

**CYNGOR SIR POWYS COUNTY COUNCIL.**

**Pensions and Investment Committee  
24th November 2011**

**REPORT BY:**           **Head of Finance**

**SUBJECT:**             **Pensions Protection**

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**REPORT FOR:**       **Information**

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- 1     On 9th November the Wales Assembly Government issued in draft The Welsh Authorities Staff Transfers (Pensions) Direction 2011, for consultation.
  
- 2     The draft direction proposes that the pension rights of staff who are transferred under TUPE from county councils, county borough councils, National Park authorities and fire and rescue services in Wales, receive enforceable protection.
  
- 3     The direction will require contractors who, in the future, provide services on behalf of any of the bodies referred to in paragraph 2, to ensure that the pension rights of staff transferred under TUPE are protected, either by providing access to a pension scheme that is 'broadly comparable' to the Local Government Pension Scheme (LGPS); or, by enabling transferred staff to remain subject to the LGPS by entering into an admission agreement with the relevant pension fund authority.
  
- 4     This direction will:
  - a) bring Wales into line with the current legal position in England
  
  - b) ensure that the pension rights of transferred staff have enforceable legal protection
  
  - c) require the Council to amend its procedures in respect of the tendering of services to ensure that potential contractors are fully aware of their obligations to transferred staff
  
  - d) potentially increase the number of admission agreements entered into by the Pension Fund.

5 Committee are asked to note the contents of this report.

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| <b>Recommendation:</b>                       |              | <b>Reason for Recommendation:</b> |                         |
| To note the contents of the report           |              |                                   |                         |
| <b>Person(s) To Action Decision:</b>         |              |                                   |                         |
| <b>Date By When Decision To Be Actioned:</b> |              |                                   |                         |
| <b>Relevant Policy (ies):</b>                |              | N/A                               |                         |
| <b>Within Policy:</b>                        | N/A          | <b>Within Budget:</b>             | N/A                     |
| Contact Officer Name:                        | Tel:         | Fax:                              | Email:                  |
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| <b>Relevant Portfolio Member(s):</b> | Councillor Tony Thomas |
| <b>Relevant Local Member(s):</b>     |                        |