

## Suffolk Pension Board

### Rules of Procedure

#### Appointment of Local Pension Board Members

1. Appointments will be made using a methodology that ensures that representative Board members are truly representative. All employers and members within a Fund must have equal opportunity to be nominated for the role of employer or member representative through an open and transparent process.

#### Capacity of Representative Members

2. The County Council, as Administering Authority, will ensure that any person it wishes to appoint as an employer or member representative has capacity to represent the employers or members (as appropriate) of the Fund. Training will be provided to ensure that the Board has the knowledge and skills to carry out their responsibilities.

#### Restriction on Membership

3. No officer or councillor who is responsible for the discharge of any function under the Regulations (apart from any function relating to Local Pension Boards or the Scheme Advisory Board) may be a member of a Local Pension Board.

#### Term of Office

4. The term of office of each Board member will be four years, with a maximum of two terms. No single term of office will exceed four years.

#### Termination

5. As well as the expiry of a Board member's term of office, membership may also be terminated in the following circumstances:
  - a) a member has a conflict of interest which prevents their active participation in the business of the Board;
  - b) a member dies or becomes incapable of acting;
  - c) a member who is a county councillor is appointed to the Pension Fund Committee;
  - d) a member is appointed to the role of an officer of the County Council with responsibility for the discharge of functions under the Regulations;
  - e) a member resigns;
  - f) a representative member 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;  
and

- g) a member fails to attend meetings or otherwise comply with the requirements of being a Board member, for example fails to attend the necessary knowledge and understanding training. The County Council should consider who would decide this, whether the member should be given an opportunity to change their behaviour and how much notice should be given and in what form.

### **Function of the Board**

6. The function of the Board is to assist the County Council as Administering Authority to secure compliance and ensure the effective and efficient governance and administration of the LGPS in line with the requirements set out in legislation.

### **Membership**

7. The Board will consist of six members - three pension fund employer representatives, and three pension fund member representatives. No Board member may also be a member of the Pension Fund Committee.
8. The County Council will arrange for the selection of the employer and member representatives, ensuring that any vacancies are advertised appropriately in order to provide an opportunity for all to apply, including those from minority groups.
9. The representatives will be allocated as follows:  
Employer Representatives:
- One representing the County Council
  - One representing other local government employers
  - One representing the education sector (e.g. academies, colleges etc) and other employers (e.g. divested organisations)

Representatives could be councillors or officers

#### Member Representatives:

- One representing the trades unions
- One representing current (contributing) members
- One representing pensioner members

**Code of Conduct**

10. Any councillors who are Board members will be required to comply with the Suffolk Code of Conduct.

**Voting Rights**

11. All Board members will have equal voting rights. The Chairman will have a casting vote.

**Conflict of Interests**

12. All members of the Board must declare to the Administering Authority on appointment and at any such time as their circumstances change, any potential conflict of interest arising as a result of their position on the Board.
13. A conflict of interest is defined as a financial or other interest which is likely to prejudice a person's exercise of functions as a member of the Board. It does not include a financial or other interest arising merely by virtue of that person being a member of the Scheme.
14. On appointment to the Board and following any subsequent declaration of potential conflict by a Board member, the Administering Authority shall ensure that any potential conflict is effectively managed.

**Appointment of a Chairman and Vice-Chairman**

15. A Chairman and Vice Chairman will be appointed by the employer and member representatives of the Board from amongst their own number.

**Role of Advisors**

16. The appointment of any advisors to the Board will be undertaken in consultation with the County Council. County Council Procurement Regulations must be followed, as well as any rules governing the appointment of temporary staff or consultants.

**Role of Officers**

17. Officers of any of the employer authorities will provide advice and guidance to the Board as necessary or as requested. The main support to the Board will come from the County Council as Administering Authority.

**Number of Meetings**

18. The Board will meet for a minimum of two meetings per year.

**Location of meetings**

19. The Board will meet in appropriate locations for the business as decided by the County Council.

**Quorum**

20. A quorum will be a minimum of two Board members, including at least one of each category - pension fund employer representatives, or pension fund member representatives.

**Substitutes**

21. Substitutes will not be permitted.

**Creation of Working Groups/Sub-Boards**

22. The Board may establish working groups or sub-boards for specific tasks. The terms of reference will be agreed by the Board. Working groups or sub-groups will have no decision making powers – they will report back to the Board with recommendations, and the Board will take any necessary decisions.

**Allowances/Expenses**

23. Any allowances or expenses will be paid in accordance with the County Councils Members Allowances Scheme.

**Board administration**

24. The Chairman will agree an agenda prior to each Board meeting.
25. The agenda and supporting papers will be issued at least five working days (where practicable) in advance of the meeting except in the case of matters of urgency.
26. Draft minutes will be subject to formal agreement by the Board at their next meeting. Any decisions made by the Board should be noted in the minutes and in addition where the Board was unable to reach a decision such occasions should also be noted in the minutes.
27. The minutes may, with the agreement of the Board, be edited to exclude items on the grounds that they would either involve the likely disclosure of exempt information as specified in Part 1 of Schedule 12A of the Local Government Act 1972 (as amended) or it being confidential for the purposes of Section 100A(2) of that Act and/or they represent data covered by the Data Protection Act 2018.

**Public access to Board meetings and information**

28. The Board meetings can be open to the general public (unless there is an exemption under relevant legislation which would preclude part (or all) of the meeting from being open to the general public).
29. The following will be entitled to attend Board meetings in an observer capacity:

- Members of the Pension Fund Committee,
  - Any person requested to attend by the Board.
- Any such attendees will be permitted to speak at the discretion of the Chair.
30. In accordance with the Act the Administering Authority shall publish information about the Board to include:
- The names of Board members and their contact details.
  - The representation of employers and members on the Board.
  - The role of the Board.
  - These Terms of Reference.
31. Information may be excluded on the grounds that it would either involve the likely disclosure of exempt information as specified in Part 1 of Schedule 12A of the Local Government Act 1972 (as amended) or it being confidential for the purposes of Section 100A(2) of that Act and/or they represent data covered by the Data Protection Act 2018.

### **Budget**

32. The Board will have no exclusive budget. Any requests for funding, for example to seek professional advice or training for members, will be considered by the County Council as Administering Authority.

### **Knowledge and Understanding**

33. In accordance with section 248A of the Pensions Act 2004 Act, every member of the Board must:
- a) be conversant with:
    - i) the rules of the LGPS, in other words the Regulations and other regulations governing the LGPS (such as the Transitional Regulations and the Investment Regulations); and
    - ii) any document recording policy about the administration of the Fund which is for the time being adopted in relation to the Fund; and
  - b) have knowledge and understanding of:
    - i) the law relating to pensions; and
    - ii) such other matters as may be prescribed.
34. The legal responsibilities of Board members begin from the date they take up their role on the Board and so should immediately start to familiarise themselves with the documents as referred to in paragraph 33 and the law relating to pensions.

35. The County Council will provide additional support and training to newly appointed Board members in the first few months, to help them reach the appropriate level of knowledge and understanding.
36. In accordance with section 248A, the knowledge and understanding requirement applies to every individual member of a Local Pension Board rather than to the members of a Local Pension Board as a collective group.

### **Reporting**

37. The Board will report to the County Council, Pension Fund Committee, or any other body or officer that it considers appropriate, in order to fulfil its obligations.

### **Monitoring Officer**

38. The Council's Monitoring Officer will provide procedural advice and support to the Board and the Chairman of the Board.