

# **EAST SUSSEX PENSION FUND**

## **GOVERNANCE POLICY STATEMENT**

**January 2018**

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## Governance Policy Statement

### Introduction

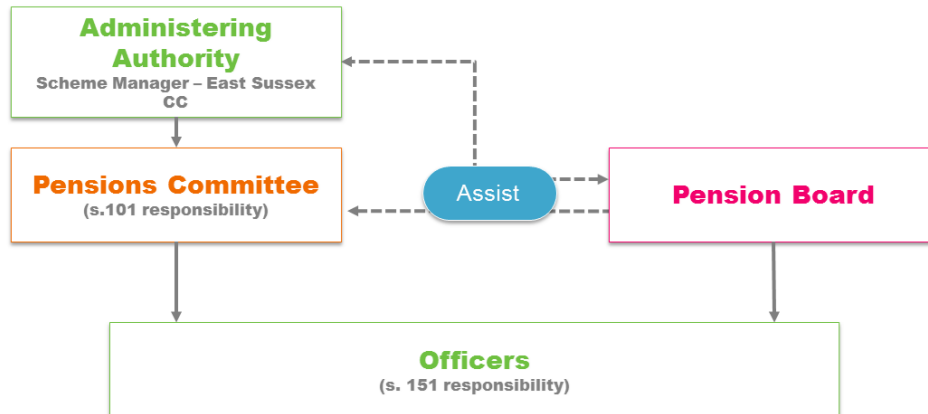
1. This is the Governance Policy Statement of the East Sussex Pension Fund, which is managed by East Sussex County Council ("The Council"), the Administering Authority (Scheme Manager) on behalf of all the relevant employer bodies in the Fund. All Local Government Pension Scheme (LGPS) Funds in England and Wales are required to publish, following such consultation as it considers appropriate, and keep under review a Governance Compliance Statement which must be revised following any material change in its delegation arrangements.
2. The Governance Compliance Statement of the East Sussex Pension Fund is comprised of the Compliance to Statutory Guidance Statement and a Governance Policy Statement. The Public Services Pensions Act 2013 (The Act) introduced a new framework for the governance and administration of public service pension schemes which is reflected in this Statement.
3. As Administering Authority, East Sussex County Council is the designated statutory body responsible for administering the East Sussex Pension Fund of behalf of the constituent Scheduled and Admitted Bodies in the relevant area. The Council may choose to delegate certain aspects of administering the Fund in accordance with the Local Government Act 1972 and its own constitution. However, even where powers are delegated the Council remains ultimately responsible for all aspects of the management of the Fund. The Local Government Pension Scheme Regulations specify that, in investing the Fund's money, regard must be given to the need for diversification and for proper advice obtained at reasonable intervals.

### Governance of East Sussex Pension Fund

4. East Sussex County Council operates a Cabinet style decision-making structure. Under the Constitution, the Pension Committee has the delegated authority to exercise the powers of the County Council in respect of the pensions of all employees of the Council (except teachers), including the approval of the pension fund admission agreements. It also has authority for the management of the pension fund. The pension fund governance focuses on:
  - The effectiveness of the Pension Fund Committee, the Local Pension Board ("Board") and officers to where delegated function has been passed, including areas such as decision making processes, knowledge and competencies.
  - The establishment of policies and their implementation.
  - Clarity of areas of responsibility between officers and Pension Fund Committee/Board members.
  - The ability of the Pension Fund Committee/Board and officers to communicate clearly and regularly with all stakeholders.
  - The ability of the Pension Fund Committee/Board and officers to ask for the appropriate information and advice and to interpret that information in their supervision and monitoring of the Scheme in all areas.
  - The management of risks and internal controls to underpin the framework.

The overall responsibility for the governance of the Local Government Pension Scheme and for the approval of this document resides with the Pension Fund Committee.

# The East Sussex Pension Fund



## Responsibilities of the Pensions Committee

The following powers have been delegated to the Pension Committee

- (i) In accordance with the Local Government Pension Scheme Regulations and associated legislation, to exercise functions and responsibilities for dealing with the Pension Fund in conjunction with other bodies who contribute to the Fund.
- (ii) To exercise the powers and duties of the County Council in respect of:
  - the pensions of all employees of the Council (except teachers), including the approval of pension fund admission agreements; and management of the investment of the pension fund, receiving advice as appropriate from the Pension Board.
- (iii) To make arrangements for the investment, administration and management of the Pension Fund.
- (iv) To arrange for the appointment of investment managers and advisors.
- (v) To agree Policy Statements as required under the Local Government Pension Scheme regulations.
- (vi) To agree the Investment Strategy having regard to the advice of the Fund's Managers and the Pension Board.
- (vii) To set the Investment Policy and review the performance of the Pension Fund's external investment managers.
- (viii) To determine the fund management arrangements and to appoint fund managers and fund advisers.

## **East Sussex Pension Fund**

(ix) To decide on the admission and cessation of bodies to the Pension Fund.

(x) To consider and agree actuarial variations.

(xi) To ensure that the Pension Fund administration is conducted in accordance with relevant legislation.

(xii) To appoint Additional Voluntary Contribution providers and to monitor their performance.

### **Membership of the Pension Committee**

5. The County Council appoints five members to the Committee in accordance with political balance provisions. All members of the Committee have voting rights.
6. In relation to Pension Matters, the Committee consider directly all issues relating to pension administration, such as changes in benefit regulation, admission agreements, the Pension Fund Investments, etc.

### **Frequency of meetings of the Pension Committee.**

7. The Pension Committee meets at least 4 times a year. The full terms of reference are publicly available as part of the County Council constitution.

### **Operational Procedures of the Pension Committee.**

8. The Pension Fund Committee receives and reviews quarterly reports from all its Investment Fund Managers and the independent Investment Adviser, Hymans Robertson. The Committee is also advised by an additional Independent Advisor. In addition, the Committee is advised by the County Council's Chief Finance Officer (in their capacity as the Council's designated Treasurer). The Committee also receives an annual report from the Fund's independent performance measurement provider which reviews the long-term performance of the Fund and of each of the Investment Fund Managers in relation to their targets. The Committee also holds a separate Annual Strategy Meeting at which it reviews the overall investment strategy of the Fund

### **Responsibilities of the East Sussex Pension Board**

9. To help to ensure that the East Sussex 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.
10. To provide assistance to East Sussex County Council as the Administering Authority and the LGPS Scheme Manager in securing compliance with:
  - LGPS Regulations and any other legislation relating to the governance and administration of the LGPS
  - requirements imposed in relation to the LGPS by the Pensions Regulator
  - the agreed investment strategy
  - any other matters as the LGPS regulations may specify
11. The role of the Board will be oversight of these matters and not decision making.

**12.** To secure effective and efficient governance and administration of the LGPS for the East Sussex Pension Fund by:

- Seeking assurance that due process is followed with regard to Pension Committee, and any identified issues raised by Board members.
- Retaining an overview of LGPS policy and strategy and performance information and the performance review timetable.
- Making representations and recommendations to the Pensions Committee as appropriate.
- Considering and responding to any government / Responsible Authority performance data request concerning the local fund.

### **Frequency of meetings of the East Sussex Pension Board.**

**13.** The Pension Board meets at least 4 times a year. The full terms of reference are publicly available as part of the County Council constitution.

### **Operational Procedures of the Pension Board.**

**14.** The Board will have access to professional advice and support provided by officers of East Sussex Pension Fund and, via them and where appropriate, advisers to the East Sussex Pension Fund.

**15.** Insofar as it relates to its role, the Pension Board may also:

- request information and reports from the Pension Committee or any other body or officer responsible for the management of the Fund
- examine decisions made or actions taken by the Pension Committee or any other body or officer responsible for the management of the Fund.
- access independent professional advice from actuaries, other independent advisers, and investment managers as required, where there are major decisions, i.e., investment strategy, triennial valuation, etc., access to professional advice regarding non major decisions will require the approval of the Pension Committee for additional resources.

### **Membership of the Pension Board**

**16.** In accordance with Regulation 107 of the LGPS Regulations 2013, a Local Pension Board must include an equal number of employer and member representatives with a minimum requirement of no less than four in total. In considering the size of the East Sussex Pension Board, the Council has taken into consideration number of factors including:

- The size of the Council's existing Pension Fund governing arrangement and decision making process.
- The number of scheme members, number and size of employers within the Fund and any collective arrangements in place for them to make decisions or provide input in relation to Fund matters;
- The direct and indirect cost of establishing and operating the Board.

**17.** Composition of the East Sussex Pension Board - The Pension Board shall consist of 7 members as follows:

- Employer representative x 3

## East Sussex Pension Fund

- Scheme member representative x 3
- Independent Chair x 1

### Responsibilities of the East Sussex CC Governance Committee

18. The following are pension related responsibilities delegated to the Governance Committee;
- To determine the selection process for appointment to the Pension Board.
  - To appoint to, and remove from, the Pension Board
  - To agree the level of remuneration for Pension Board Members.

### Consultation with Employing Authorities

19. All employing bodies are kept informed of current pension issues, such as proposed changes in the regulations and their implications, by newsletter. They are encouraged to get in touch if they have questions.
20. In addition to these electronic briefings, the East Sussex Fund holds an annual employers forum to which all admitted bodies of the Fund are invited. This annual meeting covers both actuarial and investment issues and always contains a presentation from the Fund's Actuary. The District Councils receive feedback from their representatives on the Pension Board and are also briefed on pension matters bi-monthly by the Fund's Treasurer at meetings of the East Sussex Financial Officers Association. Update briefings to these meetings are also circulated by email to all other employers in the East Sussex Pension Fund.
21. All employees receive periodic newsletter update on pension issues, especially on any changes affecting benefits. These updates are shared with all employers.
22. More detail on the approach to communication is covered in the separate Pension Fund Communication Statement.

### Contact Details

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## Delegation of Functions

The following functions are delegated by the Administering Authority:

### Scheme Administration

**Governance Principles: Effective committee delegation; appropriate accountability; rigorous supervision and monitoring**

Including, but not exclusively or limited to, record keeping, calculation of and payment of benefits, reconciliation and investment of contributions, preparation of annual accounts, and provision of membership data for actuarial valuation purposes.

The Administering Authority has responsibility for “Scheme Administrator” functions as required by HM Revenues and Customs (HMRC) under the Finance Act 2004.

**Delegated to:**

Pension Fund Committee (monitoring)

Chief Finance Officer (Pension Fund Governance and Investment implementation)

### Funding

**Governance Principles: Effective committee delegation; appropriate accountability; written plan policies**

Including, but not exclusively or limited to, setting of the appropriate funding target for the Local Government Pension Scheme. The Chief Finance Officer shall be responsible for maintaining the Funding Strategy Statement (FSS). The Pension Fund Committee shall be responsible for approving the FSS.

**Delegated to:**

Pension Fund Committee (policy approval)

Chief Finance Officer (maintaining FSS and policy implementation)

### Investment

**Governance Principles: Effective committee delegation; appropriate accountability; written plan policies**

Including, but not exclusively or limited to, setting of an appropriate investment strategy or strategies, selection of investment managers, setting of performance benchmarks and regular monitoring of performance. The Pension Fund Committee shall be responsible for maintaining the Statement of Investment Principles.

**Delegated to:**

Pension Fund Committee (strategy approval, manager selection, benchmarks, monitoring)

Chief Finance Officer (Pension Fund investment implementation)

### Communications

**Governance Principle: Effective information flow; written plan policies**

Including setting of a communication strategy, issuing of benefit statements, annual newsletters, and annual report. The Pension Fund Committee shall be responsible for maintaining the Communications Policy.

**Delegated to:**

Pension Fund Committee (policy approval)

Chief Finance Officer (Pension Fund policy implementation)

### Risk Management

**Governance Principle: Effective committee delegation; appropriate accountability; written plan policies**

Including the identification, evaluation and monitoring of risks inherent within the Local Government Pension Scheme. The Pension Fund Committee shall be responsible for approving the Risk Register. The Chief Finance Officer shall be responsible for maintaining the risk register.

**Delegated to:**

Pension Fund Committee (pension fund risk register approval)

Chief Finance Officer (maintaining the pension fund risk register)

## Terms of Reference and Decision Making

### Terms of Reference:

#### **Governance Principle: Effective board delegation; written plan policies**

The Pension Fund Committee Terms of Reference as approved by Full Council on 24 March 2015 are shown in **Appendix A** to this document.

### **Administration, Funding, Investment, Communications and Risk Management**

In line with the Council's Constitution, the Pension Fund Committee shall oversee Pension Fund administration, funding, investment, communication, risk management and the overall governance process surrounding the Fund.

### **Structure of the Pension Fund Committee and representation:**

#### **Governance Principle: Effective committee delegation**

The Pension Fund Committee shall be made up of:

5 County Councillors appointed by the Governance committee according to the political makeup of the council including the chairman. Decision making quorum of 3 members.

### **Decision Making:**

#### **Governance Principle: Effective committee delegation; rigorous supervision and monitoring**

The Pension Fund Committee shall have full decision-making powers.

Each member of the Pension Fund Committee shall have full voting rights.

## Operational Procedures

### **Frequency of Meetings:**

#### **Governance Principle: Effective board delegation; effective information flow**

The Pension Fund Committee shall meet quarterly. The Pension Fund Committee shall receive full reports upon all necessary matters as decided by the Chief Finance Officer, and any matters requested by members of the Pension Fund Board. Provision exists for the calling of special meetings if circumstances demand.

### **Competencies, Knowledge and Understanding:**

#### **Governance Principle: Effective board delegation; appropriate accountability**

Officers and Members of the Pension Fund Committee shall undertake training to ensure that they have the appropriate knowledge, understanding and competency to carry out the delegated function. It is recommended that such knowledge, understanding and competency are evaluated on an annual basis to identify any training or educational needs of the Officers and the Pension Fund Committee.

## Reporting and Monitoring:

### Governance Principle: Rigorous supervision and monitoring; effective information flow

#### i) Pension Board

The Pension Board is established by the administering authority to assist in securing compliance with the LGPS Regulations, any other legislation relating to the governance and administration of the scheme, and any requirements imposed by the Pensions Regulator.

The Pension Fund Committee shall:

- Provide the Pension Board with adequate resources to fulfil its role.
- Consider and respond to reports from the Pension Board within a reasonable period of time.

## The Pension Board

The role of the Pension Board, as defined by Regulation 106 of the Local Government Pension Scheme Regulations 2013, is to assist the Administering Authority:

- to secure compliance with:
  - i) The scheme regulations;
  - ii) any other legislation relating to the governance and administration of the LGPS Scheme and any connected scheme;
  - iii) any requirements imposed by the Pensions Regulator in relation to the LGPS Scheme.
- to ensure the effective and efficient governance and administration of the LGPS Scheme.

## Terms, Structure and Operational Procedures

The Pension Board's Terms of Reference as approved by Full Council on 24 March 2015 are shown in **Appendix B** to this document.

## Review of Governance Policy Statement

Responsibility for this document resides with the Chief Finance Officer and will be reviewed by no less frequently than annually. This document will be reviewed if there are any material changes in the administering authority's governance policy or if there are any changes in relevant legislation or regulation.

### **Pension Committee terms of reference and membership**

1. In accordance with the Local Government Pension Scheme Regulations and associated legislation, to exercise functions and responsibilities for dealing with the Pension Fund in conjunction with other bodies who contribute to the Fund.
2. To exercise the powers and duties of the County Council in respect of:
  - the pensions of all employees of the Council (except teachers), including the approval of pension fund admission agreements; and
  - management of the investment of the pension fund, receiving advice as appropriate from the Pension Board.
3. To make arrangements for the investment, administration and management of the Pension Fund.
4. To arrange for the appointment of investment managers and advisors.
5. To agree Policy Statements as required under the Local Government Pension Scheme regulations.
6. To agree the Investment Strategy having regard to the advice of the Fund's Managers and the Pension Board.
7. To set the Investment Policy and review the performance of the Pension Fund's external investment managers.
8. To determine the fund management arrangements and to appoint fund managers and fund advisers.
9. To decide on the admission and cessation of bodies to the Pension Fund.
10. To consider and agree actuarial variations.
11. To ensure that the Pension Fund administration is conducted in accordance with relevant legislation.
12. To appoint Additional Voluntary Contribution providers and to monitor their performance.

#### *Membership*

Five members appointed in accordance with political balance provisions.

### Constitution and terms of reference of the East Sussex Pension Board

#### 1. Introduction

- 1.1 The Public Service Pensions Act 2013 requires the establishment of a Pension Board with the responsibility for “assisting the Scheme Manager” in securing compliance with all relevant pensions law, regulations and directions – as well as the relevant Pension Regulator’s codes of practice. This role is one of providing assurance in and governance of the scheme administration.
- 1.2 The \*scheme manager (East Sussex County Council – ESCC) will provide the necessary input into the Pension Board to support the Board to deliver on its assurance responsibilities. This may require their attendance at meetings at the request of the Board.
- 1.3 The terms of reference, membership of the Pension Board and any variations thereof are determined by the Scheme Manager, i.e. ESCC.

#### 2. Objectives of the Pension Board

- 2.1 To help to ensure that the East Sussex Pension Fund (ESPF) 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.
  - 2.2 To provide assistance to East Sussex County Council as the LGPS Scheme Manager in securing compliance with:
    - LGPS Regulations and any other legislation relating to the governance and administration of the LGPS
    - requirements imposed in relation to the LGPS by the Pensions Regulator
    - the agreed investment strategy
    - any other matters as the LGPS regulations may specify.
  - 2.3 To assist with securing effective and efficient governance and administration of the LGPS for the East Sussex Pension Fund by:
    - Seeking assurance that due process is followed with regard to Pension Committee, and any identified issues raised by Board members.
    - Retaining an overview of LGPS policy and strategy and business plan timetable.
    - Making representations and recommendations to the Pension Committee as appropriate.
    - Considering and, as required, responding to any Government / Responsible Authority performance data concerning the local fund.
  - 2.4 The role of the Board will be oversight of these matters and not decision making.
- #### 3. Management and operation of the Pension Board
- 3.1 The Pension Board shall:
    - meet at least 4 times per year
    - have the power to establish sub committees or panels as required
    - agree a programme of training and development for its members.

- provide the Scheme Manager (ESCC) 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.
- 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.
- consider any issue raised by any Board Member in connection with the Board's work.
- produce an annual report outlining the work of the Board throughout the scheme year, which will help to –
  - inform all interested parties about the work undertaken by the Panel
  - assist the panel in reviewing its effectiveness and identifying improvements in its future operations.
- help to ensure that decisions made by ESCC are fully legally compliant, including consideration of cases that have been referred to the Pension Regulator and/or the Pension Ombudsman; recommending changes to processes, training and/or guidance where necessary;
- monitor administrative processes and supporting continuous improvements;
- ensure the scheme administrator supports employers to communicate the benefits of the LGPS Pension Scheme to scheme members and potential new members.

#### **4. Membership - composition of the Pension Board**

##### **4.1 The Pension Board shall consist of:**

- a) **3 employer representatives** - employer representatives that can offer the breadth of employer representation for the ESPF. (Regulation 107 of the Pension Act permits elected members to sit on a local pension board. However, under Regulation 107(3), elected members or officers of ESCC (as the Scheme Manager), who are responsible for the discharge of any function under the Principal 2013 Regulations, may not sit on the Pension Board.)
- b) **3 scheme member representatives** - member representatives nominated to ensure a broad representation of scheme membership (active, deferred, and pensioners).
- c) **1 Independent Chair**

##### **4.2 The Pension Board shall be chaired by an Independent Chair.**

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

##### **5.1 The appointment process has been approved by the Governance committee**

##### **5.2 All appointments to the Board shall be by the Governance Committee under delegated authority from the County Council, including the Independent Chair and Vice Chair.**

#### **6. Term of office**

##### **6.1 The term of office for Board members shall be 4 years or such time as resolved by the Governance Committee. The Governance Committee may agree an extension to terms of office up to a further 2 years after which there shall be a further appointment process. Reappointment of existing members is permitted.**

- 6.2 A Board member who wishes to resign shall submit their resignation in writing to the Pension Board Chair. A suitable notice period must be given, of at least 1 month, to enable a replacement member to be found.
- 6.3 The role of the Pension Board members requires the highest standards of conduct and the Code of Conduct of the East Sussex County Council will apply to the Board's members. The County Council's Standards Committee will monitor and act in relation to the application of the Code.
- 6.4 Poor performance will result in corrective action being taken, and in exceptional circumstances the removal of the Board member, which will be in accordance with the Code of Conduct of the East Sussex County Council.

### **7. Independent Chair**

- 7.1 The Independent Chair will be the independent member appointed for a term of 4 years by Governance Committee or such time as resolved by the Governance Committee. A job description approved by the Committee will be used to identify the candidate best suited to the role.
- 7.2 It will be the role of the Chair to -
- Settle with officers the agenda for a meeting of the Board
  - Manage the meetings to ensure that the business of the meeting is completed
  - Ensure that all members of the Board show due respect for process and that all views are fully heard and considered
  - Strive as far as possible to achieve a consensus as an outcome
  - Ensure that the actions and rationale for decisions taken are clear and properly recorded.
- 7.3 Removal of the independent chair will be in accordance with the Code of Conduct of the East Sussex County Council and the County Council's Standards Committee decision.

### **8. Support arrangements**

- 8.1 ESCC will provide secretariat, administrative and professional support to the Pension Board and as such will ensure that:
- meetings are timetabled for at least four times per year
  - adequate facilities are available to hold meetings
  - an annual schedule of meetings is produced
  - suitable arrangements are in place to hold additional meetings if required papers are distributed 7 days before each meeting except in exceptional circumstances
  - minutes of each meeting are normally circulated 7 working days following each meeting.

### **9. Expert advice and information**

- 9.1 The Board will have access to professional advice and support provided by officers of East Sussex Pension Fund and, via them and where appropriate, advisers to the East Sussex Pension Fund.
- 9.2 Insofar as it relates to its role, the Pension Board may also:
- request information and reports from the Pension Committee or any other body or officer responsible for the management of the Fund

- examine decisions made or actions taken by the Pension Committee or any other body or officer responsible for the management of the Fund.
- access independent professional advice from actuaries, other independent advisers, and investment managers as required, where there are major decisions, i.e., investment strategy, triennial valuation, etc.,
- access to professional advice regarding non major decisions will require the approval of the Pension Committee for additional resources.

### **10. Knowledge and Skills**

10.1 Board members will be required to have the 'capacity' to carry out their duties and to demonstrate a high level of knowledge and of their role and understanding of:

- the scheme rules
- the schemes administration policies
- the Public Service Pensions Act (i.e. being conversant with pension matters relating to their role).

10.2 A programme of updates and training events will be organised. Board members will be encouraged to undertake a personal training needs analysis or other means of identifying any gaps in skills, competencies and knowledge relating to Pension Board matters.

### **11. Minutes**

11.1 The minutes and any consideration of the Pension Board shall be submitted to the Pension Committee.

### **12. Standards of Conduct**

12.1 The main elements of East Sussex County Council's Code of Conduct shall apply to Board members.

### **13. Access to the Public and Publication of Pension Board information**

13.1 Members of the public may attend the Board meeting and receive papers, which will be made public in accordance with the Access to Information Rules in East Sussex County Council's Constitution.

13.2 Up-to-date information will be posted on the East Sussex Pension Fund website showing:

- Names and information of the Pension Board members
- How the scheme members and employers are represented on the Pension Board
- Responsibilities of the Pension Board as a whole
- Full terms of reference and policies of the Pension Board and how it operates.

### **14. Expense reimbursement, remuneration and allowances**

14.1 All Pension Board members will be entitled to claim travel and subsistence allowances for attending meetings relating to Pension Board business (including attending training) at rates contained in the Members' Allowances Scheme in the East Sussex Council's Constitution. The Chair's remuneration will be agreed on appointment. All costs will be recharged to the Pension Fund.

### **15. Accountability**

15.1 The Pension Board collectively and members individually are accountable to the Scheme Manager (ESCC), the Pensions Regulator, and the National Scheme

Advisory Board. The National Scheme Advisory Board will advise the Responsible Authority (in the case of the LGPS the DCLG) and the Scheme Manager (in this case East Sussex County Council). The Pensions Regulator will report to the Responsible Authority (again, DCLG) but will also be a point of escalation for whistle blowing or similar issues.

- 15.2 In addition the Pension Board will continue to provide regular updates to the Pension Committee governance process. ESPF officers will be responsible for the contractual arrangements.

### **16. Decision Making Process**

- 16.1 Employer representatives and scheme member representatives have voting rights albeit the Board is expected to operate on a consensus basis.
- 16.2 In the event of an equal number of votes being cast for or against a proposal there shall be no casting vote but the proposal shall be considered to have been rejected. The scheme manager shall be alerted when a decision is reached in this manner.

### **17. Attendance and quorum**

- 17.1 Four of the voting members of the Pension Board shall represent the quorum for Board meetings to discharge business. The Chair or Vice Chair must be present for any meeting to proceed.
- 17.2 Advisors and co-opted persons do not count towards the quorum.

### **18. Conflicts of Interest**

- 18.1 The Public Service Pensions Act 2013 requires that members of the Pension Board do not have conflicts of interests. As such all members of the Pension Board will be required to declare any interests and any potential conflicts of interest in line with legal requirements in the Public Service Pensions Act 2013 and the Pension Regulator's code. These declarations are required as part of the appointment process, as well as at regular intervals throughout a member's tenure.