring to the attention of the Pension Fund any perceived errors or omissions. Please contact:

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