

meeting

PENSIONS COMMITTEE

date

31 OCTOBER 2011

agenda item number

4

REPORT OF THE SERVICE DIRECTOR (HUMAN RESOURCES & CUSTOMER SERVICE)

LOCAL GOVERNMENT PENSION SCHEME REGULATIONS

APPLICATION FOR TRANSFeree ADMITTED BODY STATUS

1. Purpose of the Report

- 1.1. The purpose of this report is to inform the Pensions Committee of the proposed admission of four transferee admission bodies (as detailed on the attached appendices) into the Nottinghamshire Pension Fund under the provisions of Regulation 6 of the Pension Regulations.

2. Information and Advice

- 2.1. The Pensions Regulations require LGPS Pension Funds to allow an admission to its scheme if the organisation is one that is providing or which will provide a service or assets in connection with the exercise of a function of a scheme employer, as a result of the transfer of the service or assets by means of a contract or other arrangement.
- 2.2. Where a transferee admission body and the scheme employer undertake to meet the relevant requirements of Regulation 6, an administering authority must admit to the LGPS the eligible employees of the transferee admission body, and where it does so, the terms on which it does are noted in the admission agreement for the purposes of these Regulations.
- 2.3. Investigations have been made and it can be confirmed that each body named in the attached appendices falls within the definition contained in Regulation 6 (2)(a)(i) of the Local Government Pension Scheme (Administration) Regulations 2008 and as such will be eligible to become a transferee admission body. Under Regulation 6 (10) & (11), the administering authority must admit to the scheme the eligible designated employees of the transferee admission body, provided the transferee admission body and the scheme employer undertakes to meet the relevant requirements of the regulations through an admission

agreement. Legal engrossment of the admission agreement is subject to the service transfer taking place.

- 2.4 The County Council will seek to sign appropriate transferee admission agreements to allow each body listed in Appendix A to D to be admitted to the Nottinghamshire Pension Fund. When the admission agreements are formed the admitted bodies will be required to pay contribution rates as determined by the Fund Actuary.
- 2.5 The contents of this report were presented at the meeting of the Pensions Administration Sub-Committee on 29 September 2011.

3. Statutory and Policy Implications

- 3.1 This report has been compiled after consideration of implications in respect of finance, equal opportunities, personnel, crime and disorder and those using the service and where such implications are material they have been described in the text of the report.

4. Recommendation

- 4.1 The Pensions Committee is recommended to note the report.

M TOWARD SERVICE DIRECTOR (HUMAN RESOURCES & CUSTOMER SERVICE)

Legal Services Comments

The proposal in this report is within the remit of the Pensions Committee.

Background Papers Available for Inspection

Report on 'Local Government Pension Scheme Regulations: Application for Transferee Admitted Body Status' to Pensions Administration Sub Committee on 29 September 2011.

Electoral Divisions Affected

6. All.

Appendix A



Proposed admission of Thera East Midlands into the Nottinghamshire Pension Fund, as a transferee admission body under the provisions of the Regulation 6 of the Pension Regulations.

Thera East Midlands has a contractual agreement with Nottinghamshire County Council to undertake supported living services in connection with adults with learning disabilities. Thera East Midlands have been awarded the contract based on geographical lots (Rushcliffe, Gedling, Broxtowe and Mansfield) and the service transfer will take place in stages commencing 21st November 2011. The contract period is three years.

This arrangement will involve the TUPE transfer of 34 employees of Nottinghamshire County Council's Supported Living Team (of which 25 are current members of the LGPS) who are currently engaged in the delivery of the service. Thera East Midlands intends to allow continuity of LGPS membership for the staff through a transferee admission agreement with the Nottinghamshire Pension Fund. The option to join the LGPS will not be available to existing employees of the company.

Appendix B



Proposed admission of Mellors Catering Services Limited into the Nottinghamshire Pension Funds, as a transferee admission body under the provisions of the Regulation 6 of the Pension Regulations.

Mellors Catering Services Limited has a contractual agreement with Ellis Guilford School, a school maintained by Nottingham City Council, to undertake the school cleaning service. The service transfer took place on 22nd July 2011 and the contract period is 3 years.

This arrangement will involve the TUPE transfer of 14 employees of Nottingham City Council (of which 10 are current members of the LGPS) who are currently engaged in the delivery of the service. Mellors Catering Services Limited intends to allow continuity of LGPS membership through a transferee admission agreement with the Nottinghamshire Pension Fund. The option to join the LGPS will not be available to existing employees of the company.

Appendix C



Proposed admission of Independent Cleaning Services Limited into the Nottinghamshire Pension Funds, as a transferee admission body under the provisions of the Regulation 6 of the Pension Regulations.

Independent Cleaning Services Limited has a contractual agreement with The Dukeries College, a school maintained by Nottinghamshire County Council, to undertake the school cleaning service. The service transfer is due to take place on 3rd October 2011 and the contract period is 3 years.

This arrangement will involve the TUPE transfer of 22 employees of Nottinghamshire County Council's Environment and Resources Department – Building, Cleaning and Landscapes Services (of which 17 are current members of the LGPS) who are currently engaged in the delivery of the service. Independent Cleaning Services Limited intends to allow continuity of LGPS membership for the staff through a transferee admission agreement with the Nottinghamshire Pension Fund. The option to join the LGPS will not be available to existing employees of the company.

Appendix D



Proposed admission of Capita IT Services (BSF) Limited into the Nottinghamshire Pension Funds, as a transferee admission body under the provisions of the Regulation 6 of the Pension Regulations.

Capita IT Services (BSF) Limited has a contractual agreement with The Bulwell Academy to undertake the ICT function in respect of the first phase implementation of the Building Schools for the Future (BSF) project. The service transfer took place on 2nd September 2009 and the contract period is 5 year with an option to extend for 12 months and 5 years thereafter.

This arrangement involved the TUPE transfer of 2 employees of The Bulwell Academy. Both employees are members of the LGPS and are engaged in the delivery of the service. Capita IT Services (BSF) Limited intends to allow continuity of LGPS membership through a transferee admission agreement with the Nottinghamshire Pension Fund. The option to join the LGPS will not be available to existing employees of the company.