



**The General Purposes Committee**  
3<sup>rd</sup> May 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**Appendix 1 of this report is Not for Publication**

Appendix 1 of this report is not for publication as it contains the following category of exempt information as specified in Paragraph 1, Schedule 12A of the Local Government Act 1972, namely: information relating to any individual.

**1.0 Summary**

- 1.1 The Local Government Pension Scheme Regulations (LGPS) require that non teaching employees of certain 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. On the 16<sup>th</sup> January 2007 this committee considered a report regarding Avigdor Hirsch Torah Temimah Primary School's (TTPS) request that the Council allow a member of its staff to become a member of the pension scheme. That meeting deferred a decision pending more detailed information. This report requests members to decide whether a resolution will be passed following receipt of further information from the school.

## 2.0 Recommendations

- 2.1 Members consider further information supplied by TTPS in connection with the proposed resolution.
- 2.2 Members resolve under Regulation 127 (1) of the Local Government Pension Scheme Regulations 1977 (as amended) that from the date of this meeting 2007 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 Some organisations must allow their employees access to the LGPS. Such organisations include the Council and Brent Housing Partnership This type of organisation is known as a scheme employer. Staff of community schools are employed by the Council and are therefore entitled to access to the LGPS.
- 3.3 Certain former grant maintained schools, now either Foundation or Voluntary Aided Schools, must also allow staff immediate access to the LGPS. Regulation 127 (2B) states:
- “A person may be an active member if he is an employee of the governing body of a school which prior to 1st April 1999 was a Scheme employer.”*
- 3.4 All the Council’s Foundation and Voluntary Aided Schools fall under this regulation except TTPS and, as stated, are obliged to allow their non teaching staff immediate access to the LGPS.
- 3.5 The TTPS was formerly a private school and became a Voluntary Aided School (VAS) from 1<sup>st</sup> April 2000. This means that regulation 127 (2B) as detailed in paragraph 3.4 does not apply.
- 3.7 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:
- 3.8 *“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.”*

3.9 As reported to the GP Committee on 16<sup>th</sup> January 2007, the Council received a written request dated 23<sup>rd</sup> October 2006 from a representative of the board of governors of TTPS requesting that a member of its staff become a member of the LGPS. The school indicated that whilst it wished this member of staff to be eligible for membership of the scheme in order to assist in retaining him as an employee, it was not in a position to fund extending eligibility to other of its non teaching employees.

3.10 The GP Committee on 16<sup>th</sup> January 2007 resolved that the matter should be deferred until the next meeting of the GP committee so a decision could be taken in the light of responses to queries raised for further information. The queries raised and the school's responses are detailed below:

3.11

| GP Committee Query Raised   | TTPS Response  |
|---|--|
| 1. What is the total number of non-teaching staff (excluding agency staff) currently employed by the school?  | <i>Letter of 14<sup>th</sup> February 2007</i><br>"12"   |
| 2. Has the school considered a request to join the LGPS from any other non teaching staff and, if so, what were the issues that led to the refusal?   | <i>Email 7<sup>th</sup> March 2007:</i><br>"We believe that the [employee] is in a unique position in the School and has a more senior role than the two other non-teaching members of staff who have made informal representations about joining the pension scheme"  |
| 3. Does the TTPS have any other pension arrangements in place for non teaching members of staff?  | <i>Email 7<sup>th</sup> March 2007:</i><br>"The governors are aware of their legal obligations and do run a stakeholder pension scheme. It is open to all members of staff to make contributions into this Scheme if they so wish."  |
| 4. With regard to the post of the staff member in respect of whom this resolution has been requested please indicate:<br>a. The length of time the member has been in post<br>b. The level of turnover/vacancy before the current post holder took office | <i>Email of 7<sup>th</sup> March 2007:</i><br>"Our current [employee] has only recently been employed and at the time we made our financial offer to him, we indicated that we would try to have him included in the local authority pension scheme for the reasons mentioned in earlier correspondence. The level of service received from the previous incumbent of the position was also described to you in that letter."<br><i>Letter of 14<sup>th</sup> February 2007:</i><br>"The School was not entirely satisfied |

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|  | with the previous incumbent of the position of [employee] and felt itself fortunate to secure the services of the [employee] who, at the time of his appointment (and has proved subsequently) was a candidate of the highest quality and competence.                 |
| 5. To what degree would a decision to allow scheme membership affect the potential to retain the member of staff in question?      | <i>Email 7<sup>th</sup> March 2007:</i><br>Please see response to question 4  |
| 6. How does the position in respect of the particular post concerned differ from that in respect of the other non –teaching staff. | <i>Email 7<sup>th</sup> March 2007:</i><br>“We believe that the [employee] is in a unique position in the School and has a more senior role than the two other non-teaching members of staff who have made informal representations about joining the pension scheme” |

3.12 Having considered the additional information members are asked to resolve under Regulation 127 (1) of the LGPS that from the date of this meeting the individual employee of the Governing Body of Avigdor Hirsch Torah Temimah Primary School specified in Appendix 1 be eligible for membership of the Local Government Pension Scheme.

3.13 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 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.

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).

### **Contact Officers**

Andy Gray Pensions Manager

**Duncan McLeod**  
**Director of Finance and Corporate Resources**