

AGENDA ITEM: 6

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Meeting	Pensions Fund Committee
Date	15 September 2010
Subject	Whitefield School - Proposal to offer Admitted Body Status to the Barnet Local Government Pensions Scheme
Report of	Deputy Chief Executive
Summary	To authorise Whitefield School (Trust School) admitted Body Status to the London Borough of Barnet administered Local Government Pensions Fund, in accordance with Pension Fund regulations as a consequence of their conversion to Trust Status, with effect from 29 March 2010.

Officer Contributors	Tony Lampert, HR Business Partner Cristina Silva, HR Employee Relations Adviser
Status (public or exempt)	Public
Wards affected	None
Enclosures	None
For decision by	Pension Fund Committee
Function of	Council
Reason for urgency / exemption from call-in (if appropriate)	Not Applicable

Contact for further information: Tony Lampert – 020 8359 7882 / Cristina Silva – 020 8359 7899

1. RECOMMENDATIONS

- 1.1 That Whitefield School (Trust School) is accepted as an admitted Body into the London Borough of Barnet administered Local Government Pensions Fund, in accordance with Pension Fund regulations.**
- 1.2 To approve the receipt of the consent from the governing Body of Whitefield School to designate non-teaching staff employed by the Trust as persons who are eligible for membership of the Local Government Pensions Scheme**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 None

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 Maximising admissions into the Pensions Fund and ensuring that the contribution levels cover their risk is one way of sustaining a viable Pensions Fund to the benefit of the London Borough of Barnet and its Pension Fund members. This principle supports the corporate priority of getting the best value from our resources.

4. RISK MANAGEMENT ISSUES

- 4.1 The ongoing viability of the pension fund is dependent on maximising contributors into the fund. All admitted bodies are subject to regular actuarial assessments to determine the appropriate employer contribution levels in order to mitigate against any risk to the financial viability of the pensions fund.
- 4.2 A refusal to allow pension scheme membership will have implications for non-teaching staff at Whitefield School as those employees will not be able to continue as member of the Local Government Pension Scheme and will have to seek alternative pension provisions. This would be employee relations implications given the commitments offered to the staff as part of the TUPE consultation to Trust status. This consultation confirmed that there would be continuity of staff pension entitlements.
- 4.3 I have considered whether the issue involved are likely to raise significant levels of public concern or give rise to policy considerations that it was not considered that the issues would raise significant levels of public concern.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 This proposal will not give rise to any issues under the Council's Equalities and Diversity policies.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 6.1 Prior to the move to Trust status, all staff at Whitefield School were employees of the London Borough of Barnet and the support staff had automatic entitlement to be members of the Barnet Local Government Pensions fund. This employment relationship changed when the school moved to Trust status, with the new Whitefield School Trust becoming the employer of the staff.
- 6.2 To ensure continued membership of the local government Pensions Scheme the Governing Body of Whitefield school passed a resolution to request Barnet Council accept their admitted body status into the Barnet Local Government Pensions scheme.
- 6.3 Approval of this proposal would ensure continued membership of the local government pensions scheme for support staff in Whitefield school.
- 6.4 There will be no direct financial implications on the Pensions Fund in that the employer and employee contributions will cover any financial liability.

7. LEGAL ISSUES

- 7.1 The Local Government Pension Scheme (Administration) Regulations 2008 provide that the Local Authority may designate an employee of the Government Body of the Trust School as being eligible for membership of the Local Government Pension Scheme. This is subject to the consent of the employing Governing Body.
- 7.2 The Governing Body of the Whitefield School has passed a resolution at their meeting of 10 March 2010 requesting that the Local Authority allow Local Government Pension Membership for their non-teaching staff

8. CONSTITUTIONAL POWERS

- 8.1 The Council's constitution, Part 3 – Responsibility for Functions, Pension Fund Governance Compliance Statement, paragraph 2.2.13 empowers the Pension Fund Committee to “approve applications from organisations wishing to become admitted bodies into the Fund where legislation provides for discretion, including the requirements for bonds.”

9 BACKGROUND INFORMATION

- 9.1 Consultation with stakeholders, staff and Unions commenced in December 2009 on proposals for Whitefield School to convert from a Community school to a Trust school maintained by London Borough of Barnet. The partners to the Trust were proposed as Middlesex University and The Compton School.
- 9.2 This was subsequently confirmed by the Secretary of State who agreed to the terms of this change effective on 29 March 2010.

- 9.3 As a Community school, all staff were employed by the London Borough of Barnet. This employment relationship changed when the school moved to Trust status, with the new Whitefield School Trust becoming the employer of the staff.
- 9.4 All staff were transferred from London Borough of Barnet to the Whitefield Trust on 29 March 2010, under the principles set out in the Transfer of Undertakings [Protection of Employment] Regulations (TUPE) 2006. The consequence of this transfer was to ensure that there was continuity of the support staff pension arrangements.
- 9.5 Prior to transfer, all school support staff had automatic entitlement to join the LBB Pensions Fund as employees of Barnet Council. However, following transfer the school was required to formally request admission into the Local Government Pensions Scheme in order for the staff to maintain continuity in the Pensions Fund
- 9.6 The Governing Body of the Whitefield School passed a resolution at their meeting of 10 March 2010 requesting that the Local Authority allow Local Government Pension Membership for their non-teaching staff.
- 9.7 This report recommends the receipt of the consent from the governing Body of Whitefield School to designate non-teaching staff employed by the Trust as persons who are eligible for membership of the Local Government Pension Scheme.

10. LIST OF BACKGROUND PAPERS

- 10.1 The Governing Body for Whitefield School - Minutes of The Meeting held at the school on Wednesday 10 March 2010.
- 10.2 Any person wishing to inspect the background papers listed above should telephone Cristina Silva – 020 8359 7899

Legal: LC
CFO: NA/CM