

Croydon Council

REPORT TO:	PENSION COMMITTEE 10 March 2015
AGENDA ITEM:	6
SUBJECT:	Progress towards establishing a Local Pension Board
LEAD OFFICER:	Richard Simpson, Director of Finance and Assets (Section 151 Officer)
CABINET MEMBER	Councillor Simon Hall Cabinet Member for Finance and Treasury
WARDS:	All
CORPORATE PRIORITY/POLICY CONTEXT:	
Sound Financial Management: the establishment of a Local Pension Board represents a significant step towards improving the governance of the Local Government Pension Scheme.	
FINANCIAL SUMMARY:	
A budget will be set aside from the Pension Fund to support the work of the Local Pension Board. Expenses incurred through the work of the Board are considered to be part of the costs of administration of the Fund.	
FORWARD PLAN KEY DECISION REFERENCE NO: N/A	

1. RECOMMENDATIONS

- 1.1 The Committee is asked to note this report.

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2. EXECUTIVE SUMMARY

- 2.1 This report details the process that has led to the establishment of the Local Pension Board, which all local authorities are required to have in place by 1 April 2015. This report is for information purposes only as the establishment of the Board is a matter for Council and agreeing working practices concerns the Scheme Manager.

3. DETAIL

3.1 The Public Service Pensions Act 2013 introduced a raft of governance reforms to the Local Government Pension Scheme (LGPS) including the establishment of Local Pension Boards. The purpose of these Boards is to assist the Administering Authority (in this instance Croydon Council), to secure compliance with:

- The Local Government Pension Scheme Regulations 2013;
- Other legislation relating to the governance and administration of the LGPS;
- The requirements imposed by the Regulator in relation to the LGPS; and
- To ensure the effective and efficient governance and administration of the LGPS.

3.2 An officer working group has been charged with establishing the Board. Its work has been hindered somewhat by delays in the publication of regulations and detailed guidance. Nevertheless, subject to the agreement of the General Purposes and Audit Committee, which meets to consider a report on the establishment of the Board on 24 March 2015, the Board will be established within the deadline of no later than 1 April 2015 and be operational within a reasonably practicable period after that, being no longer than 4 months, i.e. by the end of July 2015. The Constitutional changes that are required will be recommended to full Council for their adoption by the General Purposes and Audit Committee.

3.3 Critical to the project has been the drafting of the Terms of Reference for the Board. A copy of this document is attached at Appendix A to the report. This covers: the role of the Board and of the Scheme Manager; its establishment and remit; conflicts of interest; advisers; the knowledge and skills expected from Board members and standards of conduct to which they must adhere; how Board meetings should work and make decisions; publication of information; the Board's accountability and matters about reporting breaches of the regulations; and information about expenses and the budget established for the Board. Please note that as work continues on this project, the document appended is in draft form until formally adopted.

3.4 Sitting alongside this document and underpinning the work of the Board will be a suite of policy papers. These have now been drafted or adopted from existing Council policies, where this is appropriate. This is a list of the policies relevant to the work of the Board:

- Conflicts of Interest
- Internal Dispute Resolution Procedure
- Knowledge and Understanding Policy and Framework
- Policies dealing with data protection, information security, acceptable use and monitoring and subject access request
- Remuneration and Expenses Policy – in line with the rates/allowances stipulated in the Members Scheme of Allowances

- Standards of Conflict Policy – for which the Council Code of Conduct for Members has been adopted
- Breaches of the law

3.5 The Council has a degree of latitude in determining the membership of the Board although there must be an equal number of employer and employee representatives and a minimum of two of each. The Scheme Manager has opted for three representatives from each group. All employers and Scheme members within a Fund must have equal opportunity to be nominated for the role of employer or Scheme member representative through an open and transparent process. On the Scheme member side this will comprise two union representatives and one representative from the wider membership of the Scheme. All Scheme members; staff currently employed, with deferred benefits and pensioners, will be invited to self-nominate. The 3 employer representatives will be drawn from the pools of: schools; scheduled and admitted bodies; and from the Council. The Board will be chaired by a suitably qualified person who is selected and appointed by the Scheme Manager. The Chair does not have a vote and the Board is not an executive of the Council – it can report, to the Director of Finance, to the Pensions Regulator, to the National Standards Board and ultimately to the Secretary of State, but it cannot make decisions.

3.6 The Board will meet four (4) times a year and produce an annual report, describing its work.

3.7 A budget to support the work of the Board will be set aside from the Pension Fund. Expenses incurred through the work of the Board are considered to be part of the costs of administration of the Fund. All requests by the Board to incur expenditure will be channelled through the Director of Finance and Assets (Section 151 Officer) for sign off. Reasonable expenses of Board members will be reimbursed and a retainer paid to the Chair and for secretarial and other support or professional services that may be required.

3.8 The Chair of the Pension Board will attend the Pension Committee as an observer and in accordance with the information security policy, have access to all paper on the Committee's agenda.

3.9 This report is for information purposes only as the establishment of the Board is a matter for Council and agreeing working practices concerns the Scheme Manager. Appended to this report is a working draft of the Terms of Reference for the Board. It should be noted that until the document is formally adopted by the council it remains a draft version.

4. RECOMMENDATIONS

4.1 The Committee is asked to note the contents of this report.

5 FINANCIAL CONSIDERATIONS

5.1 All expenses incurred by the Pension Board will be subject to the discretion of

the Director of Finance and Assets (Section 151 Officer) and will be charged to the Pension Fund.

6. OTHER CONSIDERATIONS

- 6.1 Other than the considerations referred to above, there are no customer Focus, Equalities, Environment and Design, Crime and Disorder or Human Rights considerations arising from this report

7. COMMENTS OF THE SOLICITOR TO THE COUNCIL

- 7.1 The Council Solicitor comments that the established of the Local Pension Board is required to be in place by 1 April 2015 under the Local Government Pension Scheme (Amendment) (Governance) Regulations 2015.

Approved by: **Gabriel MacGregor, Head of Corporate Law** on behalf of the Council Solicitor & Director of Democratic & Legal Services

CONTACT OFFICER:

Nigel Cook, Head of Pensions Investment and Treasury,
Chief Executive's Department, ext. 62552.

BACKGROUND DOCUMENTS:

Appendices

Appendix A Draft Terms of Reference of the Pensions Board.

Draft Terms of reference for the Local Pension Board of the Croydon Council Pension Fund dated 25/02/2015

1) Definitions

“Advisers”	means those provided for in paragraph 8 of these Terms of Reference;
“Board”	means the voting members of the Local Pension Board;
“Chair”	means the suitably qualified individual who is selected and appointed by the Scheme Manager who has responsibility of ensuring the Board acts appropriately in accordance with these Terms of Reference;
“Employer Representative”	means persons appointed to the Board for the purpose of representing employers of the Scheme and any connected Scheme;
“Fund”	means the Croydon Council Pension Fund that is run by Croydon Council and is part of the National Local Government Pension Scheme;
“Internal Dispute Resolution Procedure”	means the Local Pension Board’s internal dispute resolution procedure as set out in a separate document titled “Internal Dispute Resolution Procedure”.
“LGPS”	means the Local Government Pension Scheme;
“Local Pension Board”	means the Local Pension Board (LPB) for Croydon Council as administering authority for the Fund as required under the Public Service Pension Act 2013;
“Member Representative”	means persons appointed to the Board for the purpose of representing members

of the Scheme and any connected Scheme;

“Members”

means the Employer and LGPS Member Representatives collectively;

“Pensions Regulator”

means the UK regulator of work-based pensions whose powers derive from the Pensions Act 2004 and its powers inherited from the Occupational Pensions Regulatory Authority (OPRA) from 6 April 2005

“Scheme”

means the Local Government Pension Scheme in England and Wales;

“Scheme Manager”

means the Croydon Council as administering authority of the Fund exercised through the Director of Finance;

“Scheme Regulations”

means the Local Government Pension Scheme as constituted by the Local Government Pension Scheme Regulations 2013, the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 and the Local Government Pension Scheme (Management and Investment of Funds) Regulations 2009 and any subsequent legislation made in relation to the LGPS;

2) Introduction

The purpose of this document is to set out the terms of reference for the Local Pension Board (“LPB”) of the Fund.

3) Role of the Local Pension Board

The role of the LPB, as defined by section 5(1) and (2) of the Public Services Pensions Act 2013, is to –

- Assist the Administering Authority (Croydon Council) in its role as a Scheme Manager of the Scheme;-

- To secure compliance with the Scheme Regulations and any other legislation relating to the governance and administration of the LGPS;
- To secure compliance with requirements imposed in relation to the LGPS by the Pensions Regulator;
- In such other matters as the LGPS regulations may specify;
- Secure effective and efficient governance and administration of the LGPS for the Fund;
- Provide the Scheme Manager with such information as it requires to ensure any member of the LBP or person to be appointed to the LPB does not have a conflict of interest.

The LPB will ensure it effectively and efficiently complies with any code of practice on the governance and administration of public service schemes issued by the Pension Regulator.

The LPB shall meet sufficiently regularly to discharge its duties and responsibilities effectively.

4) Establishment

The LPB is established on *[insert date]* subsequent to recommendation by the Croydon Council Pension Committee to the General Purposes and Audit Committee on 24/03/2015 of the recommendation to establish the LPB *[insert report reference details]*.

5) Appointment of members of the Local Pension Board

The process for the selection and appointment of members of the LPB is set out below, with all appointments being made by the Scheme Manager:

The LPB shall consist of 6 voting members constituted as follows:

- i) 3 Employer Representatives;
- ii) 3 Member Representatives;

The LPB Board shall be an equal number of voting Employer representatives and Member Representatives.

No representative (elected, officer or other) shall be permitted to be on both the London Borough of Croydon Pension Committee and Croydon Council's LPB.

Employer Representatives

Employer Representatives shall be office holders or senior employees of employers of the Fund or have experience of representing scheme employers in a similar capacity. No officer or elected member of Croydon Council who is responsible for the discharge of any function of Croydon Council under the Scheme Regulations may serve as a member of the LPB.

Employer Representatives should be able to demonstrate their capacity to represent the employers. This will be in relation to attending and completing the necessary preparation for meetings and participating in training as and when required.

Substitutes for Employer Representatives shall be appointed by the same process as Member and Employer Representatives. This will be limited to one (1) substitute per Employer Representative. Where appointed substitutes should be named and must undertake the same training as full members.

Each Employer Representative appointed by the Scheme Manager shall serve for a fixed 2 year term which may be extended by the Scheme Manager for further periods(s) subject to their re-nomination. Such appointments will be determined following an expression of interest and then a shortlist and interview process.

Employer Representatives shall endeavour to attend all Board meetings during each year.

Member Representatives

Member Representatives shall either be Scheme members or have capacity to represent Scheme members of the Fund.

Member Representatives should be able to demonstrate their capacity to attend and completed the necessary preparation for meetings and participate in training as and when required.

Substitutes shall be appointed by the same process as Member and Employer Representatives. This will be limited to one (1) substitute per Member Representative. Where appointed substitutes should be named and must undertake the same training as full members.

Each Member Representative appointed by the Scheme Manager shall serve for a fixed 2 year term which may be extended by the delegated powers of the Scheme Manager for further periods(s) subject to their re-nomination.

Member Representatives shall endeavour to attend all Board meetings during each year.

6) Suspension/Termination/Removal of Employer Representatives, Member Representatives and Substitutes

A Representative's (including substitute's) term of office may be suspended or come to an end in any of the following circumstances:

1. Expiry of a fixed term of office without any extension being granted/authorised by the Scheme Manager;
2. A Representatives death;

3. Unable to act appropriately in his/her role because of illness or injury;
4. Failure to attend two consecutive meetings (this would be to the Scheme Manager's discretion);
5. Representative wishes to resign – a notice period of 4 weeks is required to be given to the Scheme Manager;
6. Representative ceases to represent his constituency, for example if an employer representative leaves the employment of his employer and therefore ceases to have the capacity to represent the Fund's employers;
7. Representative has a conflict of interest which cannot be managed in accordance with the LPB's conflicts policy;
8. Representative has breached the Members' code of conduct.

In addition to the above, the Scheme Manager may suspend a Member Representative whilst investigations into (but not limited to) the above are conducted. Upon the conclusion of any investigation the Scheme Manager may either approve the Member to return to his/her role or can terminate their appointment and secure a replacement.

7) The Chair

The Chair of the LPB will be a suitably qualified person who is selected and appointed by the Scheme Manager for a fixed term of office to be determined by the Scheme Manager. It will be the role of the Chair to ensure that all Members of the Board show due respect for process, that all views are fully heard and considered and to determine when consensus has been met.

The Chair shall:

1. Ensure the LPB delivers its purpose as set out in these Terms of Reference;
2. Ensure that meetings are productive and effective and that opportunity is provided for the views of all members to be expressed and considered; and
3. Seek to reach consensus and ensure that decisions are properly put to a vote when it cannot be reached. Instances of a failure to reach a consensus position will be recorded and published.

8) Quorum

The Board shall have a quorum of one three (3). If a meeting is inquorate it will be cancelled and re-scheduled for as soon as is reasonably practicable following the date of the originally scheduled meeting. This also applies in the event the Chair is unable to attend, however, reasonable notice must be given to the LPB of any absence.

Advisers do not count towards the quorum.

9) Conflicts of Interest

The policy applicable to Members and for identifying conflicts of interest is set out in a

separate policy document titled “Local Pension Board Conflicts of Interest Policy”.

10)Board Review Process

The Board will undertake a formal review process during June of each year to assess how well it and the voting and non-voting members are performing with a view to seeking continuous improvement in the Board’s performance.

11)Advisers to the Board

The Board may be supported in its role and responsibilities through the appointment of Advisers by the Pension Committee and officers, to support the London Borough of Croydon Pension Committee. Subject to any applicable regulation and legislation from time to time in force, the Board may consult with such Advisers and on such terms as it shall see fit to help better perform its duties including but not limited to:

- Governance Adviser
- The Fund’s Actuary;
- The Fund’s Legal Adviser
- The Fund’s Investment Managers(s)
- The Fund’s Investment Advisers
- The Fund’s Employer Covenant Adviser
- The Scheme Manager

Other Advisers may be appointed by the Pension Committee on the recommendation of the Scheme Manager.

The Board shall ensure that the performance of all Advisers who are appointed are reviewed on a regular basis as part of the Board Review Process.

12)Knowledge and Skills

Employer and Member Representatives (including substitutes) of the LPB must be conversant with –

1. The legislation, Scheme Regulations and associated guidance of the LGPS;
2. Any document recording policy about the administration of the LGPS (which is for the time being adopted by the Fund).

All members of the LPB must have a working knowledge and understanding of –

- The law relating to pensions, and
- Any other matters which are prescribed in Scheme Regulations.

It is for the Scheme Manager (who will be responsible for any appointments) to be satisfied that those seeking to be appointed have the appropriate degree of knowledge and understanding to enable them to properly exercise their functions as a
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member of the LPB.

In line with the duties under their role, the LPB members are required to be able to demonstrate their knowledge and understanding and to refresh and keep their knowledge up to date on anything that would fall within the remit of their role. LPB members are therefore required to maintain a written record of all relevant training and development (whether internal or external) they have undertaken. In the event that LPB members wish to attend an external course/training event prior approval must be sought from the Scheme Manager. All information in relation to training and development of all LPB members shall be made available to the Board as part of the Board Review Process. In addition, the Scheme Manager may, at any time request to inspect such records upon providing the relevant member with a written request which must be adhered to within 7 days of receipt of such a request.

All LPB members will undertake an annual personal training needs analysis and regularly review their skills, competencies and knowledge to identify gaps or weaknesses and mandatory training that the Board or Scheme Manager considers is required to ensure the Board operates as effectively as possible. LPB members will comply with the Scheme Manager's training policy, details of which are found in the separate document titled [*Local Pension Board Training Policy*].

13) Board Meetings – Notice, Agendas, Minutes, Timings and Location

The Scheme Manager shall give 5 day's written notice, by email, to all Employer and Member Representatives of every meeting of the LPB. The Scheme Manager shall ensure that formal minutes of all LPB meetings are maintained. Following the approval of the minutes by the Chair they shall be circulated by email to all members within 14 days of the meeting date and then published in accordance with paragraph 17).

There will be a minimum of 4 LPB meetings each year. The dates of such meetings are to be agreed in June of each year by the Member Services Team to allow the Board to plan around any scheduled Pensions Committees which will then provide the Board with the opportunity to effectively review the work of the Pensions Committee.

All LPB meetings will be held in the Croydon Town Hall, Katharine Street, Croydon, Surrey, CR9 1ET at [insert time], unless stated otherwise in the notice for the meetings.

14) Remit of the Board

The role of the LPB will be determined by the relevant Scheme Regulations. The LPB will assist the Scheme Manager with such other matters as any relevant Scheme Regulations may specify.

15) Standards of Conduct of Members

The role of LPB members requires the highest standards of conduct and therefore the “seven principles of public life” will be applied to all LPB members and embodied in their code of conduct.

These are –

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

The Council Code of Conduct for Members which will apply to Members of the LPB, is set out in a separate document.

16)Decision making

Each Employer Representative and Member Representative of the LPB will have an individual voting right but it is expected the LPB’s decisions (in so far as is possible) will be reached by consensus.

17)Publication of Local Pension Board Information

Scheme members and other interested parties will want to know that the Croydon Council Pension Fund is being efficiently and effectively managed. They will also want to be confident that the LPB is properly constituted, trained and competent in order to comply with Scheme Regulations, the governance and administration of the Scheme and requirements of the Pension Regulator.

To this end information will be posted on the Fund website showing:

- The names and biographies about the LPB members
- How the Scheme and employer members are represented on the LPB
- The responsibilities of the LPB as a whole
- The full terms of reference and policies of the LPB and how they operate
- The LPB appointment process
- Who each individual LPB members represents
- Any specific roles and responsibilities of individual LPB members.

LPB papers, agendas and minutes of meetings will be published on the Fund website. These may be published in redacted form at the discretion of the Council Monitoring Officer in consultation with the Scheme Manager and having consideration to s100A Local Government Act 1972 or exempt information as specified in Part 1 Schedule 12A of the Local Government Act 1972, which provides that information should not be

disclosed due to its confidential nature. The Scheme Manager will also consider requests for additional information to be published or made available to individual scheme members to encourage scheme member engagement and promote a culture of openness and transparency. However, the final decision as regards the release of exempt information rests with the Council Monitoring Officer.

18)Accountability

The LPB will be collectively and individually accountable to the Scheme Manager and must also report annually to the Secretary of State, as provided in the Regulations.

In addition to the above, and in line with Croydon Council's corporate values, Honesty and Transparency will apply to the LPB.

19)Expense Reimbursement

The Administering Authority shall meet the expenses of Member Representatives for Out-of-Borough travel in line with the relevant travel allowances/rates, as agreed by (Croydon Council) Members' Allowances Scheme July 2014.

The Administering Authority shall reimburse the Employer of the relevant Employer Representative in respect of any time off work that has been taken that is both necessary and reasonable in the opinion of the Scheme Manager to fulfil their role as a member of the LPB.

[Remuneration and other expenses] – this will be on the basis of a fixed fee as agreed from time to time by the Scheme Manager

20)Reporting Breaches

Any reported breach in connection with the administration of the LGPS, whether potential, or actual, brought to the attention of the LPB and shall be dealt with in accordance with the procedure set out in a separate policy document titled "Local Pension Board Reporting Breaches Policy". For the purposes of this policy a breach is considered to include any statutory responsibilities/obligations that have not been performed as and when required.

21) Internal Dispute Resolution Procedure

The LPB's Internal Dispute Resolution is set out in a separate policy document titled "Internal Dispute Resolution Procedure (IDRP) System Employees' Guide."

22)Complaints

Any complaint received in relation to the LPB will be dealt with in accordance with the Complaints Policy, which is set out in a separate document titled "Local Pension PEN20150310AR6

Board Complaints Procedure”.

23) Budget

The LPB must seek approval from the Administering Authority’s s151 Officer or Deputy s151 Officer for any expenditure it wishes to incur in line with its responsibilities. Until a written decision has been communicated to the LPB by the relevant officer, the LPB is not authorised to make any financial commitment to a third party.

24)Review of Terms of Reference

These Terms of Reference shall be reviewed:-

- on the making of any material change to those part of the Scheme Regulations; and
- annually.

25)Interpretation

Any uncertainty or ambiguity or interpretation required relating to any matters contained in this document shall be resolved by reference to the Scheme Manager.

..... dated:

Signed on behalf of the Administering Authority

..... dated:

Signed on behalf of *[insert details of relevant Member]*