

**Table 5**

**Other Committees and Panels appointed to undertake functions which are not the responsibility of the Cabinet, or to assist the Cabinet by advising it on issues for which it is responsible, or established in accordance with legislative requirements.**

1. Governance Committee
2. County Joint Consultative Committee
3. Joint Advisory Committee (Schools)
4. County Consultative Committee (Governors)
5. Standing Advisory Council for Religious Education
6. East Sussex Schools Forum
7. Pension Committee
8. Pension Board
9. Corporate Parenting Panel
10. Adoption Panel
11. Fostering Panel
12. Recruitment Panels (Chief Executive, Directors and Deputies)
13. Health and Wellbeing Board
14. Audit Committee
15. Joint Waste and Recycling Committee
16. ACCESS Joint Committee
17. Channel Panels

[For Joint Committees and Boards with other authorities see Article 11 of the Constitution.]

**1. Governance Committee**

*Terms of Reference*

1. To make recommendations to the Council on the allocation to political groups of places on those committees, sub-committees, panels and other bodies to which the political balance provisions of the Local Government and Housing Act 1989 apply;
2. To make recommendations to the County Council on the members to be appointed to:
  - (a) the Regulatory Committee;
  - (b) the Planning Committee;
  - (c) the Scrutiny Committees;
  - (d) the Governance Committee;
  - (e) the Pension Committee;
  - (f) the Standards Committee;
  - (g) outside bodies to which the political balance provisions of the Local Government and Housing Act 1989 apply;
  - (h) the Audit Committee.
3. To appoint:
  - (a) co-opted members to serve on Committees;
  - (b) members and/or officers to other outside bodies/nominate members and/or officers for consideration for appointment.
4. To advise the County Council on the scheme of allowances to members and any amendments thereto.
5. To make appointments to the Independent Remuneration Panel.
6. To advise the County Council on its Standing Orders and Financial Regulations.
7. To consider and advise the Council on remaining constitutional matters, including the membership of committees and proposed changes in their terms of reference and possible changes to the Constitution.

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8. To keep under review the County Council's corporate governance arrangements and compliance with them and to make changes to the County Council's Policy Statement and Operational Framework.
9. To agree the delegation of the Council's non-executive functions and powers to officers, other local authorities and public bodies so far as the law allows.
10. To enter into arrangements to receive, on behalf of the County Council, the delegation of a function from another local authority or public body.
11. To approve the Council's Annual Governance Statement and the Statement of Accounts, having considered whether appropriate accounting policies have been followed and any issues raised by the external auditor from the audit of accounts.
12. To determine services to be provided for members of the Council.
13. To approve the County Council's corporate personnel and employment policies.
14. To approve pay decisions in relation to Chief Officers, Deputy Chief Officers and Assistant Directors.
15. To approve remuneration packages of £100,000 or more, provided the existing grade bands and terms and conditions are applied, any proposed exceptions are applied and that proposed exceptions are reported to the County Council.
16. Within these policies, to exercise the powers and duties of the Council in relation to the terms and conditions of employment of staff, personnel policy and practice, including the promotion of arrangements for the proper training and development of employees and ensuring that good recruitment and retention practices are adopted.
17. To ensure the introduction of appropriate arrangements for the promotion of effective communication and joint consultation between the Council and its employees.
18. To exercise the powers and duties of the County Council in respect of County Council elections and electoral matters.
19. To consider reports from the Local Government and Social Care Ombudsman where there has been a finding of maladministration against the County Council.

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20. To exercise the powers and duties of the County Council in respect of the making of payments or the provision of other benefits in cases of maladministration.
21. To determine the selection process for appointment to the Pension Board.
22. To appoint to, and remove from, the Pension Board.
23. To agree the level of remuneration for Pension Board Members.
24. To agree reasons for councillor non-attendance at meetings and grant dispensations from the requirement for councillors to attend at meetings of the Council to allow them to remain qualified until such time as they are able to attend a meeting of the Council.

### *Membership*

Six members appointed in accordance with political balance provisions.

**2. County Joint Consultative Committee**

*Terms of Reference*

- (i) To provide machinery for regular collective consultation and negotiation on industrial relations matters and for consultation on health, safety and welfare matters between the County Council and its employees, always provided that no issues specific to any one department or questions relating to individuals on such issues as discipline and efficiency etc. shall be within the jurisdiction of the Joint Committee.
- (ii) To consider any relevant matter referred to it by the County Council, or by either Side of the Joint Committee.
- (iii) To make recommendations to the Cabinet on matters referred to in paragraphs (i) and (ii) above.

*Membership*

Five members (to be appointed in accordance with political balance) and eight employee representatives (six to be appointed by the East Sussex Branch of UNISON, one by the Transport and General Workers Union and one by the General Municipal and Boilermakers Union).

**3. Joint Advisory Committee (Schools)**

*Terms of Reference*

To act as a channel of communication between members and teaching and support staff and to enable them to become better informed on matters affecting the Education Service.

*Membership*

Five members and representatives of the teaching and support staff.

**4. County Consultative Committee (Governors)**

*Terms of Reference*

To act as a channel of communication between members and governors and to help them to be better informed on issues affecting the Education Service.

*Membership*

Five members and representatives of governors.

**5. Standing Advisory Council for Religious Education**

*Terms of Reference*

To advise on collective worship and on the provision of religious education in schools in accordance with the syllabus.

*Membership*

Five members and other representatives in accordance with the statutory requirements.

**6. East Sussex Schools Forum**

*Terms of Reference*

To advise the local authority on matters relating to the schools budget and on changes to the funding formula for schools.

The Forum may also be used as a mechanism for consultation between the local authority and partners with the Education Service on wider issues relating to education funding.

*Membership*

Maintained School Members

Nine headteachers (five primary, two secondary, one special, one pupil referral unit)

Four governors (three primary, one secondary)

Academies

Eight members (three primary, four secondary, one special)

Non School Members (one each)

Early Years Development and Childcare Partnership

Professional Associations

Diocese of Chichester

Diocese of Arundel and Brighton

16 – 19 representative

Observer status

Lead Cabinet Member for Education and Inclusion, Special Educational Needs and Disability

Director of Children's Services

Education and Skills Funding Agency Representative

## **7. Pension Committee**

### *Terms of Reference*

The Pension Committee will exercise on behalf of East Sussex County Council all of the powers and duties in relation to its functions as the Scheme Manager and Administering Authority for the East Sussex Pension Fund except where they have been specifically delegated to another Committee. The Pension Committee will exercise its functions in accordance with the fiduciary duties of the Council as the administering authority of the East Sussex Pension Fund.

The Pension Committee will have the following specific roles and functions, taking account of advice from officers and the Fund's professional advisers:

- (i) Ensuring the Fund is administered, managed and pension payments are made in compliance with the regulations and having regard to statutory guidance that govern the operation of the Local Government Pension Scheme from time to time, and other legislation.
- (ii) Determining the Fund's aims and objectives, strategies, statutory compliance statements, policies and procedures for the overall management of the Fund, including but not limited to, funding, investment, administration, communication and governance.
- (iii) Determining how the various administering authority discretions are operated for the Fund.
- (iv) Monitoring the implementation of all Fund policies and strategies on an ongoing basis.
- (v) In relation to the LGPS ACCESS Pension Fund Pool:
  - a) considering pooling matters including recommendations made by the ACCESS Joint Committee;
  - b) determining the transition of the assets held by East Sussex Pension Fund in relation to the Pool and the funds or sub-funds operated by the Operator;
  - c) recommending to the Governance Committee a member of the East Sussex County Council Pension Committee to sit on the ACCESS Joint Committee, as and when required, having regard to the advice of the Head of Pensions;
  - d) appointing an East Sussex County Council officer to working groups such as the Officer Working Group as and when required;

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- e) advising the representative on the ACCESS Joint Committee and Officer Working Group on such matters as may be required;
  - f) monitoring the performance of the LGPS ACCESS Pool and its Operator and recommending actions to the ACCESS Joint Committee, Officer Working Group or ACCESS Support Unit, as appropriate;
  - g) receiving and considering reports from the LGPS ACCESS Joint Committee, Officer Working Group and the Operator;
  - h) undertaking any other decisions or matters relating to the operation or management of the LGPS ACCESS Pool as may be required, including but not limited to, appointment, termination or replacement of the Operator and approval of the strategic business plan.
- (vi) Making arrangements for actuarial valuations, ongoing monitoring of liabilities and undertaking any asset / liability and other relevant studies.
  - (vii) Making decisions relating to employers joining and leaving the Fund. This includes approving which employers are entitled to join the Fund, and any requirements relating to their entry, ongoing monitoring and the basis for leaving the Fund.
  - (viii) Agreeing the policy for exit credits and terms on which employers may leave the Fund. Approving decisions on cessations, post cessation arrangements, guarantees and bonds.
  - (ix) Agreeing the terms and payment of bulk transfers into and out of the Fund.
  - (x) Ensuring robust risk management arrangements are in place, considering and making recommendations in relation to the internal audit strategy and internal audit report pertaining to the management of the fund and reviewing its findings.
  - (xi) Agreeing the Fund's annual business plan and annual and medium-term budgets, and monitoring progress against them.



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- (xii) Selection, appointment and dismissal of the Fund's advisers and suppliers, including actuary, benefit consultants, investment consultants, global custodian, fund managers, lawyers, pension fund administrator, Additional Voluntary Contribution providers and independent professional advisors. This includes determining the services to be provided and monitoring those services, including where this relates to shared services arrangements.
- (xiii) Agreeing the Fund's 'Knowledge and Skills Policy' and monitoring compliance with the policy.
- (xiv) Agreeing the Administering Authority responses to consultations on LGPS matters and other matters where they may impact on the Fund or its stakeholders.
- (xv) Considering views expressed by employing organisations and staff representatives in relation to the operation of the East Sussex Pension Fund.
- (xvi) Considering the Fund's financial statements and approving an Annual Report on the activities of the Fund in line with legislation and guidance.
- (xvii) Considering the 'Breaches Register' at every quarterly Pension Fund meeting and reviewing recommendations from the Pension Board.

### Notes:

1. No matters relating to East Sussex County Council's responsibilities as an employer participating within the East Sussex Pension Fund are delegated to the Pension Committee.
2. As a Non-Executive Committee, no matters relating to the Pension Fund's non-executive responsibilities as Scheme Manager are delegated to an Executive of East Sussex County Council.
3. The Committee's primary contacts will be the Head of Pensions, Chief Finance Officer and its retained advisors.

### **Training**

The East Sussex Pension Fund has a dedicated 'Knowledge and Skills Policy' which applies to all members of the Committee and which includes the expectation to attend regular training sessions in order they may maintain an appropriate level of knowledge and skills to perform their role effectively.

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### *Membership*

(i) The East Sussex Pension Committee will be composed of five members of East Sussex County Council, determined by the Council at the Council's Annual Meeting. (N.B. When making nominations Members should have regard to the need to ensure a balance of experience and continuity).

(ii) Named substitutes are permitted for East Sussex County Council members.

## 8. Pension Board

### ***Introduction***

(i) The Pension Board is established by East Sussex County Council (ESCC) under the powers of Section 5 of the Public Services Pensions Act 2013 and regulation 106 of the Local Government Pension Scheme (LGPS) Regulations 2013 ("the LGPS regulations" which includes such regulations as govern the Local Government Pension Scheme from time to time). ESCC is the scheme manager (and administering authority) to the East Sussex Pension Fund (ESPF).

(ii) The East Sussex Pension Fund Board was appointed by East Sussex County Council (the Scheme Manager and Administering Authority to East Sussex Pension Fund) as its Local Pensions Board in accordance with section 5 of the Public Service Pensions Act 2013 and Part 3 of the Local Government Pension Scheme Regulations 2013. As such, Parts 4 Rules of Procedure (Council's procedural Standing Orders) sub-parts 1, 2, 3, 4, 5 and 6 of the Constitution of East Sussex County Council do not apply to this Pension Fund Board unless expressly referred to within and permitted by these Terms of Reference and Rules of Procedure.

The Board will exercise all its powers and duties in accordance with legislation and these Terms of Reference and Rules of Procedure. The Board shall have the power to do anything which is considered to facilitate, or is conducive or incidental to, the discharge of its functions.

### ***Powers of the Pension Board***

(iii) The Pension Board will exercise all its powers and duties in accordance with the law and this Terms of Reference.

(iv) ESCC considers this to mean that the Pension Board is providing oversight of these matters and, accordingly, the Pension Board is not a decision-making body in relation to the management of the Fund but instead can make recommendations to assist in such management. The Fund's management powers and responsibilities which have been, and may be, delegated by ESCC to committees, sub-committees and officers of ESCC, remain solely the powers and responsibilities of those committees, sub-committees and officers including but not limited to the setting and delivery of the Fund's strategies, the allocation of the Fund's assets and the appointment of contractors, advisors and fund managers. The Pension Board operates independently of the ESPF Pension Committee.

(v) The Pension Board will ensure that in performing their role it:

- is done effectively and efficiently and
- complies with relevant legislation and
- is done by having due regard and in the spirit of The Pensions Regulator's Code of Practice and any other relevant statutory or non-statutory guidance.

### ***Objectives and role of the Pension Board***

(vi) The role of the Pension Board is defined by the LGPS Regulations as being to assist the Scheme Manager (ESCC as Administering Authority) to:

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- secure compliance with the LGPS Regulations and any other legislation relating to the governance and administration of the LGPS and requirements imposed in relation to the LGPS by the Pensions Regulator
  - ensure the effective and efficient governance and administration of the LGPS. This should be interpreted as covering all aspects of governance and administration of the LGPS including funding and investments.
- (vii) In doing this the Pension Board:
- shall assist the Scheme Manager with such matters as the LGPS Regulations and guidance may specify
  - shall seek assurance that due process is followed with regard to the Pension Committee and may review any decisions made by or on behalf of the Scheme Manager or action taken by the Scheme Manager
  - shall seek assurance that any identified issues raised by Pension Board members are considered.
  - shall comment on and assist in identifying and managing breaches of the law in relation to ESPF matters.
  - shall make representations and recommendations to the Pension Committee as appropriate and shall consider and, as required, respond to any Government / Responsible Authority or Scheme Advisory Board requests for information or data concerning the Fund.
  - may also undertake other tasks, including (but not limited to):
    - assisting the Pension Committee by reviewing aspects of the performance of the ESPF – for example by reviewing the risk management arrangements within ESPF (although the Pension Committee will remain accountable for risk management);
    - reviewing administration standards or performance or review efficacy of ESPF member and employer communications;
    - reviewing published policies to ensure they remain fit for purpose and are complete;
    - reviewing ESPF annual reports;
    - being part of any consultation process with the purpose of adding value to that process based on, for example, their representation of employers and ESPF members;
    - discussing strategic matters such as communications where requested by the Pension Committee.
  - will produce an annual report which is shared with the Scheme Manager. It will outline the work of the Pension Board throughout the scheme year, which will help to –
    - inform all interested parties about the work undertaken by the Pension Board
    - assist the Pension Board in reviewing its effectiveness and identifying improvements in its future operations.

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- shall carry out an annual self-assessment of the effectiveness of the Pension Board, and produce a report on this which will be shared with the Pension Committee.
- must provide a record of each meeting to the following Pension Committee meeting and may make reports and recommendations to the Pension Committee insofar as they relate to the role of the Pension Board
- shall assist in considering whether the East Sussex Pension Fund is being managed in accordance with the LGPS and other relevant legislation, 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.
- shall monitor administrative processes and support continuous improvements.
- will ensure the scheme administrator supports employers to communicate the benefits of the LGPS to scheme members and potential new members.

### ***Membership***

(viii) The Pension Board shall consist of:

- a) 3 employer representatives - employer representatives that can offer the breadth of employer representation for the ESPF.
- b) 3 scheme member representatives – member representatives nominated to ensure a broad representation of scheme membership (active, deferred, and pensioners) to include:
  - a. two will be nominated by the trade unions, and
  - b. the rest will be drawn from the total ESPF active, deferred and pensioner membership.
- c) 1 Independent Chair.

(ix) The Pension Board shall be chaired by an Independent Chair.

(x) Substitutes for Board members are not permitted.

(xi) The Quorum of the Board will be 3 Members, excluding the Independent Chair. To be quorate the meeting must include at least one employer representative and one scheme member representative.

(xii) The Board has the power to set up working groups

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

(xiii) The appointment process has been approved by the Governance Committee

(xiv) All appointments to the Pension Board shall be by the Governance Committee under delegated authority from the County Council, including the Independent Chair. The Vice Chair will alternate between scheme member representatives and employer representatives at each meeting. The Vice Chairs will be nominated from the existing Board members whenever one of the existing Vice Chairs is replaced.

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(xv) Appointments to the Pension Board shall be managed, wherever possible, so that appointment and termination dates are staggered such that there remains continuity for one meeting to the next.

### ***Term of office***

(xvi) Employer representative appointments will expire after a 4 year period from their date of appointment by the Governance Committee or such time as resolved by the Governance Committee. The Governance Committee may agree an extension to this period by up to a further 2 years after which there shall be a further appointment process. Reappointment of existing members is permitted. Appointment will automatically cease if the individual is no longer in the employment of that employer, no longer holds office in relation to that employer or is no longer an elected member of that employer, as appropriate.

(xvii) Scheme member representative appointments will expire after a 4-year period from their date of appointment by the Governance Committee 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. Appointment will automatically cease if the individual is no longer a trade union representative or representative of ESPF members (in accordance with the criteria set by the Governance Committee).

(xviii) The Independent Chair appointment will expire after a period of 4 years from their date of appointment by the Governance Committee. The Governance Committee may agree an extension to terms of office by up to a further 2 years after which there shall be a further appointment process. Reappointment of the Independent Chair is permitted.

(xix) Term dates may not be exact due to the period of the appointment process. The term of office may therefore be extended for this purpose or other exceptional circumstances by up to three months with the agreement of the Governance Committee.

(xx) A Pension Board member who wishes to resign shall submit their resignation in writing to the Independent Chair. A suitable notice period must be given, of at least 1 month, to enable a replacement member to be found.

(xxi) The role of the Pension Board members requires the highest standards of conduct and the ESCC Code of Conduct for Members will apply to the Pension Board's members. ESCC Standards Committee will monitor and act in relation to the application of the Code.

(xxii) Poor performance will result in corrective action being taken, and in exceptional circumstances the removal of the Pension Board member by the Governance Committee.

(xxiii) Removal of the Independent Chair will be by the Governance Committee.

### ***Chairing***

(xxiv) It will be the role of the Chair to -

- Settle with officers the agenda for a meeting of the Pension Board
- Manage the meetings to ensure that the business of the meeting is completed

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- Ensure that all members of the Pension 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
- Uphold and promote the purpose of the Pension Board, and to ensure that meetings are properly conducted and professional advice is followed
- To use their expertise and experience and liaise with the Head of Pensions to arrange such advice as required subject to agreement by the Head of Pensions on such conditions as that officer determines
- Sign the minutes of each Pension Board meeting following approval by the Board
  
- Prepare with the Head of Pensions an appropriate budget for the Pension Board's consideration before being formally considered by the Scheme Manager along with the ESPF Annual Budget
- Liaise with officers and advisors on the requirements of the Pension Board, including advanced notice for Scheme Manager officers to attend and arranging dates and times of Board meetings
- Provide guidance on all points of procedure and order at meetings having regard to advice from officers
- Other tasks which may be deemed appropriate by the Scheme Manager for the Independent Chair of the Pension Board
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- Liaise with the Chair of the Pension Committee as deemed appropriate
- Other tasks that may be requested by the Board, within the remit of these Terms of Reference and subject to agreement with the Head of Pensions
- Annually review and report on the activities of the Pension Board.
- Commission a triennial review of LGPS & public pension fund non-statutory best practice guidance (referencing the SAB & other relevant bodies deemed relevant by the Board) which then brings recommendations to the Committee (when appropriate) for amendments to the operation of the Fund.

### ***Support arrangements and administration***

(xxv) ESCC officers will provide governance, administrative and professional support to the Pension Board, and ESCC Member Services will provide secretariat 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 5 clear working days before each meeting except in exceptional circumstances

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- draft minutes of each meeting are normally circulated 7 working days following each meeting including all actions, decisions and matters where the Pension Board was unable to reach a decision will be recorded.
- Final reports, minutes and agendas relating to the Pension Committee are shared appropriately with the Board.

(xxvi) The records of the meetings may, at the discretion of the Board, be edited to exclude items on the grounds that they would either involve the likely disclosure of exempt information as specified in Part 1 of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A (2) of that Act.

(xxvii) The minutes and any consideration of the Pension Board shall be submitted to the Pension Committee.

(xxviii) The Pension Board must comply with the General Data Protection Regulation and the Scheme Manager's data protection policy. It must also adhere to the Scheme Manager's requirements, controls and policies for Freedom of Information Act compliance.

### ***Expert advice and access to information, including the Pension Committee***

(xxix) The Pension Board will have access to professional advice and support provided by officers of ESCC and, via them and where appropriate, advisers to the ESPF. In addition, Pension Board members will receive the final reports, minutes and agendas relating to the Pension Committee, save where the Committee expressly decides otherwise such as where an item is exempt, although this is anticipated to be in exceptional cases.

(xxx) 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 matters being considered, 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
- attend all or any part of a Pensions Committee meeting unless they are asked to leave by the Committee or as a result of a conflict of interest.

(xxxii) ESCC officers will provide such information as is requested that is available without incurring unreasonable work or costs.

### ***Knowledge and Skills***

(xxxiii) Pension 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 (i.e. regulations)
- the schemes administration policies



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- the Public Service Pensions Act (i.e. being conversant with pension matters relating to their role) and the law relating to pensions.
- (xxxiii) A programme of updates and training events will be organised by ESPF officers.
- (xxxiv) 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.
- (xxxv) In line with this requirement, Pension Board members are required to be able to demonstrate their knowledge and understanding and to refresh and keep their knowledge up to date. Pension Board members are therefore required to
- participate in training events (a written record of relevant training and development will be maintained)
  - undertake a personal training needs analysis or other means of identifying any gaps in skills, competencies and knowledge relating to Pension Board matters.
  - comply with the Fund's Knowledge and Skills Policy insofar as it relates to Pension Board members.

### ***Standards and Conflicts of Interest***

(xxxvi) A conflict of interest is defined in the Public Service Pensions Act 2013 as:

“in relation to a person, means a financial or other interest which is likely to prejudice the person’s 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).”

(xxxvii) 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.

(xxxviii) The Pension Board shall adopt a policy for identifying and managing potential conflicts of interest.

(xxxix) Members of the Pension Board must provide, as and when requested by the Scheme Manager, such information as the Scheme Manager requires to identify all potential conflicts of interest and ensure that any member of the Pension Board or person to be appointed to the Pension Board does not have a conflict of interest at appointment or whilst a member of the Pension Board.

(xl) Part 5(1) of ESCC Code of Conduct shall apply in relation to the standards of conduct of Pension Board members, insofar as they can be reasonably considered to apply to the role of members of the Board, including the non-disclosure of confidential information.

(xli) Members of the Pension Board must adhere to the requirements of the ESPF Procedure for Monitoring and Reporting Breaches of the Law and should be mindful of the individual legal requirements in Section 70 of the

Pensions Act 2004 relation to reporting breaches of the law in relation to ESPF matters.

***Access to the Public and Publication of Pension Board information***

(xlii) Members of the public may attend the Pension Board meeting and receive papers, which will be made public in accordance with the Access to Information Rules in ESCC's Constitution.

(xliii) In accordance with the Public Service Pensions Act 2013, ESCC is required to publish information about the Pension Board and up-to-date information will be posted on the ESPF website showing:

- Names of and information regarding 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.

(xliv) In accordance with good practice, ESPF may publish other information relating to the Pension Board as considered appropriate from time to time and which may include:

- the agendas and meeting records
- training and attendance logs
- an annual report on the work of the Pension Board.

(xlv) All or some of this information may be published using the following means or other means as considered appropriate from time to time:

- on the ESPF website – <https://www.eastsussex.gov.uk/yourcouncil/pensions/members/>
  - on the ESCC website – <http://www.eastsussex.gov.uk>,
  - within the ESPF Annual Report and Accounts,
  - within the ESPF's Governance Policy and Compliance Statement.

(xlvi) Information may be excluded on the grounds that it would either involve the likely disclosure of exempt information as specified in Part 1 of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act.

***Expense reimbursement, remuneration and allowances***

(xlvii) 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 ESCC's Constitution. In addition, scheme member representatives may be paid an allowance equivalent to the co-optees' allowance in the ESCC Scheme of Members' Allowances in relation to time spent at meetings and training events relating to their role as a ESPF Pension Board member, unless they are attending they are attending during their normal working day without a reduction in pay or leave (in which case no allowance will be paid for that time).

(xlviii) The Independent Chair's remuneration will be approved by the Governance Committee following consultation with the Chair of the Pension Committee.

(ii) All costs will be recharged to the Fund.

***Accountability***

(i) The Pension Board collectively and members individually are accountable to the Scheme Manager (ESCC), the Pensions Regulator, and the Local Government Pension Scheme Advisory Board. The Local Government Pension Scheme Advisory Board will advise the Responsible Authority (in the case of the LGPS the MHCLG) and the Scheme Manager. The Pensions Regulator will also be a point of escalation for whistle blowing or similar issues.

***Decision Making Process***

(ii) Employer representatives and scheme member representatives have voting rights, albeit the Pension Board is expected to operate on a consensus basis. The Independent Chair does not have voting rights.

(iii) 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.

***Reporting and escalation***

(iii) The Pension Board must provide minutes of each meeting to the following Pension Committee meetings and may make reports and recommendations to the Pension Committee insofar as they relate to the role of the Pension Board. Any such reports or recommendations must be provided in advance of the next Pension Committee meeting to the S151 Officer.

(iv) An annual report of the Pension Board must be provided to the S151 Officer and the Pension Committee and be published in the Fund's Annual Report and Accounts.

(iv) Where the Pension Board considers that a matter brought to the attention of the Pension Committee has not been acted upon or resolved to their satisfaction, the Pension Board will provide a report to the Monitoring Officer.

(vi) The Breaches Register will be presented at each meeting and considered by the Pension Board who may make recommendations to the Pension Committee.

***Review, Interpretation and Publication of Terms of Reference and Rules of Procedure***

(vii) These Terms of Reference have been agreed by ESCC. The Council will monitor and evaluate the operation of the Pension Board and may review these Terms of Reference and Rules of Procedure from time to time.

(viii) These Terms of Reference are incorporated into the Council's Constitution and published on the Council's website and may be amended by the same means as permitted for the Constitution. It will also form part of the ESPF's Governance Policy and Compliance Statement which will be made available in accordance with the requirements of the LGPS Regulations.

**9. Corporate Parenting Panel**

*Terms of Reference*

1. To discharge the statutory responsibility of the County Council by receiving copies of reports of monthly visits to East Sussex children's homes by an off-line manager.
2. To receive inspection reports concerning East Sussex homes.
3. To monitor progress in meeting high standards in residential care for children in East Sussex homes.
4. To monitor and participate in programmes seeking the views of looked after children in residential and foster care.
5. To receive the views of young people leaving care.
6. To receive reports summarising complaints made by looked after children as part of the regular quarterly reporting statistics.
7. To meet annually with representatives of the East Sussex Foster Care Association and other foster parents.
8. To meet annually with representatives of the Adopted Families Group.
9. To receive reports on how the health needs of looked after children are being met and their educational achievements.
10. To provide an annual report to the Cabinet.

*Membership*

Seven members.

**10. Adoption Panel**

*Terms of Reference*

1. East Sussex County Council will fulfil the County Council's Permanence Policy through the Regional Adoption Agency (Adoption South East) Adoption Panels.
2. The aim of the Adoption South East Adoption Panels is to ensure the provision of a quality adoption for children, birth families and prospective adoptive parents.

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3. The Adoption Panels have “primary responsibility” to act in the best interest of children.
4. The Panels will be committed to anti-discriminatory practice and to ensuring that the welfare of the child is paramount.
5. The Panels will be rigorous in monitoring the quality standards, provide feedback and contribute to the development of good practice.
6. The Panels will be transparent in their decision-making processes.
7. The Panels will consider the case of every child, prospective adopter and proposed adoption placement, referred to it by the Child’s Agency and make recommendations to the Agency decision-maker as to:
  - Whether adoption is in the best interest of a child where a parent has requested that the local authority arrange adoption for their child (i.e. a relinquished child);
  - Whether a prospective applicant is suitable to adopt;
  - whether a prospective adopter would be a suitable adoptive parent for a particular child; and
  - whether a prospective permanent foster carer would be a suitable permanent carer for a particular child.
8. In addition, the Panels will also:
  - consider disruption reports following breakdown of an adoption placement;
  - review all cases of approved adopters after 2 years of approval, if they have not been matched with a child.
9. The Panels will receive medical advice on each case that is referred to it. The Panel Chairs may request legal advice as required. This will be provided by the relevant local authority for the child in relation to adoption matches. Where this relates to the approval of adopters this will be provided by the host of the partnership (East Sussex County Council).
10. Each Panel will give reasons for its recommendations.
11. **The Panels should assist the Local Authority** in drawing up the Local Authority’s Policies and Procedures.
12. The Panels will work within the Local Authority’s Equal Opportunities Policy (a copy will be available to each Panel member).

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13. The Panels should meet at sufficiently regular intervals to meet the needs of the service.
14. The functions of the Panels are required to be carried out by the members meeting as a Panel and cannot be undertaken by means of correspondence.
15. The Panels will meet together twice a year for a business meeting to discuss policy and procedural issues with the Local Authority's Head of Service for Looked After Children.

### *Membership*

One Central List servicing Adoption South East Adoption Panels in the area covered by the Regional Adoption Agency, Adoption South East

## **11. Fostering Panel**

### *Terms of Reference*

The aim of the Fostering Panel is to ensure the provision of quality fostering, supportive lodgings, remand and intensive lodgings (rails) and short break services to children and young people looked after by the Local Authority.

The role of the Panel is to make recommendations to approve, review and terminate the approval of foster carers, supportive lodgings, remand and intensive lodgings carers (rails) and short break carers in accordance with the Fostering Services (England) Regulations 2011, the Children Act 1989 and Departmental policy.

The Panel will be committed to anti-discriminatory practice and to ensuring that the welfare of the child is paramount.

The Panel will be rigorous in monitoring the quality standards, provide feedback and contribute to the development of good practice.

The Panel will be transparent in its decision-making processes.

### *Membership*

One councillor, appointed by the executive, and other members in accordance with statutory requirements.

## **12. Recruitment Panels (Chief Executive, Directors and Deputies)**

### *Terms of Reference*

To deal with appointments to the posts of Chief Executive, Directors and Deputies and any disciplinary action in relation to holders of any of those

posts, subject to the provisions of the Officer Employment Procedure Rules.

### *Membership*

Five members of the Council selected as the need for a Panel arises; the panels to be constituted in accordance with the political balance provisions.

### **13. Health and Wellbeing Board**

#### *Terms of Reference*

The East Sussex Health and Wellbeing Board (the “Board”) will be chaired by an elected Member of East Sussex County Council.

A Deputy Chair will be chosen from among the NHS Sussex representatives.

The quorum for a Board meeting shall be half of the membership including at least one elected Member of the County Council and one representative of NHS Sussex.

In the event of equal votes the Chair will have the casting vote. All members of the Board will be entitled to vote.

#### **Role and Function**

- To provide whole system leadership for the health and wellbeing of the people of East Sussex and the development of sustainable and integrated health and care services.
- To provide strategic influence over the commissioning and provision of health, public health and social care services in East Sussex.
- To strengthen democratic legitimacy by involving democratically elected representatives and patient representatives in commissioning and provision decisions across health and social care and provide a forum for challenge, discussion, and the involvement of local people.
- To bring together the NHS, the County Council and others to develop a shared understanding of the health and wellbeing needs of the community using robust and up to date evidence.
- To drive local commissioning and delivery of health care, social care and public health and create a more effective and responsive local health and care system that reduces the need for health and social care in the longer term and/or prevents the need for a more expensive service.

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- To jointly undertake responsibilities for addressing population health need and to work together to inform strategic planning of health and social care, through oversight of integrated investment plans including the Better Care Fund and Improved Better Care Fund.
- To undertake any other responsibilities delegated to the Board.  
These functions will be delivered through the following activities:

### Identify needs and priorities

1. Publish and refresh the East Sussex Joint Strategic Needs Assessment (JSNA), using a variety of tools, evidence and data including user experience, to ensure that the JSNA supports commissioning and policy decisions and identification of priorities.

### Deliver and review the Joint Local Health and Wellbeing Strategy

2. Review and update the Joint Local Health and Wellbeing Strategy regularly to ensure the identified priorities reflect the needs of East Sussex and that it clearly explains our joint purpose to residents, communities, staff and volunteers in all organisations.
3. Ensure the County Council, NHS Sussex and NHS providers have regard to and contribute to the delivery of the Joint Local Health and Wellbeing Strategy and integrate its agreed objectives into their respective plans.
4. Ensure the Sussex Health and Care Assembly (the Integrated Care Partnership) builds on and aligns with the priorities and goals of the Joint Local Health and Wellbeing Strategy and JSNAA, including the development of the Integrated Care Strategy for Sussex.
5. Review recommendations from the East Sussex Health and Care Partnership Executive Board, or equivalent body, with regard to transforming services and the overall strategic investment patterns to meet population health needs and deliver outcomes, reflecting national policy where this is appropriate.
6. Oversee and hold partners to account for the implementation of agreed plans.

### Ensure achievement of outcomes

7. Communicate and engage with local people about how they can achieve the best possible quality of life and be supported to exercise choice and control over their personal health and wellbeing.
8. Have oversight of the use of relevant public sector resources across a wide spectrum of services and interventions, with greater focus and integration across the outcomes spanning healthcare, social care and public health.
9. Work in partnership with the Sussex Health and Care Assembly to:
  - Support and promote greater integration and collaboration across health and social care;
  - Support co-ordination of the strategic direction and collaboration across health and social care; and
  - Improve outcomes for East Sussex residents.



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10. Have a relationship with the East Sussex Strategic Partnership to strengthen the engagement of a wider range of stakeholders in all determinants of health.

### Reporting

11. Propose recommendations regarding the work of the Health and Wellbeing Board to:

- East Sussex County Council;
- NHS Sussex; and
- NHS provider Trusts.

12. Direct issues to and receive reports from the appropriate Scrutiny Committees of the County Council, and the East Sussex Strategic Partnership and the Sussex Health and Care Assembly.

### Membership:

The East Sussex Health and Wellbeing Board (the Board) includes representation from all bodies in East Sussex with major responsibilities for commissioning and providing health services, public health and social care.

It shall be comprised of:

- 4 Members\* of the Council chosen by the Leader of the Council;
- 2 Members\* representing the five District and Borough Councils;
- East Sussex County Council Director of Public Health;
- East Sussex County Council Director of Adult Social Care and Health;
- East Sussex County Council Director of Children's Services;
- Chief Executive of East Sussex Healthcare NHS Trust\*\*;
- Three representatives of the NHS Integrated Care Board\*\*\*;
- One representative of Healthwatch East Sussex\*\*\*\*.

*\* To avoid conflict of interest Members must be different from the Health and Overview Scrutiny Committee Member.*

*\*\* The Chief Executive of East Sussex Healthcare NHS Trust represents all NHS provider trusts operating in East Sussex*

*\*\*\* The NHS representatives also provide representation on behalf of NHS England – South East*

*\*\*\*\*To avoid conflict of interest Healthwatch East Sussex will not be members of the Health and Overview Scrutiny Committee Member or any Council Scrutiny Committee.*

### **Observers**

In addition to the Members listed above, additional non-voting observers from relevant agencies will be invited attend to assist in achieving the Board's objectives. The invited observers with speaking rights are:

- One Member\* from each of the three Borough and District Councils within East Sussex that are not voting representatives;
- Chief Executive of East Sussex County Council;

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- One representative of the East Sussex Voluntary, Community and Social Enterprise Sector;
- Sussex Police and Crime Commissioner;
- Chief Fire Officer East Sussex Fire and Rescue Service.

**14. Audit Committee**

*Terms of Reference*

To act as the principal non-executive, advisory function supporting those charged with governance by exercising the Audit Committee functions as follows:

- 1) To review and provide independent scrutiny in relation to all internal and external audit matters.
- 2) To consider the effectiveness of the Council's risk management processes, internal control environment and corporate governance arrangements and to recommend any changes to Governance Committee or Cabinet as appropriate.
- 3) To consider the external auditor's annual letter (if provided) and the Chief Internal Auditor's annual report and opinion and the level of assurance they can give over the Council's risk management processes, internal control environment and corporate governance arrangements.
- 4) To review and scrutinise the effectiveness of management arrangements to ensure probity and legal and regulatory compliance, including, but not limited to contract procedure rules, financial regulations, codes of conduct, anti-fraud and corruption arrangements and whistle-blowing policies.
- 5) To consider the major findings of internal and external audit and inspection reports, and Directors' responses, and any matters the Chief Internal Auditor or District Auditor may wish to discuss (in the absence of Directors if necessary).
- 6) To review the Council's assurance statements, including the Annual Governance Statement, ensuring that they properly reflect the risk environment, and any actions required to improve it.
- 7). To review the internal audit strategy and annual plan and the external auditor's annual audit and inspection plan and to monitor performance of both internal and external audit.
- 8) To review the annual statement of accounts and the external auditor's report to those charged with governance.
- 9) To review and monitor treasury management arrangements in accordance with the CIPFA Treasury Management Code of Practice.
- 10) To review and monitor the asset disposal and investment strategy.

## **15. Joint Waste and Recycling Committee**

### *Terms of Reference*

#### Purpose of the Committee

The County Council with Hastings Borough Council, Rother District Council and Wealden District Council have established the Joint Waste and Recycling Committee with the intention of facilitating the authorities in working together to improve the quality and effectiveness of the discharge of their waste collection functions under the relevant provisions of the Environmental Protection Act 1990.

The Joint Waste and Recycling Committee will also facilitate the authorities to work in partnership with East Sussex County Council as the Waste Disposal Authority to maximise integration opportunities.

### *Membership*

2 members of the Council and members from Hastings Borough Council, Rother District Council and Wealden District Council.

Further information is available by clicking the following link:

[Committee details - Joint Waste and Recycling Committee - Rother District Council \(modern.gov.co.uk\)](http://modern.gov.co.uk)

## **16. ACCESS Joint Committee**

The ACCESS Joint Governance Committee oversees the execution of the Government's requirement that Local Government Pension Scheme investments are pooled.

The Committee is made up of one elected councillor from the Pension Committee of each of the following constituent councils:

- Cambridgeshire County Council
- East Sussex County Council
- Essex County Council
- Hampshire County Council
- Hertfordshire County Council
- Isle of Wight Council
- Kent County Council
- Norfolk County Council
- Northamptonshire County Council

- Suffolk County Council
- West Sussex County Council

### **Terms of Reference of the Joint Committee**

#### Part 1 Functions in relation to the Operator

1. Specifying Operator services: Deciding, in consultation with the Councils, the specification of services and functions that the Operator will be required to deliver including the sub-funds and classes of investments required to enable each Council to execute its investment strategy.

2. Procuring the Operator: agreeing the method and process for the procurement and selection of the Operator.

3. Appointing the Operator: Making a recommendation to the Councils as to the identity of the Operator and the terms upon which the Operator is to be appointed.

4. Reviewing the Performance of the Operator: Keeping the performance of the Operator under constant review and making arrangements to ensure that the Joint Committee is provided with regular and sufficient reports from the Officer Working Group to enable it to do so including but not limited to:

- 4.1 the performance of the Operator against its contractual requirements and any other performance measures such as any Service Level Agreement (SLA) and key performance indicators (KPIs) and Officer Working Group recommendations on any remedial action;
- 4.2 sub-fund investment performance;
- 4.3 investment and operational costs including the annual review of investment manager costs;
- 4.4 performance against the strategic business plan agreed by the Councils.

5. Managing the Operator:  
The Joint Committee shall:

- Make recommendations to the Councils on the termination or extension of the Operator Contract and
- Make decisions about any other action to be taken to manage the Operator Contract including the giving of any instruction or the making of any recommendation to the Operator including but not restricted to recommendations on investment managers (within any regulatory constraints that may apply).

6. Appointment of Advisers

6.1 The Joint Committee may appoint such professional advisers on such terms as it thinks fit. Any procurement of advisers must comply with the constitution of the Authority designated to undertake the

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procurement and that Authority will enter into a contract with the appointed adviser on behalf of the Authorities.

6.2 The Joint Committee shall decide which tasks shall be performed by the Client Unit and which Council shall manage the Client Unit including the employment arrangements for employees in the Client Unit.

### Part 2 Functions in relation to management of Pool Assets

7. The Joint Committee shall make recommendations to the Councils on the strategic plan for transition of assets that are to become Pool Assets.

### Part 3 Functions Concerning Pool Aligned Assets

8. Making recommendations to the Councils about Pool Aligned Assets (including proposals concerning the migration of investments-such as passive investments via life fund policies to become Pool Aligned Assets) in accordance with this Agreement or any other delegation to the Joint Committee by the Councils.

### Part 4 Functions concerning Business Planning and Budget

9. Make recommendations to the Councils about the annual strategic business plan for the Pool

10. Determine the budget necessary to implement that plan and meet the expenses of undertaking the Specified Functions (insofar as they will not be met by individual transaction costs paid by Councils to the Operator) in accordance with Schedule 5 hereof.

11. Keep the structures created by this Agreement under review from time to time and make recommendations to the Councils about:

- the future of the Pool;
- any changes to this Agreement; and
- as to the respective merits of continuing to procure operator services by means of a third party or by creation of an operator owned by the Councils.

12. The Joint Committee is required to commence the first review of this Agreement by the second anniversary of its first meeting.

13. The Joint Committee is required to undertake a review of the Pool and this Agreement:

- to be completed 18 months before the expiry of each and every Operator Contract including as a result of the exercise of any option to terminate the Operator Contract;
- whenever a Council gives notice of withdrawal under clause 12 of this agreement

### *Membership*

1 member of the Council (the Chair of the Pension Committee) and 1 member from each of the respective Councils on the Joint Committee.

**17. Channel Panels**

*Terms of Reference*

Under its statutory duties set out in Section 36 and 38 of the Counter Terrorism and Security Act 2015 and the Counter-Terrorism and Border Security Act 2019, East Sussex County Council will lead Channel Panels for East Sussex covering the needs of adults and children. It will provide a Chair and Deputy Chair, appointed by the Director of Adult Social Care and Health. These will be senior officers considered to have the required skills and experience and the appropriate authority to facilitate the engagement of multi-agency partners and the direction of their resources.

The Panel will develop a support plan for individuals who are adopted as Channel cases because they are vulnerable to being drawn into terrorism. It will ensure accurate records are kept detailing the support plan, agreed actions and decision-making. Governance arrangements for Channel will be through the statutory multi-agency East Sussex Community Safety Partnership.