

19 April 2012**Agenda Item: 5****REPORT OF THE SERVICE DIRECTOR (HUMAN RESOURCES &
CUSTOMER SERVICE)****LOCAL GOVERNMENT PENSION SCHEME REGULATIONS – APPLICATION
FOR TRANSFEEE ADMITTED BODY STATUS****Purpose of the Report**

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

Information and Advice

2. 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.
3. 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.
4. 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.
5. As the transferee admission bodies had already commenced their respective contracts and they were deducting pension contributions for prospective members but were unable to pay them to the Fund, 'Urgent decision required before next Committee date – 30/4/2012' was taken under CEX 1.1 of the Delegated Powers Pro Forma, to allow the signature by the County Council of the appropriate transferee admission agreements to allow the bodies listed in Appendix A and B to be admitted to the Nottinghamshire Pension Fund. The admitted bodies

are now able to pay over the appropriate pension contributions as determined by the Fund Actuary.

Statutory and Policy Implications

6. 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.

RECOMMENDATION/S

Pensions Administration Sub-Committee is recommended to note the contents of the report, and note that it will be presented at the next meeting of the Pensions Committee.

Marjorie Toward
Service Director (Human Resources & Customer Services)

For any enquiries about this report please contact:

Constitutional Comments ([initials and date xx/xx/xx])

7.

Financial Comments ([initials and date xx/xx/xx])

8.

Background Papers

Nil

Electoral Division(s) and Member(s) Affected

All.

Appendix A

Admission of Nottingham Community Housing Association Limited into the Nottinghamshire Pension Fund, as a transferee admission body under the provisions of the Regulation 6 of the Pension Regulations.

Nottingham Community Housing Association Limited has a contractual agreement with Nottinghamshire County Council to undertake supported living services in connection with adults with learning disabilities. Service provision was split into geographical lots and Nottingham Community Housing Association Limited has been awarded a contract to provide services within the Mansfield area. The **service transfer took place on 23rd January 2012**. The contract period is three years.

This arrangement involved the TUPE transfer of 5 employees of Nottinghamshire County Council's Supported Living Team (one of which is a current member of the LGPS) who are currently engaged in the delivery of the service. Nottingham Community Housing Association Limited will allow continuity of LGPS membership for the staff through the 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

Admission of Advance Housing and Support Limited into the Nottinghamshire Pension Fund, as a transferee admission body under the provisions of the Regulation 6 of the Pension Regulations.

Advance Housing and Support Limited has a contractual agreement with Nottinghamshire County Council to undertake supported living services in connection with adults with learning disabilities. Service provision was split into geographical lots and Advance Housing and Support Limited has been awarded a contract to provide services within the Newark area. The **service transfer took place on 30th January 2012**. The contract period is three years.

This arrangement involved the TUPE transfer of 2 employees of Nottinghamshire County Council's Supported Living Team (one of which is a current member of the LGPS) who are currently engaged in the delivery of the service. Advance Housing and Support Limited will allow continuity of LGPS membership for the staff through the transferee admission agreement with the Nottinghamshire Pension Fund. The option to join the LGPS will not be available to existing employees of the company.