



**Mr N Corney**  
**Pensions Manager**  
**Compass Group UK and Ireland**  
**HR Shared Services**  
**Parklands Court**  
**24 Parklands**  
**Birmingham Great Park**  
**Birmingham**  
**B45 9PZ**

Date: 05 May 2016  
 My Ref: PEN/CT  
 Your Ref:  
 Contact: Chris Tambini  
 Phone: 0116 305 6199  
 Email: chris.tambini@leics.gov.uk

Dear Mr Corney

Leicestershire County Council – Chartwells Admission Agreement

Following the ongoing exchange of e-mails with my colleagues, I feel I have to write in regard the issue of the TUPE transfer of staff that were formerly employed by Leicestershire County Council in the School Meals Service, and the admission agreement that will allow them to remain within the Local Government Pension Scheme (LGPS). This issue remains a great concern to me and I feel it necessary to formally register this concern.

The staff previously working at Ravenhurst and Bringhurst were transferred to your employment on 1<sup>st</sup> September 2015. One of these admission agreements is still outstanding, whilst the other one has only just been completed. This eight month delay is totally unacceptable and shows a lack of regard for the moral duty of care that I believe you owe to your staff.

The intention of the admission agreements is that they are backdated to the date of the transfer, so that the individuals concerned retain continuous service within the LGPS. The biggest issue is that the significant delay brings risks that cannot be mitigated – most obviously the possibility of death in service occurring in the period between staff transfer and the admission agreement being completed. If this were to happen, it is not altogether clear what the legal position of the benefits due would be. It would certainly be a difficult situation to explain to any beneficiary.

My understanding is that you have deducted employee contributions from your staff and that these have been retained by yourselves, as you have no admission agreement in place. The delay in respect of the admission agreements is almost entirely outside the control of the Fund, who have acted speedily and efficiently to try to conclude the matters as quickly as possible. Given the time taken, I do not feel that I can allow this matter to pass without informing the Pensions Regulator of the situation and a separate letter will be sent to them.

Leicestershire County Council Pensions Section  
 County Hall, Glenfield, Leicestershire LE3 8RB  
 Email: [pensions@leics.gov.uk](mailto:pensions@leics.gov.uk)  
 Web: [www.leics.gov.uk/pensions](http://www.leics.gov.uk/pensions)

Brian Roberts, CPFA, Director of Corporate Resources  
 Roderick O'Connell, Assistant Director Customer Services and Operations





I am also aware that there are other outstanding admission agreements that will be required with your company, namely Charwood and Winstanley, and I would encourage you to ensure that these are dealt with as quickly as is possible in order to avoid similar issues occurring. This includes using all your available influence to ensure that academies process the admission agreements in a timely manner.

This is the first time that the Fund has felt it necessary to express concern over the completion of an admission agreement, as they are normally implemented smoothly. I hope that this will be the case for other admission agreements with yourselves, but I do not feel that it is acceptable for me to simply sit back and not express my extreme concern on this matter.

Yours sincerely

Chris Tambini  
Director of Finance





**The Pensions Regulator  
Napier House  
Trafalgar Place  
Brighton  
BN1 4DW**

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Your Ref:  
Contact: Chris Tambini  
Phone: 0116 305 6199  
Email: [chris.tambini@leics.gov.uk](mailto:chris.tambini@leics.gov.uk)

Dear Sir

Leicestershire County Council – Chartwells (Compass Group) Admission Agreement

I feel that I must draw your attention to an issue that is causing me great concern, in respect of the late completion of admission agreements for an employer to join the Local Government Pension Scheme (LGPS). There may have been no breach of the Pensions Act, but the lack of regard that the employer seems to have shown to the staff in question is very disappointing.

On 1<sup>st</sup> September 2015 a number of staff that were previously employed by Leicestershire County Council as part of the School Meals Service (a traded service with Local Education schools and academies) were subject to TUPE transfers to Chartwells (part of the Compass Group). These contracts were awarded by the schools/academies themselves.

As soon as the transfer details were known, admission agreements were sent to Compass – this was more than a month before the transfer of the staff. There were two separate contracts, and hence two admission agreements. One of these agreements has just been completed (eight months after the transfer) and one remains outstanding.

The intention of the admission agreements is that they are backdated to the date of the transfer, so that the individuals concerned retain continuous service within the LGPS. The biggest issue is that the significant delay brings risks that cannot be mitigated – most obviously the possibility of death in service occurring in the period between staff transfer and the admission agreement being completed. If this were to happen, it is not altogether clear what the legal position of the benefits due would be. It would certainly be a difficult situation to explain to any beneficiary.

My understanding is that Chartwells have deducted employee contributions from the staff and that these have been retained by them, as they have no admission agreement in place. The delay in respect of the admission agreements is almost entirely outside the control of the Fund, who have acted speedily and efficiently to

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try to conclude the matter. I do not believe that Chartwells have acted in a reasonable manner in terms of the time taken.

Chartwells have subsequently won further catering contracts and there are other admission agreements required, although none of these has yet been outstanding for a period of time that is so far of concern to me. It does appear, however, that they have no obvious concern about the well-being of their staff from a pensions perspective and I find this extremely disappointing.

Given the Pensions Regulator's role in term of not just ensuring compliance with law, but also in safeguarding the pension position of individuals, I feel that this might be a matter that you would expect me to draw to your attention.

Yours faithfully

Chris Tambini  
Director of Finance



**Mr N Corney  
Pensions Manager  
Compass Group UK and Ireland  
HR Shared Services  
Parklands Court  
24 Parklands  
Birmingham Great Park  
Birmingham  
B45 9PZ**

Date: 16 May 2016  
My Ref: PEN/IH  
Your Ref:  
Contact: Ian Howe  
Phone: 0116 305 6945  
Email: [ian.howe@leics.gov.uk](mailto:ian.howe@leics.gov.uk)

Dear Mr Corney

Leicestershire County Council – Chartwells Admission Agreements

Following the ongoing correspondence regarding the transfer of contracts to Chartwells, I write to detail the current position and when each of these must be fully completed.

**Brighthurst Catering (David Ross Education Trust)**

- Staff transferred to Chartwells 1 September 2015
- Actuarial work completed as part of the Ravenhurst transfer
- Various versions of admission agreement and bond previously provided for consideration. Latest version of admission agreement and bond provided 11 May 2016
- Completion of the admission agreement and bond with the bond in place, must be complete by the **31 May 2016**

**Charnwood College Catering (David Ross Education Trust)**

- Staff transferred to Chartwells 4 January 2016
- Staff details received from Chartwells 11 May 2016. Actuarial work started 16 May 2016 that normally takes 6 weeks to complete
- Various versions of admission agreement and bond previously provided for consideration. Latest version of admission agreement and bond provided 13 May 2016
- Everything must be prepared by the 31 May 2016. Completion of the admission agreement and bond with the bond in place, must be complete by the **8 July 2016**

**Winstanley Community College Catering**

- Staff transferred to Chartwells 3 May 2016
- Actuarial work is being completed by Hymans. This is expected within 3 weeks.
- Various versions of admission agreement and bond provided for consideration. Latest version of admission agreement and bond provided 13 May 2016
- Everything must be prepared by the 31 May 2016. Completion of the admission agreement and bond with the bond in place, must be completed by the **17 June 2016**

If all the pension requirements are not fully complete for each transfer by the deadline we will write to the members that transferred informing them about the outstanding issue with their pension benefits.

Your urgent attention in bringing this situation to a satisfactory conclusion is appreciated.

Yours sincerely



Ian Howe  
Pensions Manager