

# Staffordshire Pension Fund Pensions Board

Constitution

December 2023

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## Purpose & Role

- 1.1. 1.1 This is the governing document for the Staffordshire Pension Fund, Pension Board.
- 1.2. The role of the Pension Board as defined by sections 5 (1) and (2) of the Public Service Pensions Act 2013, is to:
  - 1.2.1. Assist the Administering Authority, as Scheme Manager;
    - 1.2.1.1. to secure compliance with the LGPS Regulations and any other legislation relating to the governance and administration of the LGPS;
    - 1.2.1.2. to secure compliance with requirements imposed in relation to the LGPS by the Pensions Regulator including but not limited to the regulatory strategy of public service pension schemes (as amended);
    - 1.2.1.3. in such other matters as the LGPS regulations may specify.
  - 1.2.2. Secure the effective and efficient governance and administration, including funding and investments of the LGPS for the Staffordshire Pension Fund.
  - 1.2.3. Provide the Scheme Manager with such information as it requires to ensure that any member of the Pension Board or person to be appointed to the Pension Board does not have a conflict of interest.
  - 1.2.4. Help ensure that the Staffordshire Pension Fund is managed and administered effectively and efficiently in terms of administration and governance including investments and funding and complies with the Code of Practice on the governance and administration of public service pension schemes issued by the Pensions Regulator.
- 1.3. The Pension Board shall meet sufficiently regularly to discharge its duties and responsibilities effectively.

## 2. Definitions

2.1. The following terms and expressions shall have the following meanings:

Term	Definition
“Administering Authority”	means Staffordshire County Council as administrator of the Staffordshire Pension Fund;
“Annual Report”	Means the report to be compiled and provided by the Pension Board in accordance with clause 13.6
“Code of Practice”	means the Pensions Regulator’s code of practice number 14 for the governance and administration of public service pension schemes as amended;
“Conflict of Interest”	as defined in section 5 of the Public Service Pensions Act 2013 as a financial or other interest which is likely to prejudice the persons exercise of functions as a member of the Pension Board (but does not include a financial or other interest arising merely by virtue of membership of the scheme or any connected scheme);
“Employer Representative(s)”	means a person appointed to represent the interests of the employers in the pension scheme who must meet the requirements of this Constitution and more specifically clause 5;

“LGPS Regulations”	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 as amended;
“member”	means a member of the Pension Board for the purposes of this Constitution;
“Monitoring Officer”	means the officer of the Scheme Manager as required under section 5 of the Local Government and Housing Act 1989 as amended by schedule 5 para 24 of the Local Government Act 2000;
“Pension Board”	means the local Pension Board for the Administering Authority as required under the Public Service Pensions Act 2013;
“Pension Committee”	means the committee constituted with full delegation from the Scheme Manager to act on behalf of the Scheme Manager in relation to the Staffordshire Pension Fund;
“Pension Fund”	means the Staffordshire Local Government Pension Fund;
“Pensions Panel”	means the panel constituted with full delegation from the Scheme Manager to act on behalf of the Scheme Manager in relation to the Staffordshire Pension Fund;
“Regulations”	means the Part 3 (Governance) of the Local Government Pension Scheme Regulations 2013 as amended by the Local Government Pension Scheme (Amendment) (Governance) Regulations 2015;
“role specification”	means the required skills and standards which relate to the role of a Pension Board member and more specifically described in <a href="#">Appendix 1</a> ;
“Scheme Employer”	means a body listed in Schedule 2 of the LGPS Regulations 2013 employing an employee who is eligible to be a member of the Staffordshire Pension Fund and includes an admission body;
“Scheme Manager”	means Staffordshire County Council as Administering Authority of the Staffordshire Pension Fund from whom delegated powers have been provided to the Director of Finance and the Head of Treasury and Pensions, employed by Staffordshire County Council;
“Scheme Member(s) Representative”	means a person who will represent the interest of the pension scheme members who must meet the requirements of this Constitution and more specifically clause 5;
“section 151 officer”	means under Section 151 of the Local Government Act 1972 an officer the Administering Authority is required to have who has a statutory responsibility to ensure the proper arrangement of the authorities financial affairs.

### 3. Powers of the Pension Board

- 3.1 Where any breach of legislation or duties is committed or is alleged to have been committed by the Pension Committee, the Pension Board shall;
  - 3.1.1 Within 1 month of the possible breach, meet with the Committee Chair (supported by the section 151 officer) to discuss the breach;
  - 3.1.2 Ask the Committee Chair to explain the actions taken and provide evidence of the legitimacy of the actions taken;

- 3.1.3 Consider the matter on the facts available and evidence provided by the Committee Chair and shall;
  - 3.1.3.1 Refer it back to the Committee to consider afresh and correct any areas of concern/or breaches of duty; or
  - 3.1.3.2 Determine that no breach of duty has taken place.
- 3.2 If under clause 3.1 above it is decided that a breach has occurred, the Pension Board shall (as required by the Code of Practice and the Pensions Act 2004);
  - 3.2.1 report the breach to the Scheme manager and take prompt and effective action to investigate and correct the breach and its causes and, where appropriate, notify any affected members; or
  - 3.2.2 where prompt and effective action to remedy the breach has not been taken and/or where scheme members have not been informed when they should have been, report the breach as a breach of material significance to the Pensions Regulator.
- 3.3 As per Regulation 106 (7) and subject to the terms in this Constitution, the Pension Board shall have the power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.

#### **4. Scheme Manager Consents**

- 4.1 The Pension Board shall not:
  - 4.1.1 replace the Scheme Manager or make decisions which are the responsibility of the Scheme Manager;
  - 4.1.2 amend the statements, strategies and reports prepared in compliance with sections 57 to 61 of the LGPS Regulations 2013;
  - 4.1.3 consider or become involved in any internal dispute resolution appeals or the process itself;
  - 4.1.4 enter into contracts on behalf of the Administering Authority;
  - 4.1.5 dismiss any members of the Pension Committee or Pensions Panel;
  - 4.1.6 use the Pension Board to act on behalf of a particular constituency or Pension Fund member in general or in relation to a specific complaint at any time;
  - 4.1.7 compromise the Pension Committee's ability to comply with its fiduciary duty to the Pension Fund and its members and employers.
- 4.2 The Pension Board must seek written consent from the Scheme Manager before it:
  - 4.2.1 instructs the Pension Fund actuary to provide a report of any kind;
  - 4.2.2 request any external advisor to attend a meeting of the Pension Board which shall require remuneration of any level;
  - 4.2.3 incurs a cost to the Pension Fund;
  - 4.2.4 can amend this Constitution.
- 4.3 All members of the Pension Board shall be entitled to attend Pension Committee and Pensions Panel meetings including during any item covered by exempt/confidential information procedures under the Local Government Act 1972 (as amended) or represent data covered by the Data Protection Act 1998.

- 4.4 All members of the Pension Board shall be given access to all Pension Committee and Pensions Panel papers including any items covered by exempt/confidential information procedures under the Local Government Act 1972 (as amended) or represent data covered by the Data Protection Act 1998.
- 4.5 Insofar as it relates to the role of the Pension Board, it may also:
  - 4.5.1 request and receive information and reports from the Pensions Committee, Pensions Panel or any other body or officer responsible for the management of the Fund,
  - 4.5.2 examine decisions made or actions taken by the Pensions Committee, Pensions Panel or any other body or officer responsible for the management of the Fund.
- 4.6 Any further requests for information and advice are subject to the approval of the Scheme Manager, who will be required to consider positively all reasonable requests in relation to the role of the Pension Board whilst being mindful of value for money.

## 5. Membership

- 5.1 During the existence of the Pension Board, the membership shall contain a maximum of four members, which shall consist of:
  - 5.1.1 Two Employer Representatives;
  - 5.1.2 Two Scheme Member Representatives.
- 5.2 Scheme Member Representatives and Employer Representatives shall be appointed in equal number at all times.
- 5.3 Members of the Pension Board shall be appointed via the appointment process set out in [Appendix 2](#).
- 5.4 Upon receipt of written approval from the Scheme Manager, the Pension Board may appoint a non-voting independent advisor to the Pension Board.

### ***Employer Representatives***

- 5.5 The two Employer Representatives can consist of elected local authority councillors or officers of a Scheme Employer, who are active members of the Pension Fund.
- 5.6 The specific conditions for Employer Representatives are;
  - 5.6.1 They cannot be a member of the Pension Board if they are responsible for the discharge of any function of the Administering Authority under the LGPS Regulations 2013;
  - 5.6.2 They can be a senior officer of a Scheme Employer;
  - 5.6.3 They must have capacity to represent employers in addition to holding the required level of knowledge and skill as set out in this Constitution;
  - 5.6.4 They must not have a Conflict of Interest;
  - 5.6.5 They must adhere to all relevant policies and codes of conduct of the Scheme Manager in addition to this Constitution at all times during their tenure;
  - 5.6.6 They cannot also be a member of the Pension Committee, or Pensions Panel in a non-voting capacity;

5.6.7 They cannot be an elected member of the Administering Authority.

### ***Scheme Member Representatives***

5.7 The Scheme Member Representatives can consist of Trade Union representatives, active, deferred or pensioner members of the Pension Fund

5.8 The conditions for Scheme Member Representatives are:

5.8.1 They must have capacity to represent members in addition to holding the required level of knowledge and skill as set out in this Constitution;

5.8.2 They must not have a Conflict of Interest;

5.8.3 They must adhere to all relevant policies and codes of conduct of the Scheme Manager in addition to this Constitution at all times during their tenure;

5.8.4 They cannot also be a member of the Pension Committee, or Pensions Panel in a non-voting capacity.

5.8.5 They cannot be a member of the Pension Board if they are responsible for the discharge of any function of the Administering Authority under the LGPS Regulations 2013.

### ***Chair and Vice Chair***

5.9 The Chair and Vice Chair of the Pension Board shall be appointed by majority vote of the Pension Board members in a general meeting.

### ***Role of the Chair***

5.10 It will be the role of the Chair to;

5.10.1 ensure the rules of this Constitution are followed at all times

5.10.2 ensure that all members of the Pension Board show due respect for process, that all views are fully heard and considered and to determine when consensus has been met;

5.10.3 ensure that only decisions within the powers of the Pension Board are made;

5.10.4 instruct the Pension Board members to consider relevant matters only and to disregard irrelevant matters.

5.11 The decision of the Chair on all points of procedure and order and the Chair's interpretation of any terms of this Constitution shall be final.

5.12 The Chair and Vice Chair shall be appointed for a term to be agreed by the Pension Board members and the appointed person will be entitled to seek reappointment for no more than one further term which is equal to the duration of their first term.

5.13 The Chair or Vice Chair can be removed from office for any reason, by the Scheme Manager, with or without notice.

5.14 In the event that the Chair cannot attend a Pension Board meeting due to illness or emergency, the Vice Chair will carry out the role of Chair for that particular meeting.



### ***Term and Attendance of Pension Board Members***

- 5.15 Pension Board members shall serve for a four year term.
- 5.16 The Scheme Manager has discretion to extend any member's term of office for up to 12 months in order to ensure continuity of experience and knowledge of Pension Board members.
- 5.17 Each Pension Board member shall endeavour to attend all Pension Board meetings during their term.
- 5.18 No Pension Board member may send a substitute to a Pension Board meeting.

### ***Subcommittees***

- 5.19 The Pension Board may create subcommittees with members of the Pension Board to complete particular and specific tasks that are required by the Pension Board from time to time.
- 5.20 Subcommittee members must have the requisite skills and knowledge to carry out and complete the task that the subcommittee was created for.
- 5.21 Such subcommittees must complete the specific task within a reasonable time period however this shall not be longer than 6 months.
- 5.22 The Chair can disband any subcommittee for any reason and with immediate effect.

## **6. Resignation and Dismissal from the Pension Board**

- 6.1 Any member may resign from the Pension Board by giving six (6) month's written notice to the Chair.
- 6.2 The Scheme Manager shall have absolute discretion to remove any member with notice or with immediate effect.
- 6.3 The termination of a member's involvement under clause 6.2, where notice is given, shall take effect one month after the decision has been made. (Except in cases where the dismissal is due to the member no longer meeting the required standard of knowledge and capacity.)
- 6.4 Termination of a Pension Board member shall not;
  - 6.4.1 where the member is an officer of a Scheme Employer, affect that employment (unless specifically stated otherwise); or
  - 6.4.2 where the member is an elected member of a Scheme Employer, affect that position as a Councillor for the relevant authority (unless specifically stated otherwise).
- 6.5 The office of a member shall be vacated if:
  - 6.5.1 he becomes prohibited by law from being a member; or
  - 6.5.2 he is appointed to a position in which he is responsible for the discharge of any function under the LGPS Regulations 2013; or
  - 6.5.3 he becomes incapable due to mental or physical incapacity or death; or
  - 6.5.4 he resigns his office by notice to the Pension Board under clause 6.1; or
  - 6.5.5 he shall for more than six consecutive months have been absent without permission of the Pension Board from meetings held during that period; or

- 6.5.6 if he ceases to be an elected Councillor for a local authority on behalf of whom he acts as a representative; or
  - 6.5.7 if he ceases to be employed by the body on behalf of whom he acts as representative;
  - 6.5.8 as a result of a complaint which is substantiated after completion of an investigation by the Scheme Manager;
  - 6.5.9 as a result a breach of, or an offence committed under the Scheme Manager's Members' code of conduct, created in accordance with chapter 7 of the Localism Act 2011 and they are removed from their position of elected member; or
  - 6.5.10 as a result of a failure to meet the requirements of clause 11.
- 6.6 For the avoidance of doubt, where a member is an employee of a Scheme Employer or trade union and they resign, or retire or are dismissed from their employment, this will result in their removal from the Pension Board.
- 6.7 For the avoidance of doubt, where a member is an elected councillor and they are not re-elected, or they retire or they are removed from their post, this will result in their removal from the Pension Board.

## **7. Quorum**

- 7.1 The Pension Board shall have a formal quorum of two, which must consist of one Scheme Member Representative and one Employer Representative.
- 7.2 A meeting that is (or becomes at any point) not quorate will cease immediately.

## **8. Conflicts of Interest**

- 8.1 Further to the Regulations, the Scheme Manager shall not appoint as a member, a person who has an existing conflict of interest.
- 8.2 For the avoidance of doubt, being a member of the LGPS is not a conflict of interest.
- 8.3 Where a member becomes conflicted during their appointment, they shall inform the Scheme Manager without delay and either;
  - 8.3.1 they will withdraw from the particular meeting; or
  - 8.3.2 the conflict will be reviewed by a select committee created just for this purpose, to determine whether the conflict requires withdrawal or resignation; or
  - 8.3.3 where the conflict is considered to be so significant, their tenure shall end with immediate effect.
- 8.4 Where a member has been removed from the Pension Board under this clause 8, they will be entitled to be reappointed once the conflict has been resolved.
- 8.5 Such reappointment shall be made by the Pension Board, only where written approval from the Scheme Manager (advised by the Monitoring Officer) has been provided.
- 8.6 Each member of the Pension Board (as well as any other attendees participating in the meeting) will be expected to declare, on appointment and at each meeting, any interests which may lead to conflicts of interest in the subject area or specific agenda of that Pension Board.

- 8.7 Each member of the Pension Board, or a person proposed to be appointed to the Board, (as well as attendees participating in the meeting) must provide the Scheme Manager with such information as he or she reasonably requires for the purposes of demonstrating that there is no conflict of interest.

## **9. Pension Board Review Process and Publicity**

- 9.1 The annual review shall be published on the Staffordshire Pension Fund Website and made available in hard copy upon request.
- 9.2 The minutes of Pension Board meetings shall be published on the Staffordshire Pension Fund Website and made available in hard copy upon request.

## **10. Advisers to the Pension Board**

- 10.1 The Pension Board may be supported in its role and responsibilities through the appointment of advisers and shall, subject to any applicable regulation and legislation in force from time to time, consult with such advisers on such terms as it shall see fit to help better perform its duties.
- 10.2 Appropriate advisers shall include but not be limited to:
- 10.2.1 The Fund's Actuary;
  - 10.2.2 The Fund's Legal Adviser;
  - 10.2.3 The Fund's Investment Adviser(s);
  - 10.2.4 The Fund Manager;
  - 10.2.5 The Fund's Strategic Investment Manager
  - 10.2.6 Other external advisers, so approved by the Scheme Manager.
- 10.3 At all times legal advice provided to the Pension Board will be considered to be legally privileged and confidential unless declared otherwise by the minutes of the meeting in which the advice was given.

## **11. Knowledge, Skills and Training**

- 11.1 A member of the Pension Board must have knowledge and understanding of and be fully familiar with:
- 11.1.1 the rules of the LGPS, and
  - 11.1.2 any document recording policy about the administration of the scheme which is for the time being adopted in relation to the scheme.
  - 11.1.3 the law relating to pensions, and
  - 11.1.4 such other matters as may be prescribed under the Pensions Act 2004, the Pensions Regulator, the Public Service Pensions Act 2013 and the Regulations.
- 11.2 The degree of knowledge and understanding required by clause 11.1 is that appropriate for the purposes of enabling the individual to properly and efficiently exercise the functions of a member of the Pension Board.
- 11.3 It is for individual Pension Board members to be satisfied that they have the appropriate degree of knowledge and understanding to enable them to properly exercise their functions as a member of the Pension Board.
- 11.4 Pension Board members are required to be able to demonstrate their knowledge and understanding and to refresh and keep their knowledge up to date.

- 11.5 Pension Board members are therefore required to maintain a written record of relevant training and development.
- 11.6 Pension Board members will undertake a personal training needs analysis and regularly review their skills, competencies and knowledge to identify gaps or weaknesses.
- 11.7 The Scheme Manager will provide or source relevant training, updates and refresher training for all Pension Board members throughout their tenure.
- 11.8 Pension Board members will comply with any Scheme Manager training policies that are in place from time to time and will attend all training provided or sourced by the Scheme Manager.
- 11.9 Training where needed, that is provided or sourced by the Scheme Manager will be charged to the Pension Fund.
- 11.10 Subject to the Regulations or any advice or requirement issued by the Pensions Regulator, the Pensions Board must agree and implement a programme of training in respect of all members of the Pension Board to ensure (without prejudice to the duties of the individual members themselves in this regard) that they are adequately trained to perform their respective duties.

#### ***Continued Professional Development Review (“CPD”)***

- 11.11 If at any time a member appears to the Pension Board or the Scheme Manager to be failing to meet the requirements of clause 11 or where a member fails to attend training arranged under clause 11 without reasonable excuse, the Chair will commence the following CPD Review process.

#### ***Understanding***

- 11.12 The Chair will meet with the member to discuss their training needs and will put them on notice to improve.
- 11.13 The member will be given, by the Chair, a set period of time within which to improve their knowledge and skills in order to remain a member of the Pension Board.
- 11.14 The Chair and the member will prepare a training plan which shall commence as soon as possible.
- 11.15 If the member fails to complete the training plan at all or within the notice period, or the Chair believes that the member still does not hold the requisite knowledge, the member will vacate his position on the Pension Board with immediate effect.

#### ***Attendance & Training***

- 11.16 Whether or not a member is believed to have requisite knowledge and skill, where he is failing to attend training and/or to comply with clause 11 generally, without reasonable excuse, the Chair will put the member on notice to improve.
- 11.17 The notice will set out the requirements which the member must comply with during the notice period.
- 11.18 If the member fails to comply with the notice at all or within time, the member will be dismissed from the Pension Board with immediate effect.
- 11.19 Where the Scheme Manager or members of the Pension Board believe a member of the Pension Board does not have or is not up to date with the required standard of knowledge, such a member will be referred for additional training which shall be provided or sourced by the Scheme Manager.
- 11.20 If a Pension Board member, after receiving support provided in clause 11 does not meet the required standard of knowledge, their tenure shall be reviewed by the Chair of the Pension Board in conjunction with the Scheme Manager.

## 12. Meetings and Frequency

- 12.1 The Chair of the Pension Board shall arrange for notice to be given to all Pension Board members for every meeting of the Pension Board in writing via email.
- 12.2 Pension Board meetings will be treated in the same way as a Committee of Staffordshire County Council and, as such, members of the public may attend.
- 12.3 The Chair shall arrange for an agenda and any papers to be circulated to all Pension Board members prior to each Pension Board meeting. The agenda and any papers for the Pension Board will be issued at least 5 working days (where practicable) in advance of the meeting except in the case of matters of urgency.
- 12.4 All agendas and papers for Pension Board meetings will be made publically available on the Staffordshire Pension Fund website unless, in the opinion of the Scheme Manager, they are covered by exempt/confidential information procedures under the Local Government Act 1972 (as amended) or represent data covered by the Data Protection Act 1998.
- 12.5 Where a Pension Board meeting includes matters considered by the Pension Committee or Pensions Panel that contain information deemed by the Scheme Manager to be covered by exempt/confidential information procedures under the Local Government Act 1972 (as amended) or represent data covered by the Data Protection Act 1998, the public will be excluded from that part of the meeting on the same grounds and the minutes will reflect this accordingly.
- 12.6 The Pension Board shall ensure that a formal record of Pension Board proceedings including a record of attendance, all actions, decisions and matters where the Board was unable to reach a decision is maintained.
- 12.7 Following the approval of the minutes by the Chair of the Pension Board, they shall be circulated to all members.
- 12.8 The number of Pension Board meetings per year shall mirror that of the Pension Committee standard meetings.
- 12.9 All meetings must be held on a day when the Pension Committee is also meeting and shall take place after the Pension Committee has met (except meetings required under clause 13.7).
- 12.10 The following will be entitled to attend Pension Board meetings in an observer capacity:
  - Members of the Pensions Committee;
  - The Director of Finance , Monitoring Officer, Head of Treasury and Pensions;
  - The Fund Manager, the Fund's Strategic Investment Manager; other officers or advisers of Staffordshire County Council or other employers involved with the management of the Pension Fund subject to approval in advance by the Chair, or on request by the Chair;
  - any other person requested to attend by the Chair;
  - any other person subject to approval in advance by the Chair.
- 12.11 Any such attendees will be permitted to speak on request to the Chair.
- 12.12 The Chair may request the Scheme Manager to provide a 'Board Secretary' to assist in the administration of the Pension Board such as minute taking and circulating agenda and reports to Pension Board members.

### **13. Decision Making & Reporting**

- 13.1 Each Scheme Member Representative and each Employer Representative of the Pension Board will have an individual voting right but it is expected that as far as possible the members will try to reach a consensus.
- 13.2 Any Independent Advisor shall have no right to vote, as per the Regulations.
- 13.3 The Chair of the Pension Board will have the final deciding vote.
- 13.4 In circumstances where the Chair's deciding vote has been exercised, the Scheme Manager shall be notified.

#### ***Reporting***

- 13.5 At all times the Pension Board will comply with reporting requirements set out in the Code of Practice.
- 13.6 In compliance with its duties under the Regulations, the Pension Board shall prepare and provide an Annual Report to the Scheme Manager which shall include (but not be limited to);
  - 13.6.1 A summary of the work of the Pension Board;
  - 13.6.2 Details of matters reported to the Pension Board and the action taken;
  - 13.6.3 A conflict of interest register and any action taken relating to conflicts which may have arisen;
  - 13.6.4 Any concerns which the Pension Board wishes to raise with the Scheme Manager;
  - 13.6.5 Training details for members of the Pension Board;
  - 13.6.6 Details of expenses and other costs incurred by the Pension Board;
  - 13.6.7 A plan of actions for current and next year.
- 13.7 If a member is aware of or is informed by any person of a concern relating to the administration or governance of the Pension Fund this shall be reported to the Chair and added to the agenda for the next meeting of the Pension Board.
- 13.8 If the concern raised under clause 13.6 is considered to be urgent, a special meeting can be convened by the Chair as long as this meeting is quorate it can make relevant decisions in relation to the concern.

### **14. Conduct**

- 14.1 The members of the Pension Board shall at all times during their tenure, adhere to relevant legislation and the Scheme Manager's Members' code of conduct, created in accordance with Chapter 7 of the Localism Act 2011, and paragraph 18 of this Constitution.

### **15. Accountability**

- 15.1 The Pension Board will be collectively and individually accountable to the Scheme Manager and the Pensions Regulator.

### **16. Expenses**

- 16.1 Members of the Pension Board and any subcommittees shall be reimbursed for reasonable subsistence and travel expenses in accordance the relevant sections

of the Scheme Manager's Members' Allowance Scheme, which relate to such claims.

- 16.2 Upon request from a Pension Board member and in exceptional circumstances, the Scheme Manager shall have the discretion to approve payment of reasonable costs incurred by a member for time spent preparing for and/or attending Pension Board meetings and/or training provided by or sourced by the Scheme Manager.
- 16.3 For the avoidance of doubt, Pension Board members shall not receive an annual allowance of any kind.

## 17. Variations

- 17.1 Any variation to this Constitution, considered necessary by the Pension Board, shall be reported to the Scheme Manager for consideration and written consent.
- 17.2 No variation made by the Pension Board will be valid without the express written consent of the Scheme Manager provided under Clause 17.1.

## 18. Confidentiality

- 18.1 Each member shall undertake that they will not at any time during their tenure, and for a period of 4 years after termination of the same, disclose to any person any Confidential Information except as permitted by clause 18.2.
- 18.2. Each member may only disclose any confidential information:
  - 18.2.1. to their employees, officers, representatives or advisers who need to know such information for the purposes of carrying out the member's obligations under this Constitution;
  - 18.2.2. each member shall procure that their employees, officers, representatives or advisers to whom they disclose the confidential information comply with this clause 18; and
  - 18.2.3. as may be required by law, a court of competent jurisdiction or any governmental or regulatory authority.
- 18.3. No member shall use any confidential information for any purpose other than to perform their obligations under this Constitution.
- 18.4. "Confidential Information" means all information (however recorded or preserved) disclosed by the Pension Board, Pension Committee, Pensions Panel, a subcommittee, a member (or where relevant) employees, officers, representatives or advisers to a member of the Pension Board in connection with the Pension Board, which is:
  - 18.4.1. covered by exempt/confidential information procedures under the Local Government Act 1972 (as amended); and/or
  - 18.4.2. data covered by the Data Protection Act 1998.
- 18.5. The provisions of this clause 18 shall not apply to any Confidential Information that:
  - 18.5.1. is or becomes generally available to the public (other than as a result of its disclosure by a member in breach of this clause);
  - 18.5.2. was available to the receiving party on a non-confidential basis before disclosure by the disclosing member;
  - 18.5.3. was, is or becomes available to the receiving party on a non-confidential basis from a person who, to the receiving party's knowledge, is not bound

by a confidentiality agreement with the disclosing member or otherwise prohibited from disclosing the information to the receiving party; or

18.5.4. the Pension Board members agree in writing is not confidential or may be disclosed; or

18.5.5. is developed by or for the receiving party independently of the information disclosed by the disclosing member.



## Appendix 1 Member Role Specification

POST NO.	POST TITLE	GRADE	DATE
	Pension Board – Scheme Member Representative/Employer Representative	n/a	2015

### ***STATEMENT OF PURPOSE***

Through your position on the Pension Board to review the decisions and actions of the Scheme Manager in relation to the governance, operation and management of the Staffordshire Pension Fund, in order to ensure compliance with all relevant legislation and any requirements of the Pension Regulator.

### ***Main Duties and Responsibilities***

As a Member you will be expected:

- To commit to undertake the role for a period of 4 years
- To attend and participate constructively in meetings of the Committee
- To undertake training and development appropriate to your role including:
  - ❖ Attendance at external training
  - ❖ Participation in a continuous assessment of knowledge and skills through an established framework
- To approach matters before the Pension Board with an open and independent mind avoiding any pre-determination or bias
- To operate within the Pension Board's Constitution and Code of Conduct

## PERSON SPECIFICATION

FACTORS	ESSENTIAL	DESIRABLE	MEASURED BY
<b>Qualification</b>			
<ul style="list-style-type: none"> <li>To be resident in Staffordshire*</li> </ul>		√	
<b>KNOWLEDGE/SKILLS, ABILITIES AND/OR EXPERIENCE</b>			
<b>Knowledge</b>			
<ul style="list-style-type: none"> <li>Knowledge / understanding of the pension industry</li> </ul>	√		I
<ul style="list-style-type: none"> <li>Experience of / interest in pensions or finance</li> </ul>		√	I
<b>Leadership</b>			
<ul style="list-style-type: none"> <li>Ability to represent the views of the LGPS members/employers to the Pension Board where relevant</li> </ul>	√		I
<b>Organisational skills</b>			
<ul style="list-style-type: none"> <li>The ability and confidence to deal with all matters before the Pension Board in an independent and even handed way free from bias and without regard for the political consequences</li> </ul>	√		I
<b>Team working and relationship building</b>			
<ul style="list-style-type: none"> <li>The ability to establish effective working relationships with other members of the Pension Board and supporting officers</li> </ul>	√		I
<b>Communications</b>			
<ul style="list-style-type: none"> <li>Excellent listening and questioning skills</li> </ul>	√		I
<ul style="list-style-type: none"> <li>Good communication skills with the confidence to speak and write effectively and clearly</li> </ul>	√		I
<ul style="list-style-type: none"> <li>Computer literate</li> </ul>	√		I
<b>Other Requirements</b>			
<ul style="list-style-type: none"> <li>A personal commitment to high standards of probity, propriety and governance</li> </ul>	√		I
<ul style="list-style-type: none"> <li>Willingness to train</li> </ul>	√		I

**A = Application**

**I = Interview**

\*except for any Independent Advisor

## **Appendix 2 Member Appointment Process**

### **1. Scheme Member and Employer Representatives**

- 1.1. The members, who will sit as Scheme Member and Employer Representatives, shall be appointed by the Scheme Manager after applications are sought publicly from employers and scheme members via advertising the positions through a number of public and employer channels.
- 1.2. The Scheme Manager shall seek nominations and consider the applications and nominations received.
- 1.3. Selection will be subject to the role specification and holding the required capacity, knowledge and skills needed to be a member in accordance with this Constitution and the Regulations (subject to any training).
- 1.4. If necessary, an appointment selection committee will be created to interview prospective candidates.
- 1.5. Successful candidates will be informed in writing and their tenure shall begin at the first meeting of the Pension Board thereafter.
- 1.6. Approval of the appointment will be made at the next available meeting of the Pensions Board.