

CONSTITUTIONAL ADDITIONS/AMENDMENTS

The recommendation is to establish the Suffolk Pension Board as a s101 committee of the County Council, as defined within the Local Government Act 1972. As such, the Board will follow the County Council's Constitution for the conduct of meetings etc, but there will need to be some additions as set out below.

The Board will also have its own Rules of Procedure, to cover other aspects of membership and procedure not specified within the Constitution.

Additions**PART 1 – Articles of the Constitution****Suffolk Pension Board**

1. The role of the Pension Board as defined by sections 5 (1) and (2) of the Public Service Pensions Act 2013, is to –
 - a) Assist the County Council as Scheme Manager:
 - i. to secure compliance with the Local Government Pension Scheme (LGPS) Regulations and any other legislation relating to the governance and administration of the LGPS;
 - ii. to secure compliance with requirements imposed in relation to the LGPS by the Pensions Regulator;
 - iii. in such other matters as the LGPS Regulations may specify.
 - b) Secure the effective and efficient governance and administration of the LGPS for the Suffolk Pension Fund
2. The Pension Board will ensure it effectively and efficiently complies with the code of practice on the governance and administration of public service pension schemes issued by the Pension Regulator.
3. The Pension Board will also help ensure that the Suffolk Pension Fund is managed and administered effectively and efficiently and complies with the code of practice on the governance and administration of public service pension schemes issued by the Pension Regulator.
4. Pension Board will receive regular training to enable committee members to make effective decisions and be fully aware of their statutory and fiduciary responsibilities and their stewardship role.
5. The Pension Board shall report to the County Council, Pension Fund Committee, or any other body or officer that it considers appropriate, in order to fulfil its obligations.

PART 2 – Rules of Procedure

16. Size – Add Suffolk Pension Board - Size 6 ⁽⁷⁾ ⁽⁸⁾ – Quorum 3 ⁽⁹⁾

(7) Two county councillors, two pension fund employer representatives, and two pension fund member representatives.

(8) No Board member may also be a member of the Pension Fund Committee.

(9) Comprising at least one of each category specified in (7).

23. Co-option

23.4 Suffolk Pension Board

In the case of the Suffolk Pension Board, the employer and member representatives are entitled to speak and vote. These members will be appointed in accordance with the rules of procedure of the 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.

Relevant Experience and 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 relevant experience and the capacity to represent the employers or members (as appropriate) of the Fund. Training will be provided to ensure that the Board have the knowledge and skills to carry out their responsibilities.

Appointment of Other Members

3. No officer or councillor of the County Council 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 normally be four years, with a maximum of two terms. Appointments of employer and member representatives will initially be of varying lengths so that all terms of office do not end at the same time. 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 - two county councillors, two pension fund employer representatives, and two 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.

Code of Conduct

- 9. As a Committee of the County Council, all Board members will be required to comply with the Suffolk Code of Conduct.

Voting Rights

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

Conflict of Interests

11. All Board members will be required to complete a Register of Interests as required by the Suffolk Code of Conduct. The Register of Interests will be available for public inspection, normally on the Council's website.
12. Board members will need to declare interests as necessary at meetings, and may need to withdraw from the meeting (neither participating nor voting) if they have a disclosable pecuniary interest.

Appointment of a Chairman and Vice-Chairman

13. The County Council will normally appoint a Chairman at its AGM in May of each year. If Council does not appoint a Chairman, or a vacancy arises during the year, then the Board will appoint its own Chairman at the next available meeting. The Chairman will have the responsibilities as specified within the Council's Constitution.
14. Each year the Board will appoint a Vice-Chairman at its first meeting following the Council AGM in May. The Vice-Chairman will be appointed for one year at a time.

Role of Advisors

15. 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

16. The Committee will be administered by the County Council's Democratic Services, in accordance with the relevant legislation detailing publication of papers, minutes etc. The Board will be subject to the Freedom of Information Act.
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 three Board members, including at least one of each category - county councillors, pension fund employer representatives, or pension fund member representatives.

Substitutes

21. Substitutes will only be permitted for county councillor members of the Board. Nominated substitutes are preferable. Substitute members will be invited to any training sessions arranged for Board members.

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.

Budget

24. 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

25. 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.
26. 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 25 and the law relating to pensions.
27. 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.

28. 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.
29. There will be an expectation that councillors nominated as substitutes will maintain a reasonable level of knowledge and understanding through attendance at training events and reading relevant papers.

Reporting

30. 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

31. In accordance with the Constitution, the Council's Monitoring Officer will provide procedural advice and support to the Board and the Chairman of the Board.