



**SHROPSHIRE COUNTY
PENSION FUND**

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Academies and the Local Government Pension Scheme

This booklet provides guidance about the role and responsibilities of a scheme employer in the Local Government Pension Scheme (LGPS)



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Introduction

This guide is for schools considering academy status, whose non-teaching staff are members of the Local Government Pension Scheme (LGPS) in the Shropshire County Pension Fund. The fund is administered by Shropshire Council.

Following the introduction of the Academies Act 2010, schools can become independent from their Local Authority (LA) and take responsibility for their own finances. This means academies can set the pay and conditions for their staff. However, all non-teaching staff remain eligible to join the LGPS. No other pension scheme can be offered.

The legal requirements of the LGPS include rules about continuing pension provision which converting schools must be aware of.

The pensions team can help converting schools follow LGPS rules throughout the process of becoming a scheme employer. For example, training can be given to non-teaching school staff affected by the academy conversion and any staff involved in dealing with the fund around the administration of the LGPS.

The following terms will be used in the guide:

School or converting school: A school under local authority control who is thinking about becoming an academy.

Academy: A school that has achieved academy status after completing the conversion process.

Multi-academy trust or 'trust': A collection of academies run by the same trust.

Section One: Things to think about when considering becoming an academy

Do academies have to offer the LGPS to non-teaching staff?

Upon becoming an academy under the Academies Act 2010, the school is no longer funded through the local authority and automatically becomes a separate scheme employer (as listed in Part 1 of Schedule 2) under the Local Government Pension Scheme Regulations 2013.

All non-teaching staff (including new employees) have a legal right to become members of the LGPS. At the date the school becomes an academy, existing members of the LGPS transfer over to the academy and continue their membership in the scheme. Eligible employees must be brought into the scheme at the date of conversion. This includes any employees who have previously chosen not to be a member of the scheme by 'opting out'.

All future non-teaching members of staff must also be brought into the scheme. **An academy cannot offer different pension arrangements for employees who have a right to LGPS membership.**

What will membership of the LGPS cost as an academy?

As a new scheme employer, an academy must have its own employer contribution rate to cover the cost of the scheme. This may be different to the rate that applied before the school became an academy and was part of the local authority.

A multi-academy trust can choose to have one employer contribution rate for the trust and be treated as one employer, or have separate employer contribution rates for each academy within the trust. If the trust chooses separate employer rates, each school then becomes a separate employer in their own right for pension purposes when they become an academy.

The liabilities for the pension benefits already built up for employees with LGPS membership, become the responsibility of the academy at the date of conversion. This may mean a proportion of deficit carried by the fund is transferred to the academy when it becomes an employer. The deficit is recovered in the form of a lump sum payment (usually monthly). The fund's employer events policy should be read alongside this guide. This policy gives a more detailed explanation of how an employer rate and deficit are worked out.

The calculation of the employer rate and deficit is undertaken by the fund's actuary. This information takes at least four weeks for the actuary to turnaround. **A converting school should contact the pensions team early in the process to make sure they have the data they need.**

To work out an academy's employer contribution rate and deficit, the actuary needs information about all non-teaching employees transferring to the new academy. The pensions team will give the converting school an 'employee data requirements for calculation' template. This template asks for details about all scheme members currently paying in to the LGPS. Non-teaching staff not currently paying in to the scheme, but who are eligible for membership, must also be included. The school's current payroll provider should be able to provide this data.

The actuary's fee will be passed on to the converting school and will vary depending on the number of employees a converting school has. The likely fees charged for actuarial services to set up a new employer in the fund could be between £2,500 and £3,500, plus VAT.

The academy will be responsible for all employer contributions due. This includes any sums to be paid in respect of outstanding liabilities should the school cease to operate under academy status. The academy will also be responsible for signing off the monthly and yearly remittance of both employer and employee contributions to the Shropshire County Pension Fund. This is the case even if the academy outsources its payroll.

Can the employer contribution rate change in the future?

The fund actuary reviews and updates employer contribution rates every three years. The actuary looks at scheme membership by type, assesses the fund's financial position (i.e. are the fund's assets sufficient to meet its projected liabilities), sets out estimates for future inflation and investment returns and then provides a schedule of contribution rates for each of the fund's employers for the next three years. The last valuation report is available on the fund's website.

At each valuation the actuary uses certain assumptions. If an employer's experience differs from these assumptions, this can affect their individual employer contribution rate. For example; greater than expected salary increases. The actuary's assumptions from the last valuation can be found in the valuation report on the website.

Other than paying employer contributions and the academy's potential deficit, are there other costs to think about?

Whilst budgeting for the employer contribution rate and deficit may be straightforward, there are other possible pension costs which may not be as obvious, but which can have significant financial consequences. These are:

- **Early retirements**

Early retirements (excluding ill-health retirements) usually have an up-front cost which is paid to the fund along with employer contributions. This extra cost is known as the "early payment strain on the fund" and should be paid by the academy as a one-off payment at the date of the member's retirement.

NB The pensions team must be contacted for an estimate of the possible costs before allowing an employee to take early retirement. Early retirement is where an employee takes immediate payment of their benefits between age 55 to their normal pension age, for example redundancy or flexible retirement.

- **Ill-health retirement**

Where the retirement is because of ill-health there is still an early payment strain cost due, along with the academy's normal employer contributions. However, this cost will usually be included when setting the employer contribution rate at valuation. Although ill-health retirement is a cost factor when setting an employer's contribution rate, this is not something that should be considered when deciding an employee's ill-health retirement.

Accounting for pension liabilities

Each new academy must produce an annual report in line with the accounting standards they are working to (known currently as FRS101/102 or IAS19). An assessment of pension liabilities under the LGPS will be needed. This report is usually produced to tie in with the tax year-end accounts. Therefore, a new academy must check with the auditor and accountant when the first actuarial report is needed for their first final accounts.

The cost of preparing an FRS101/102 report would be around £2,000 and £3,000 for the first year and an annual fee thereafter, in the region of £1,100.

Will non-teaching staff notice any changes when the school becomes an academy?

No, in most cases staff will see their pensions continue to build up as normal. However, existing staff who are not currently members of the LGPS (usually because they have 'opted out') **must** be brought into the pension scheme at the date the school becomes an academy. Affected staff should be told about this as part of the change process. Members can opt out of the LGPS at any time after joining the scheme but not before, which in this case would be the academy conversion date. Opt out forms are available from the pensions team. The employer should never give out these forms as this can be seen as encouraging members to opt out.

This would not apply to employees contributing to an existing pension scheme that was in place if the academy was previously a private independent school.

What are the main duties of a scheme employer?

Record keeping and supplying correct data

Each scheme employer is responsible for the accuracy of their employees' pension records to make sure member benefits can be worked out correctly. Data must be sent monthly to the pensions team for all LGPS members. A list of the data needed and how to send the data securely will be sent when joining the fund.

If an academy chooses to continue using Shropshire Council (if a former Shropshire School) or Telford & Wrekin Council (if a former Telford & Wrekin School) as their payroll/HR provider, the pensions team will continue to receive all information provided by the local authority payroll team. Should the academy use another payroll provider or if they continue with the local authority payroll team, it is recommended that it is covered in their contract exactly what the payroll provider will submit or deal with on behalf of the academy. As data must be retained, a sample retention policy had been put together by the LGA and can be found on the [fund website](#).

Payment of contributions

Every academy has a responsibility to make sure that pension contributions are paid correctly each month, and to tell the pensions team about the following through i-Connect:

- New scheme starters.
- Scheme leavers.
- Any member personal and financial information changes.

Section Two: How to become an academy

Once a school has decided to go ahead with becoming an academy, they will need to deal directly with the Shropshire County Pension Fund to ensure pension provision for non-teaching staff. The pensions conversion process follows five simple steps.

Step 1- Get in touch

A school should contact the pensions team once they know they will be converting to academy status. The best time to do this is when an application for an academy order is submitted or the school is served a conversion notice.

Sometimes the pensions team may find out about a planned conversion from the Department of Education (DfE), or the HR department of Shropshire Council or Telford and

Wrekin Council. If this is the case, the pensions team may contact a converting school for information.

Once the pensions team has found out about a planned conversion, or the converting school has got in touch, an 'introduction' email will be sent. This email will direct the school to where information about the academy conversion process can be found. The email will also include an 'instruction form'.

Step 2- Provide the information

Once a converting school receives the 'instruction form', this must be filled in and returned as soon as possible. This form asks for information including: the planned conversion date, how the academy will be set up and if the converting school is joining an existing trust.

When this form has been returned, the converting school will be contacted again and given a blank spreadsheet. This spreadsheet is used to capture data about the school's non-teaching staff. This is needed by the actuary to work out the employer contribution rate and deficit which will apply when the converting school becomes an academy. The information needed to complete this spreadsheet will be held by the converting school's current payroll department.

Step 3- Contacting the actuary

After the completed spreadsheet is returned, the pension team sends this information to the actuary. The converting school does not need to do anything more at this point until the pensions team send over the results of the actuary calculation.

Step 4- Setting up

Once the pension team receives the actuary report, this will be shared with the converting school. The report covers what the employer contribution rate will be, and if there is a deficit to pay. If there is a deficit due to cover past pension liabilities, a 'deficit schedule' will be provided. This explains the payment amount, and whether this is to be paid in monthly instalments or by an annual lump sum.

The converting school will also be given payment information for the Shropshire County Pension Fund. This is so they can pay their deficit and monthly contributions. All scheme employers must also send over a data extract or return through i-Connect, accompanying each monthly payment. To be able to do this, the pensions team will give instructions on how to set up and use the i-Connect system. i-Connect training is available to all new employers.

Step 5- Becoming an employer

To confirm the school has met their conversion date they will be asked for the formal notification letter sent from the Secretary of State giving approval of the funding agreement between the Department of Education and the school. This is sent to all schools converting to academy status. This letter is needed as proof the conversion has taken place.

After the pensions team are happy the conversion date has been met, the new academy will be told about their duties as a new scheme employer and asked to fill out some employer forms.

Welcome to the fund

After completing the five steps of the academy conversion process, the converting school becomes an academy and, automatically, an employer in the Shropshire County Pension Fund.

Section Three: Responsibilities as a scheme employer

About Shropshire County Pension Fund

Shropshire Council is the administering authority responsible for the Shropshire County Pension Fund. In addition to Shropshire Council, Telford and Wrekin Council and Shropshire and Wrekin Fire Authority, the fund has over 170 other employers. A full list of fund employers can be found on the fund website by viewing the latest annual report.

The fund is managed by the Pensions Committee. The committee is made up of elected members from the various councils, union representatives and a retired member representative. However, it is with the pensions administration team that employers have regular contact with about day-to-day administration duties.

A school that has recently transferred from local authority control to academy status must quickly understand the key areas of responsibility they are taking on as a new scheme employer.

Relevant legislation

As the fund's administering authority, Shropshire Council has certain statutory duties governing the day-to-day operation of the LGPS. The main sets of regulations setting out these duties are:

- The Local Government Pension Scheme Regulations 2013.
- The Local Government Pension Scheme Regulations (Transitional Protections, Savings and Amendment) Regulations 2014.

When a school is granted academy status it becomes a Schedule 2, Part 1 scheme employer under The Local Government Pension Scheme Regulations 2013.

Administration

Administration can be split into two levels for scheme employers:

- Transactional processes, i.e. dealing with the day-to-day paperwork for new members and for leavers, and the maintenance of member records.
- The higher level decision-making processes concerning the award of benefits, policy making (where employer discretions are allowed within the LGPS) and dealing with disputes concerning the award of benefits.

Setting-up and maintaining membership records for scheme members

The pension team must legally keep up-to-date records for all scheme members. These records include the pay, service history and personal information needed to work out a member's pension benefits. Each employer is legally required to provide this information. The processes in place to meet these requirements are covered in the fund's administration strategy statement. A copy of which is available on the fund's website.

Below is a very brief overview of what is required of a scheme employer:

A) New starters

All eligible* non-teaching staff employed by the academy must automatically be brought into the LGPS. Each new member should be given information about the scheme and told about their employee contribution rate. Employers are asked to give all new starters a copy of the fund's brief scheme guide and new member form or tell them where this can be found on the fund's website.

** To be eligible to automatically join the LGPS, employees need to have a contract of employment for at least three months (although those with a contract of employment for less than three months can elect to join the scheme) and be under age 75. This applies to both permanent and temporary staff.*

All employers must tell the pensions team about all new starters through their monthly i-Connect data.

B) Changes to member details

It is important accurate records are kept for each employee who is a scheme member. Inaccurate information could result in benefits being worked out incorrectly. This in turn, could affect the employer contribution rate. Since April 2015, The Pensions Regulator (TPR) has oversight of compliance with the LGPS regulations. This means TPR can fine scheme employers and administering authorities for non-compliance.

The pensions team must be told about the following changes to an employee's circumstances through the monthly i-Connect data:

- change of name
- change of national insurance number
- change of marital status
- change of address
- change in contribution rate (i.e. change of band)

The following changes to an employee's working conditions must also be included:

- increase in hours
- decrease in hours
- change in working year - this would normally apply where salary is based on less than a full year as in the case of term time employees.

C) Leave of absence

An employer should also tell the pensions team about:

- Unpaid ordinary maternity/adoption leave, or unpaid additional maternity/adoption leave
- Unpaid paternity leave
- Unpaid authorised absence
- Authorised absence- industrial action.

Arrangements can be made for a member to pay for any unpaid authorised absence (additional pension contributions) following a period of absence, to avoid a loss of pension benefit. Where the employee chooses to pay for a period of absence within 30 days of returning from the absence, the employer must to pay a share of the total cost. The employee pays for one third and the employer pays for two thirds. The employer does not have to share the cost if the employee does not make this election within 30 days of returning from the absence or, where the absence is because of industrial action. Any period of absence due to a trade dispute will be regarded as a break in LGPS membership.

The pensions team must be told about any authorised absences.

Scheme leavers and deaths in service

An employer must tell the pensions team when an employee leaves employment (this includes individual posts where a person has more than one employment with you) or 'opts out' of the LGPS. The main occasions when notice is needed are:

Early leavers

When a member leaves employment or opts out of the LGPS, there are certain pension options available to them. They can:

- take a refund of contributions (but only if they have less than two years' membership and are not within twelve months of normal pension age),
- transfer their membership to another pension provider, or
- take a deferred pension, keeping their benefits in the fund.

The options available depend on each person's benefits, scheme membership and whether they transferred membership into the fund from another pension scheme.

Retirements

Under the LGPS rules, an employer is responsible for working out the type of retirement benefit due to a scheme member who retires. Guidance can be offered on the different types of retirement listed below:

- Normal retirement (from age 60, each member has their own normal pension age (NPA))
- Late retirement (after NPA)
- Early retirement (from age 55)
- Flexible retirement (from age 55 release of benefits whilst the member continues in employment but on reduced hours or grade)
- Ill-health retirement (any age)
- Redundancy or efficiency of service retirement (from age 55)

Where the retirement is because of ill-health, there are no upfront additional costs to be paid immediately. These are included in the employer contribution rate at each fund valuation.

However, there is usually an early payment strain cost due in the event of early retirements on the grounds of redundancy, efficiency or any other early retirement before age 60 including flexible retirement.

In some cases (excluding redundancy and efficiency), part or all this cost may be offset by reducing the benefit due to the scheme member. If there will be an early payment cost, the employer is expected to pay this cost to the fund before the employee's retirement. Invoices will be sent by the pension fund accountant.

Employers planning to make redundancies or offer early retirement to any member of the scheme should first contact the pensions team to ask for an estimate of benefits, including any additional costs.

Death of a scheme member

All death benefits due are worked out based on the deceased member's membership and the eligibility of dependents at the date of death.

In the unfortunate event that a scheme member dies whilst still in active employment, the employers must tell the pensions team immediately by completing the PEN007B leavers form for ill-health and deaths in service.

It is important all members are encouraged to complete an expression of wish form and to keep it up-to-date.

Scheme member opting out

If a scheme member wishes to opt out of the LGPS, they must tell their employer by filling in an opt-out form. This is available on the fund website or can be posted out by a request made via phone or in person. A paperless version of this form is also available online. **An employer must not give out copies of this form as it can be seen to be encouraging members to opt out.**

If the member has opted out within three months of first joining the scheme, the employer is responsible for making sure your payroll provider returns any contributions paid by the member. However, the pensions team still needs to be told that they started and opted out through i-Connect.

An opt out form cannot be accepted if an employee completes and signs it before their employment start date. As individual employments are treated separately in the LGPS, members with multiple employments can opt out of individual employments if they wish but they do not have to opt out of all.

Scheme contributions

Working out the rate of employee contributions

LGPS members pay employee contributions based on their actual annual earnings. The appropriate contribution rate for members must be taken at source from their pay. The current employee contribution banding rates can be found on the fund's website.

The contribution bandings table is reviewed each year and the pensionable pay bands are increased in line with the Consumer Price Index (CPI). It is important the most recent table is used so the correct employee deductions are taken.

How the banding policy is administered is decided by the employer. Employers, should have a policy in place as to how often employees are re-banded in addition to the yearly adjustment. Such situations as a change of job, promotion/demotion, a regrading, a pay award or a change in contractual hours should be covered in the policy. Please refer to the Local Government Authority's (LGA) HR guide on the website www.lgpsregs.org for guidance.

Right of appeal

Scheme members have a right of appeal to their employer against the employee contributions rate applied to their pay.

Employer contribution rate

The fund's actuary reviews and amends employer contribution rates every three years. Employers are told of their new employer rate in a letter.

Pensionable pay

Employee and employer contributions are based on actual pensionable pay.

Pensionable pay within the LGPS has two definitions based on regulations in place – the 2008 and 2014 scheme definitions.

Member has flexibility to pay less

There are two sections in the scheme– the main section and the 50/50 section. A member can choose the 50/50 option at any time and pay half their normal contributions to build up half their normal pension. If they have more than one employment they can choose the 50/50 option in one, some or all their employments.

The 50/50 section is designed to be a short-term option for when times are tough

financially. An employer must re-enroll members back into the main section of the scheme on the anniversary of your automatic enrolment date, or if they move into a period of no pay (i.e. sickness, injury or during a period of child related leave). Members must be told when this will happen if they are in the 50/50 section of the scheme. If a member wishes to continue in the 50/50 section, they can fill in another form to stay in that section.

They can choose to go back to the main section of the scheme at any time by filling in a form. They will then start to build up full benefits in the main section from the start of the next available pay period. It is important to remember to continue to deduct the employer contributions at the full rate when a member moves into the 50/50 section. These contributions do not reduce.

Payment of scheme contributions- i-Connect

Payment of employee and employer pension scheme contributions is due monthly, and must be paid on time, along with the accompanying data. The pensions team use the i-Connect system to capture this information.

i-Connect allows employers to submit monthly CARE pay and contributions and update the year-to-date totals, directly onto the pensions administration system. Employers can tell the fund of any new starters, part time hours changes, personal details changes and leavers (although a PEN007 form will still need to be completed for leavers).

i-Connect can be used by simply entering information through a return (for smaller employers) or submission of a file as an extract (for larger employers) into the i-Connect application using a web browser. i-Connect then automatically identifies and sends information about new joiners, opt outs and leavers, together with pay and contributions to the pension fund and updates the member's pension record.

Fund policy requires payment of contributions no later than the 19th day of the month after which employees' contributions were deducted. Late payment will attract interest and repeated breaches may be reported to TPR.

The accompanying i-Connect return or extract must give:

- employee contributions within the different payment bands,
- a listing of any additional pension scheme contributions an employee has chosen to make. These amounts should be adjusted for any underpayments or overpayments and collection of arrears, as appropriate.

How to make payment

Employee and employer contributions should be paid monthly by BACS to:

'Shropshire Pension Fund' using the following bank details:

Sort Code: 55-50-05

Account Number: 55730671

The payment must be accompanied by sufficient information to enable the payment source to be identified (i.e. name and employer code).

Year-end returns

A year-end return must be completed and returned to the pensions team at the end of each financial year. It is used to confirm that the employer has performed an annual reconciliation of the monthly contribution remittances made throughout the year, and that the annual totals represent a full and accurate account of both the employees' and employer's contributions

deducted. Two forms for completion will be sent out ahead of 31 March each year, together with some additional information for the employer to complete on their month twelve i-Connect submission.

Other duties and responsibilities as a scheme employer

Appointment of an independent registered medical practitioner

To be able to follow the ill-health procedure, the LGPS rules say that an employer must first consider the opinion of an appropriately qualified independent registered medical practitioner before deciding to grant an ill-health pension. The fund has several appropriately qualified independent medical practitioners who perform this role and to whom all requests for the award of an ill-health pension must be referred. Their contact details are available on request.

Employer discretions policy

Within the LGPS rules there are certain 'discretions' which may be applied by the employer. Every employer must create and publish a discretions policy to show how they plan to use these discretionary powers. This statement must be kept under review.

Because a policy is based on discretions, an employer has the right to change it at any time. A policy does not contain contractual rights and only the policy which is in-date at the time an event happens, can be applied.

Certain employer discretions must be included in the discretions policy. These cover:

- Early and flexible retirement;
- Voluntary funding of additional pension, via shared cost additional pension contributions (SCAPC);
- Awarding additional pension at whole cost to the employer;
- Switching on the 'rule of 85' for a member voluntarily drawing benefits;
- Waiving actuarial reductions for early retirements.

There are other discretions which do not need to be included in the discretions policy, but which an employer might find helpful to include. Employers may wish to consider seeking legal or financial advice before creating a policy. A guidance document is available to help.

FRS101/102 or IAS19

Once a school becomes an academy, provision of pension figures for accounts must be arranged. This is currently covered by accounting standard FRS101/102 or IAS19.

The fund's understanding is that these figures are needed for any set of statutory accounts prepared by an academy. However, the employer needs to decide whether the FRS101/102 or IAS19 figures should be included in the academy's end-of-year accounts. If in doubt, an employer should check with their auditors.

Reporting to HMRC

Employers need to report to HMRC and may be asked for both the employer and scheme contracted-out numbers (ECON and SCON) when making their reports. These numbers will identify their employees as being members of the LGPS administered by Shropshire Council. The ECON and SCON numbers are: ECON 3900002R, SCON 2700166X.

Other useful information

Outsourcing services

New fair deal guidance

On 4 October 2013, HM Treasury published guidance on a reformed fair deal policy setting out how pension issues are to be dealt with when staff are compulsorily transferred from the public sector to an independent provider delivering public services.

Academies looking into outsourcing a service or function within the school must check if any employees are protected by TUPE. This should be done before beginning the outsourcing process. If the staff are protected by TUPE, their rights to be in the LGPS are also protected.

Academies should seek advice on TUPE from their HR provider and must contact the pensions team if they are considering outsourcing. This should be done before putting the service out to tender, so potential costs can be identified. Please be aware that if this is not done and pension protection is not covered, the transfer cannot go ahead. For more information, please read the fund's website page; "Existing employer letting a contract."

Shropshire County Pension Fund website

The fund's website contains information about the LGPS for both scheme employers and scheme members. Visit: www.shropshirecountypensionfund.co.uk

The website is updated on regularly with information and guidance on LGPS matters.

Pensions administration strategy statement

The administration strategy statement tells both the administering authority (Shropshire Council) and its employers of their responsibilities under the LGPS regulations. In addition, it also sets expected performance levels. The administration strategy statement can be found on the fund's website.

The website also directs users to further information on other websites such as www.lgpsregs.org.uk

Glossary

Academy- A school which is independent from their local authority and has control over their own finances.

Actuary- A professional body which looks at and analyses risk. An actuary evaluates the possibility of different scenarios and mathematically works out different outcomes using data about life expectancy, retirement age, and other statistics.

Conversion date- The date a school leaves local authority control to become an academy.

Deficit- When the liabilities of a converting academy are calculated by the actuary, this can result in the academy not gaining enough assets to meet the liabilities of the employees (or active members) who are transferred over. Where this is the case, the academy will have a deficit on conversion.

Discretion- A 'power' which either the employer or administering authority has under the LGPS rules.

Employee contributions- The amount of money an employee must pay to be a member of the LGPS.

Employer contributions- The amount of money an employer must pay towards the pensions of its employees. To begin with, this is worked out by an initial calculation by the fund's actuary during the academy conversion process. Going forwards, this rate is updated by the actuary every three years during valuation.

Liabilities- When an academy becomes a scheme employer under the LGPS Regulations, it takes over responsibility to meet the liabilities for its employees at the date of conversion. These liabilities represent the existing pension benefits your employees have already built up in the LGPS. An academy only takes on liabilities for current employees still working at the school, not former employees who have retired or since left their employment before the conversion date.



How to contact pension services

Write to: Shropshire County Pension Fund, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND

Phone: 01743 252130

E-mail: pensions@shropshire.gov.uk