

Title of meeting: Employment Committee

Date of meeting: Monday 15 April 2013

Subject: NHS Pension Scheme Direction

Report by: Shaun Tetley, Payroll and Pension Manager

Wards affected: None

Key decision: No

Full Council decision: No

1. Purpose of report

To seek approval from the Employment Committee for an application to be made to the Secretary of State to enable certain Public Health staff to retain membership of the National Health Service Pension Scheme (NHSPS).

2. Recommendation

That the Employment Committee on behalf of the City Council approves an application being made to the Secretary of State to enable a restricted list of Public Health posts that transferred to the City Council on 1 April 2013 to have continued access to the National Health Service Pension Scheme (NHSPS). Section 3.6 of this report lists the relevant posts.

3. Background

- 3.1 The transfer of the Public Health (PH) function to the city council on 1 April 2013 has identified a recruitment and retention issue involving access to the NHSPS for particular posts.
- 3.2 Statutory provision has been made for PH staff that transferred to the city council on 1 April 2013 to have continuing access to the NHSPS as part of the TUPE transfer. New members of staff appointed to PH on or after 1 April 2013 will join the Local Government Pension Scheme.
- 3.3 PH members of staff who transfer to PCC after 1 April 2013 can only retain NHSPS access in restricted circumstances and these are:
 - they are compulsorily moved to another post within the same authority and remain in direct local authority employment
 - they make a voluntary move to another PH post within PCC and are in the 1995 section of the NHSPS and are within 10 years of their normal pension age of 55 or 60 as at 1 April 2012 (or are covered by tapering protection)

- 3.4 Access to the NHSPS is a critical factor for staff who apply for PH posts and without this provision we will not be able to recruit and retain staff of the highest calibre. Statutory provision exists within Section 7 of the Superannuation (Miscellaneous Provisions) Act 1967 to allow the Secretary of State to issue a Direction Order to allow access to the NHSPS for staff who are employed outside of the National Health Service.
- 3.5 Local authorities can decide whether to apply for a directions order to allow continued access to the NHSPS for PH professionals and staff nearing retirement where they recruit 'new joiners' to PH roles who already have access to NHSPS. These staff could be recruited from the NHS, another local authority or elsewhere. The criteria for issuing a direction is that the member of staff must be delivering NHS related services and the sector must either be from the voluntary sector or not-for-profit.
- 3.6 A Concordat Steering Group has undertaken a consultation with employers, trade unions and PH staff on a number of issues including identifying the posts that fall under the definition of 'public health professionals' for pension purposes and these have now been decided as follows:
- Information Analyst Principal, Public Health Intelligence, AFC payband 8a-b
 Information Analyst Advanced/Team Manager, Principal, Public Health Intelligence, AFC payband 7
 Information Analyst Specialist, Public Health Intelligence, AFC payband 6
 Health Improvement Practitioner, AFC payband 5
 Health Improvement Practitioner Specialist, AFC payband 6
 Public Health Researcher, AFC payband 7
 Health Improvement Practitioner Advanced, AFC payband 7
 Public Health Research & Development Manager,, AFC payband 8a
 Health Improvement Principal, AFC paybands 8a/b/c
 Public Health Consultant, AFC paybands 8a-9
- 3.7 Subject to the approval of the application to the Secretary of State, the city council will become a Direction Employer. Directions can be 'open' which means that access to the NHSPS is eligible to new recruits or 'closed' and these are only available to those involved in a transfer from the NHS on a particular day or limited to particular jobs or individuals. The application from the city council will be 'open' but will only apply to the posts listed in 3.6 above.
- 3.8 The current NHSPS employer contribution rate that the City Council would pay for Direction Order posts is 14% (the LGPS employer rate is currently 13.1%). Members of staff would pay contributions based on tiered rates ranging from 5% of pensionable pay for the lowest earners to 10.9% of pensionable pay for the highest,

4. Equality impact assessment (EIA)

Not required.

5. Legal comments

There are no legal implications arising from this report.

6. Head of finance's comments

A Public Health budget has been prepared for 2013/14 which incorporates employers pension contributions based on the 14% employer contribution rate described in Para 3.8 above for the posts described in Para 3.6. Public Health spending is funded by the new Public Health Grant. For further information please see the Public Health Business Plan report to the Health & Social Care Decision Meeting on the 21st March 2013 (Item 3 at this link) <http://www.portsmouth.gov.uk/yourcouncil/29166.html>.

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Signed by:

Appendices: Nil

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
The Pensions Act 2008	http://www.legislation.gov.uk/ukpga/2008/30/pdfs/ukpga_20080030_en.pdf