

REVIEW OF PENSION BOARD TERMS OF REFERENCE AND ATTENDANCE

Report of the County Treasurer

Please note that the following recommendation is subject to consideration and determination by the Board before taking effect.

Recommendation: that the Board review the Pension Board's Terms of Reference and consider whether it wishes to make any changes and reviews the board's attendance log.

1. Introduction

- 1.1. The Devon Pension Board's Term of Reference currently states that the board will meet four times a year in addition to training events. Attendance at these meetings and training events is recorded and reported.
- 1.2. It is considered good practice to review the board's Terms of Reference regularly. The last review by the board was July 2019.

2. Attendance log

- 2.1. The Terms of Reference also states that the membership of any member who fails to attend for two consecutive meetings or two consecutive training events shall be reviewed by the Board and shall be terminated in the absence of mitigating factors.
- 2.2. A log showing the attendance of both board meeting and training events is attached in appendix 1 and should be reviewed by the board.

3. Pension Board Terms and Reference

- 3.1. Following the introduction of the Local Pension Board under the Public Service Pensions Act 2013, The Devon Pension Board formally adopted its terms of reference in its creation meeting in July 2015.
- 3.2. As a matter of good practice and effective governance, the Board is required each year to review their Terms of Reference ensuring they remain effective and reflective of the work and focus of the board.

4. Conclusion

- 4.1. The Board is asked to review the attendance log in accordance with the Pension Board Terms of Reference.

Mary Davis

Electoral Divisions: All

Local Government Act 1972

List of Background Papers - Nil

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Board Member Attendance 2019/20

		Fund Members				Fund Employers				Independent member				
		Bowman	Shipp	Phillips	Bailey	Slade (DCC)	Smith (Police)	Piper (South Devon Coll)	Hearn (Tavistock)	Randall Johnson (DCC)	Nicholls			
Board Meeting	03/04/2019	Y	N	Y	Y	Y	N	N/A	Y	Y	N			
	15/07/2019	Y	N	Y	Y	Y	N	N/A	N	Y	Y			
Training	16/01/2020	Y	Y	Y	Y	Y	Resigned	N/A	N/A	N/A	Y			
	30/10/2019	Y	Y	Y	Y	Y	Resigned	N/A	N/A	Y	Y			
	12/11/2019	N	N	N	Y	Y	Resigned	N/A	Y	Y	Y			
	06/03/2020	Y	Y	Y	Y	Y	Resigned	N/A	Y	Y	Y			

Devon Pension Board – Terms of Reference

1. Function of the Board

The role of the local Pension Board as defined by sections 5 (1) and (2) of the Public Service Pensions Act 2013, is to –

- Assist the Administering Authority as Scheme Manager; –
 - to secure compliance with the LGPS regulations and any other legislation relating to the governance and administration of the LGPS;
 - to secure compliance with requirements imposed in relation to the LGPS by the Pensions Regulator;
 - in such other matters as the LGPS regulations may specify.
- Secure the effective and efficient governance and administration of the LGPS for the Pension Fund.
- Provide the Scheme Manager with such information as it requires to ensure that any member of the Pension Board or person to be appointed to the Pension Board does not have a conflict of interest.

The Pension Board will also help ensure that the Devon Pension Fund is managed and administered effectively and efficiently and ensure that it complies with the code of practice on the governance and administration of public service pension schemes issued by the Pension Regulator.

In fulfilling that role the Board undertakes the following tasks:

- Monitor compliance of the Pension Fund with legislation, guidance issued by the Pensions Regulator, and with the policies set out in the Fund's statutory statements.
- Review and scrutinise the performance of the Pension Fund in relation to its governance and administration, policy objectives and performance targets.
- Approval of the Annual Internal Audit Plan for the Devon Pension Fund and for Peninsula Pensions.
- Consideration of the Internal Audit Annual Report and regular update reports for the Devon Pension Fund and Peninsula Pensions.
- Consideration of the External Audit report on the Pension Fund Annual Report and Statement of Accounts.
- Review of the Pension Fund Risk Register.
- Monitoring of the Fund's Internal Dispute Resolution Procedures.

2. Board Membership

The Pension Board is composed of nine members as follows:

Representing	No	Comments
Fund Members	4	Appointed by the Administering Authority from applicants responding to an advertisement.
Fund Employers	4	Two appointed by Devon County Council, plus two elected by employers at an Annual Employers' Meeting.
Independent Member	1	Appointed by the Administering Authority from applicants responding to an advertisement. (Non-voting)

Members of the Investment and Pension Fund Committee are excluded from membership of the Pension Board. No substitutes will be permitted.

The members of the Pension Board serve for a four year term, subject to the following:

- The employer representatives appointed by Devon County Council shall be appointed annually by the Devon County Council Annual Council Meeting, but with a view to maintaining stability of membership.
- Two member representatives and one employer representative shall serve for an initial six year term, after which a four year term will be served, to promote continuity of experience by reducing the risk of all members being replaced by new members at the same time.
- The independent member shall also serve for an initial six year term, after which a four year term will be served.
- The membership of any member who fails to attend for two consecutive meetings or two consecutive training events shall be reviewed by the Board and shall be terminated in the absence of mitigating factors.
- Arrangements shall be made for the replacement of members who resign or whose membership ceases due to non-attendance in line with the procedures for their original appointment.

3. Code of Conduct

Members of the Pension Board should abide by the Devon County Council Code of Conduct for members and co-opted members, as set out in Part 6 Section 1 of the Devon County Council Constitution.

4. Appointment of a Chairman and Vice-Chairman

The Board will appoint a Chairman and Vice Chairman annually from among its members.

5. Voting Rights

All members and representatives, with the exception of the Independent Member will have equal voting rights.

6. Conflict of Interests

The Board Members will comply with the Devon County Council Members Code of Conduct, supplemented by any additional guidance on Conflicts of Interest, as set out in the Devon County Council Constitution.

7. Role of Officers and Advisors

The Pension Board requires the support of the Fund's key advisors to support it in the execution of its responsibilities. These will include the County Treasurer and staff from the Authority's Investments and Pensions Administration teams. It will also include staff from the Devon Audit Partnership. The Board will also be able to seek advice from other advisors, such as the Fund Actuary, and the Fund's external auditors.

8. Number of Meetings

The Board will meet four times per year. In addition training sessions will be held, which may be joint sessions with the Investment and Pension Fund Committee.

9. Arrangements for Meetings – Administration, Papers, Minutes, Quorum

The administration arrangements for meetings, for example the notice requirements for meetings and circulation of papers, the quorum required for a meeting, publication of minutes, etc. shall conform to Devon County Council's standing orders as set out in the Council's Constitution.

10. Allowances / Expenses

An allowance shall be paid to the independent member of the Committee in line with the allowance agreed for independent members of the Devon County Council Standards Board. No allowances shall be paid to other members of the Pension Board, but expenses shall be claimable in line with Devon County Council's agreed expenses rates.

11. Knowledge and Understanding

In accordance with Section 248A of the Pensions Act 2004, every individual who is a member of a Local Pension Board must:

- Be conversant with the rules of the LGPS, in other words the Regulations and other regulations governing the LGPS (such as the Transitional Regulations and the Investment Regulations);
- Be conversant with any document recording policy about the administration of the Fund which is for the time being adopted in relation to the Fund;
- Have knowledge and understanding of the law relating to pensions;
- Have knowledge and understanding of such other matters as may be prescribed.

The Pension Board will comply with the requirements of the Pensions Act 2004, including compliance with the CIPFA Code of Practice on Public Sector Pensions Finance Knowledge and Skills, the agreement of an Annual Training Plan and shall report on members' attendance at training events.

12. Reporting

Minutes of Pension Board meetings shall be reported for information to Devon County Council at the following Full Council meeting, although recommendations can be made to the Investment and Pension Fund Committee on issues that the Board wish to raise. Where material concerns arise, that the Board consider are not being addressed adequately, the Board can report their concerns directly to the Pensions Regulator. A report on the work of the Pension Board will be included within the Pension Fund's Annual Report and Accounts.

13. Data Protection and Freedom of Information

The administering authority (Devon County Council) must comply with the requirements of the Data Protection Act 1998 and the Freedom of Information Act 2000 in its administration of the Board.