

TELFORD & WREKIN COUNCIL

PERSONNEL BOARD - 26 JULY 2012

LOCAL GOVERNMENT PENSION SCHEME (LGPS) : DESIGNATION OF EMPLOYEES OF CERTAIN SCHOOL GOVERNING BODIES OR CLASSES OF EMPLOYEE AS ELIGIBLE FOR MEMBERSHIP OF THE LGPS UNDER REGULATION 8 OF THE LGPS (ADMINISTRATION) REGULATIONS 2008

REPORT OF THE ASSISTANT DIRECTOR: CUSTOMER & PEOPLE SERVICES

1. PURPOSE

To seek formal approval to designate a class of employees of various school governing bodies as eligible for membership of the Local Government Pension Scheme.

2. RECOMMENDATION

That the Council formally agrees, under Regulation 8 of the LGPS (Administration) Regulations 2008, to designate employees of certain school governing bodies as being eligible for membership of the Local Government Pension Scheme where they are not eligible to be a member of an alternate Pension Scheme (e.g. Teachers' Pension Scheme). This approval is in respect of governing bodies of the following types of school within the Borough:

- (a) A Voluntary School;**
- (b) A Foundation School or Foundation Special School maintained by a local authority;**
- (c) Any technical institute or other similar institution which is for the time being assisted by a local authority under the Education Act, 1996;**
- (d) A federated school (within the meaning of the Education Act 2002).**

3. INFORMATION

3.1 Local Government Pension Scheme (Administration) Regulations 2008.

Regulation 8 of the Local Government Pension Scheme (Administration) Regulations 2008 gives the Council discretion to designate either an individual or a class of employees as being eligible for membership of the

Local Government Pension Scheme (LGPS) if they are an employee of the governing body of:

- (a) A Voluntary School;
 - (b) A Foundation School or Foundation Special School maintained by a local authority;
 - (c) Any technical institute or other similar institution which is for the time being assisted by a local authority under the Education Act, 1996;
 - (d) A federated school (within the meaning of the Education Act 2002).
- 3.2 Although the governing body rather than the local authority is the employer a designation means that the school remains in the Telford & Wrekin element of the Fund within the Shropshire County Pension Fund, together with its pension assets and liabilities. Its contribution rate remains at the same level as that of the Council's and remains unchanged.
- 3.3 Schools will be required to abide by the Council's existing policies on discretions and any subsequent changes that are made to those discretions.
- 3.4 A policy setting out the Council's position on designation provides clarity for those schools whose status changes to one of those listed above. Although the school itself can choose to debar employees from membership of the Scheme the Council would not support this since it would lead to unequal treatment of employees between school governing bodies. Such treatment would be referred to the Department for Education.

4. OTHER CONSIDERATIONS

AREA	COMMENTS
Legal Comment	This policy has been developed in accordance with legal guidance on the Regulations
Financial Implications	There are no financial implications for the Council since there is no change in the treatment of employees once the employment transfers from the Local Education Authority to the Governing Body.

Report prepared by Cath Haseley, HR Team Leader, (01952) 383511.