

Civil Service Conciliation and Arbitration Scheme

General Council Report 1333

(Meeting/s of 29 April 1998)

Forfeiture of Pension (Revised superannuation arrangements for established civil servants who (a) are dismissed or (b) resign to pre-empt dismissal)

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1. At its meeting on 29 April 1998 the Council considered a report (copy attached) of the Joint Official Side/Staff Side Working Party on Superannuation concerning the forfeiture of superannuation benefits in cases where established civil servants are dismissed, or resign in order to pre-empt dismissal.
2. It was agreed to recommend that effect be given to the revised arrangements outlined in paragraph 2 of the report of the Working Party.
3. This report was adopted on 29 April 1998.

JOINT OFFICIAL SIDE/STAFF SIDE WORKING PARTY ON SUPERANNUATION

Forfeiture of superannuation benefits by established civil servants who are (a) dismissed or (b) resign to pre-empt dismissal

1. Prior to 1 January 1994, established civil servants who were dismissed or who resigned to pre-empt dismissal automatically forfeited their superannuation entitlements. Under revised arrangements, which were adopted by the General Council in Report No 1276, forfeiture of preserved benefits would apply **only** in cases where officers are dismissed, or resign to pre-empt dismissal, on foot of:

- (a) major fraud against the Exchequer;
- (b) offenses which are gravely injurious the State, or
- (c) other offenses liable to lead to a serious loss of confidence in the Civil Service.

In cases involving financial loss to the Exchequer, the amount of the loss, plus interest, would be repaid by means of deduction from the preserved benefits payable. Interest in such cases would be charged at a compound rate of 6% per annum in respect of the period between the date on which the loss was incurred and the date of repayment.

The revised arrangements would apply to cases of dismissal (or resignations to pre-empt dismissal) subsequent to 1 June 1973. Benefits becoming payable would be reinstated from 1 January 1994 or the officer's 60th birthday, whichever was the later.

2. At its meeting on 19 March 1998 the Working Party discussed the revised provisions and agreed to recommend to the General Council that forfeiture of superannuation benefits would no longer apply in cases referred to in paragraphs 1(a), (b) and (c) above and that paragraph 4(1) of General Council Report 1276 be amended accordingly.

This report was adopted on 29 April 1998