



General Purposes Committee
16th January 2007

**Report from the Director of Finance
and Corporate Resources**

For Action

Wards Affected:
ALL

**Pension scheme access for the Avigdor Hirsch Torah
Temimah Primary School**

Appendix 1 of this report is Not for Publication

1.0 Summary

- 1.1 The Local Government Pension Scheme Regulations (LGPS) require that non teaching employees of voluntary aided schools may only become members of the scheme if the Local Education Authority, with the school's consent, pass a "statutory resolution" allowing a particular employee or class of employees such membership. Avigdor Hirsch Torah Temimah Primary School (TTPS) has requested that the Council allow a member of its staff to become a member of the pension scheme. This report requests members to pass a statutory resolution permitting a specified employee of Avigdor Hirsch Torah Temimah primary school to be a member of the LGPS.

2.0 Recommendations

- 2.1 Members resolve under Regulation 127 (1) of the Local Government Pension Scheme Regulations 1977 (as amended) that from 16th January 2006 the individual employee of the Governing Body of Avigdor Hirsch Torah Temimah Primary School specified in Appendix 1 be eligible to belong to the scheme.

3.0 Detail

- 3.1 Various organisations, and their employees, have access to the Local Government Pension Scheme. The rules granting access differ according to the type of organisation.

- 3.2 Torah Temimah Primary School is a Voluntary Aided School (VAS). This means that the school and land belong to, and the staff are employed by, the TTPS governing body. The LGPS regulations recognise the control VAS has over its own affairs. Membership of the LGPS must therefore be with the consent of the school governing body in conjunction with a Council resolution. Regulation 127 (1) states that:
- 3.3 “A person may be an active member if he is an employee of (a) the governing body of a voluntary school...and the local education authority have, with the consent of his employer, by a statutory resolution specified him or a class of employees to which he belongs as being eligible to belong to the Scheme.”
- 3.4 The Council has received a written request dated 23rd October 2006 from a representative of the board of governors of Torah Termimah requesting that a member of its staff become a member of the LGPS. The school has indicated that while it wishes this member of staff to be eligible for membership of the scheme in order to assist in retaining him as an employee, it would not be in a position to fund extending eligibility to other of its non teaching employees at this time. Officers therefore propose that members resolve under Regulation 127 (1) of the LGPS that from 16th January 2006 the individual employee of the Governing Body of Avigdor Hirsch Torah Temimah Primary School specified in Appendix 1 be eligible to belong to the scheme.
- 3.5 Should the governing body request in the future that any other of their non teaching employees should be eligible (as a class or as specified individuals) for membership of the scheme a further report will be brought to members.

4.0 Financial Implications

- 4.1 Torah Temimah has notified the Council that it wishes one member of its non teaching staff to become an active member of the pension scheme at this time. The scheme rules require that employees pay a contribution of 6% of their relevant pay. There is also a requirement that an employer’s contribution is paid.
- 4.2 The Council’s actuary, Hewitt, has advised that TTPS pay an employer rate of 265% of member contributions for the 2006/07 financial year and a rate of 315% of member contributions for 2007/08. The rates reflect the group contribution rate of outside organisations that are entitled to contribute to the Brent pension fund – known as admitted bodies. Future rates will be determined by the Council’s actuary at the next valuation of the pension fund. It will be the responsibility of the school to ensure that the employer contributions and relevant future pension liabilities are met.
- 4.3 Officers have informed TTPS of the basis and level of employer contributions. The board of governors have confirmed that they are agreeable to those terms.
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4.4 TTPS is subject to Brent's scheme for financing schools under the Schools Standard Framework Act 1988 (Section 48). They are also subject to audit arrangements carried out by the Council's Audit and investigations Department. This should ensure that the school remains solvent and lowers any potential risk to the pension fund.

5.0 Legal Implications

5.1 The legal implications are set out in the body of the report.

6.0 Diversity Implications

6.1 The Council can only specify individual employees or a class of employees to be eligible for scheme membership at voluntary aided schools with the consent of the governing body of the school. It is the responsibility of the schools governing body to ensure that in exercising that discretion it acts in compliance with relevant discrimination legislation.

7.0 Staffing/Accommodation Implications

7.1 There are no staffing implications arising from this report.

8.0 Background Papers

8.1 The Local Government Pension Scheme Regulations 1997 (as amended)

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