

## Appendix D1

### Terms of Reference for the London Borough of Barnet Pension Board

The purpose of this document is to set out the [detailed](#) Terms of References for the Local Pension Board of the London Borough of Barnet Pension Fund.

#### 1. Role of the Local Pension Board

1.1 The role of the local Pension Board, as defined by sections 5(1) and (2) of the Public Services Pension Act 2013 and regulation 106 of the Local Government Pension Scheme (LGPS) Governance Regulations 2013.

- To assist with:
  - securing compliance with LGPS Government regulations and any other legislation relating to the governance and administration of the LGPS
  - securing compliance with the requirements imposed in relation to the PGPS by the Pensions Regulator.
  - such other matters that the LGPS regulations may specify
- Ensure the effective and efficient governance and administration of the LGPS for the LBB Pension Fund.
- Ensure the Pension Fund's strategy and policy documents are in place and have been maintained in accordance with the LGPS Regulations. These documents are the: communications policy statement; funding strategy statement; governance compliance statement; ~~pensions administration strategy~~; [statement of investment principles and the Pension Fund annual report and accounts](#); ~~statement of investment principles~~
- Ensure the Pension Fund's internal Risk Register is in place and reviewed at least annually.
- Review the Pension Fund's performance in complying with the requirements of the LGPS Regulations and any other legislation relating to the governance and administration of the LGPS.
- Review the Pension Fund's performance in complying with the requirements of the Pension Regulator.
- Annually submit a proposed work plan for the forthcoming financial year, to the Pension Fund Committee.
- To carry out any other activities relating to the efficient governance and administration of the Pension Fund.
- To submit an annual budget to the Barnet Pension Fund Committee for approval.

1.2 The Local Pension Board does not replace the Administering Authority or make decisions or carry out duties other than those which are the responsibility of the Administering Authority (refer

to Compliance statement). [The Pension Board is an advisory/scrutiny board and does not have decision making powers.](#)

- 1.3 The Administering Authority retains ultimate responsibility for the administration and governance of the scheme. The role of the Board is to support the Administering Authority to fulfil that responsibility and secure compliance with any requirements imposed by the Pensions Regulator.

## **2. Appointment of members of the Pension Board**

- 2.1 All Board members will be appointed by Full Council. It is a statutory requirement (section 248A of the 2004 Act) that the Administering Authority must be satisfied that every individual member of the Pension Board is;

- 2.2 conversant with;

- the legislation and associated guidance of the Local Government Pension Scheme
- any document recording policy about the administration of the fund which is for the time being adopted by LBB Fund; and

- 2.3 have knowledge and understanding of;

- the law relating to pensions; and
- such other matters as may be prescribed

## **3 Rules governing Membership the Local Pension Board**

- 3.1 Local Pension Boards must include an equal number of employer and member representative with a minimum requirement of no fewer than four in total.

- 3.2 No officer or Councillor who would is responsible for the discharge of any functions under the Regulations (apart from any relating to LPB) may be a Member of the Local Pension Board of that authority.

- 3.3 Officer precluded would be any officer named in the scheme of delegation (e.g. Section 151 Officer and the head of investments). The guidance also states that consideration should be given as to whether officers of the Fund at a senior level, who are not named in the formal scheme of delegation, but who are responsible for discharging functions under the Regulations, should be precluded from being a member of the LPB.

## **4 Composition of the Board**

- 4.1 ~~Option 1~~—The Board shall consist of 5 members constituted as follows:

- 2 Council representatives (employers side) comprising:
  - 1 Councillor who is not a member of the Pension Fund Committee
  - 1 employer representative from an admitted or scheduled body (e.g. Re, CSG or Middlesex University)
- 2 scheme member representatives (employee side) comprising:
  - 1 active member
  - 1 retired/deferred member

- **1 independent member/advisor**  
Having no current employment, contractual, financial or other material interest in the Council or any scheme employer fund and not being a member of the LGPS Fund.

4.2 Independent and Scheme Members shall be appointed following a public recruitment, selection and interview process.

~~4.2—Option 2—The Board shall consist of 5 members constituted as follows:~~

- ~~•—2 Council representatives (employers side) comprising:
 
  - 1 Councillor who is not a member of the Pension Fund Committee
  - 1 employer representative from an admitted or scheduled body (e.g. Re, CSG or Middlesex University)~~
- ~~•—2 scheme member representatives (employee side) comprising:
 
  - 1 active member
  - 1 retired/deferred member~~
- ~~•—1 independent member (Chairman of a neighbouring authority Pension Committee)  
Having no current employment, contractual, financial or other material interest in the Council or any scheme employer fund and not being a member of the LGPS Fund.~~

~~4.3—Option 3—The Board shall consist of 7 members constituted as follows:~~

- ~~•—3 Council representatives (employers side) comprising:
 
  - 1 Councillor who is not member of the Pension Fund Committee
  - 1 employer representative from an admitted or scheduled body (e.g. Re, CSG or Middlesex University)
  - 1 Councillor who is not a member of the Pension Fund Committee or employer representative from an admitted or scheduled body~~
- ~~•—3 scheme member representatives (employee side) comprising:
 
  - 1 active member
  - 1 retired/deferred member
  - 1 staff side representative (to be nominated by the Trade Unions)~~
- ~~•—1 independent member (Either an externally recruited independent member / advisor or the Chairman of a neighbouring authority Pension Committee)  
Having no current employment, contractual, financial or other material interest in the Council or any scheme employer fund and not being a member of the LGPS Fund.~~

**5. Chairman and Vice-Chairman of the Board**

5.1 The Chairman and Vice-Chairman of the Board will be appointed by Members of the Board as the first business at their first meeting.

5.2 Should the elected Chairman be an Employer representative the Vice-Chairman must be a Scheme Member representative and vice versa.

**NB:** Independent member cannot be appointed Chairman or Vice-Chairman.

## 6. Substitute Members

- 6.1 Each member will ~~have nominate~~ a substitute to act as Board member in their absence, which will be recommended following a recruitment process consistent with their own appointment. These nominations will be approved as part of the overall appointments made by Full Council.

NB: The independent member shall not have a substitute.

## 7. Quorum

- 7.1 The Pension Board will be quorate when three voting Pension Board Members are in attendance.

## 8. Period of Office

- 8.1 Each Board member shall be appointed for a fixed period of four years, which will usually occur -at the Annual Council meeting.

## 9. Termination of office

- 9.1 Each Board member will be expected to attend all meeting and training sessions during the year. The membership of any member who fails to attend two or more meetings shall be reviewed and determined by other Board members in consultation with officers.
- 9.2 The removal of a member from office during their term of appointment an only be enacted by the unanimous agreement of the other members present at the meeting.
- 9.3 In absence of mitigating factors a Board member can be removed from the Board in the following circumstances (but not limited to):
- A poor attendance record;
  - If a member does not undertake training as requested;
  - If a member is In breach of Council’s Code of Conduct, Pension Board Code of Conduct and Conflict of Interest policy;
  - If a member has a conflict of interest that cannot be managed in accordance with the Board’s conflicts policy.

9.4 Should the Council representative members, or the active scheme member(s) cease to be Council representatives or active scheme members, he/she will automatically cease to be a member of the Board and the Administering Authority will conduct a replacement process.

- 95.4 If a Board member ~~may~~ chooses not to continue their role, they must provide a written notice of their resignation from their post to the Governance Service. The notice period shall be two months. Once the written notice is received the Board shall be notified accordingly and arrangements shall be made for a replacement in line with the procedures for their original appointment.

## **10. Voting Rights (this is dependent on makeup of the Board)**

10.1 ~~Where there is an~~The independent ~~Member on the Board they~~ will not have any voting rights, ~~as~~ All other members of the board will be entitled to vote.

10.2 In the event of an equality of votes the Chairman will have the casting vote.

## **11. Frequency of meeting**

11.1 The number of meetings a year should be in alignment with the number of the Pension Committee meetings year, ~~or should to~~ be determined by the Board once it has agreed a workplan, with a minimum of two meetings annually.

## **12. Notice of meeting and circulation of papers**

12.1 In accordance with the Access to Information Procedure Rules as set out in the Council's Constitution.

## **13. Minutes**

13.1 In accordance with the Access to Information Procedure Rules as set out in the Council's Constitution.

## **14. Accountability and reporting**

14.1 The Board is accountable solely to the Council for the effective operation of its functions.

14.2 The Board shall report to the Pensions Committee as often as the Board deems necessary and at least annually:

- a summary of the work undertaken;
- the work plan for the next 12 months;
- details of training received and planned; and
- details of any conflicts of interest and how they were dealt with.

On certain matters the board will report directly to Council;

14.3 The Board shall report annually to Full Council on its work.

14.4 It will also and as necessary from time to time to report to Full Council any breach in compliance or other significant issues such as:

- any areas of persistent non-compliance
- any area of non-compliance within the LGPS Regulations that have been reported to the Pension Fund Committee
- areas raised to the Board to be investigated and how they were dealt with;
- any risks or other areas of potential concern it wishes to raise;

## **15. Code of Conduct**

15.1 All members of the Board are expected to act in accordance with Barnet Council's Code of Conduct for Councillors, and where applicable and the Pensions Regulator's Code of Practice.

~~will be required to comply with Council's Code of Conduct, Pension Board Code of Conduct and Conflict of Interest policy~~

## **16. Conflicts of interest**

16.1 All members of the Board must declare 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.

16.2 In accordance with s5(5) Public Service Pension Act 2013, a Board member must not have a financial or other interest that could prejudice him/her in carrying out his/her Board duties. This does not include a financial or other interest arising merely by virtue of being a member of the LGPS.

16.2 On appointment to the Board and following any subsequent declaration of potential conflict the conflict must be managed in line with the [Council's Members Code of Conduct, the Local Government Pension Scheme \(LGPS\) Guidance on Conduct of Members and Conflicts of Interest](#), the requirements of the Public Service Pensions Act 2013 and the requirements of the Pensions Regulator's codes of practice on conflict of interest for Board members.

## **17. Knowledge and understanding including training**

17.1 All new members must follow an induction training plan and all members of the Board will be expected to attend the training provided to ensure that they have the requisite knowledge and understanding to fulfil their role.

17.2 All members must be prepared to participate in such regular personal training needs analysis or other processes as are put in place to ensure that they maintain the required level of knowledge and understanding to carry out their role.

17.3 Failure to attend training or participate in the processes may lead to membership being reviewed.

## 18. Definitions

The undernoted terms shall have the following meaning when used in this document:

<u>Administering Authority</u>	<u>London Borough of Barnet</u>
<u>Board or Pension Board</u>	<u>The local Pension Board for the London Borough of Barnet, Administering Authority for the London Borough of Barnet Pension Fund as required under the Public Service Pensions Act 2013</u>
<u>Board Member</u>	<u>A member of the Board including Employer representatives, Scheme Member representatives and an independent member</u>
<u>Code of Practice</u>	<u>The Pensions Regulator's [draft] Code of Practice no 14 entitled "Governance and administration of public service pension schemes."</u>
<u>Conflicts of Interest</u>	<u>As defined in the Public Service Pensions Act 2013</u>
<u>Employer Representative</u>	<u>A person appointed to the Board for the purpose of representing employers for the Scheme</u>
<u>Fund</u>	<u>The London Borough of Barnet Pension Fund within the Scheme administered and maintained by the Scheme Employer</u>
<u>Independent Member</u>	<u>A Member of the Board who is neither an Employer Representative nor a Member Representative</u>
<u>LGPS</u>	<u>The Local Government Pension Scheme as constituted by the Local Government Pension Scheme Regulations 2013,</u>

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.

Member Representative

A person appointed to the Board for the purpose of representing members of the Scheme

Scheme

The Local Government Pension Scheme as defined under LGPS

Scheme Manager

London Borough of Barnet as administering authority of the London Borough of Barnet Pension Fund