

Report Title:	Good Governance
Contains Confidential or Exempt Information	No - Part I
Lead Member:	Councillor Julian Sharpe, Chairman Pension Fund Committee and Advisory Panel
Meeting and Date:	Pension Fund Committee and Advisory Panel – 4 July 2022
Responsible Officer(s):	Damien Pantling, Head of Pension Fund
Wards affected:	None

REPORT SUMMARY

Good governance in the LGPS involves ensuring that the Fund is managed in line with best industry practice as opposed to simply complying with the statutory regulations. This report deals with three separate non-statutory policies that are to be reviewed by the Pension Fund Committee at regular intervals in line with best practice.

Ensuring that the Fund has a policy around assessing and reporting breaches of the law to the Pensions Regulator, a service level agreement between the Fund and the Administering Authority and a training policy and log in place enables the Fund to be managed effectively.

These three policies have been previously approved by the Pension Fund Committee and have been reviewed and refreshed as part of the Fund's periodic policy review.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That the Pension Fund Committee notes the report and;

- i) Approves the revised policy on reporting breaches of the law;**
- ii) Approves the revised Service Level Agreement between the RCBPF and RBWM;**
- iii) Approves the revised 2022/23 training plan;**
- iv) Reviews the 2021/22 training log for accuracy, identifying any training gaps if applicable.**

2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

- 2.1. Whilst the requirement for reporting breaches (or suspected breaches) of the law is a statutory requirement under Section 70 of the Pension Act 2004, having a prescriptive policy document on this is not a statutory requirement under the LGPS regulations. In line with good governance and best practice, the Fund has in place a policy setting out its approach to reporting breaches of the law in line

with the relevant regulations. This was last approved in December 2019 and is now being brought back to the Pension Fund Committee for its periodic review. No material changes have been made to the policy however it has been reviewed to ensure it is compliant with external guidance and process notes from the Pensions Regulator. The revised policy on reporting breaches of the law is attached as Appendix 1 to this report.

- 2.2. In accordance with Regulation 53 of the Local Government Pension Scheme Regulations 2013 (“the Regulations”), RBWM is an Administering Authority (Scheme Manager) required to maintain a Pension Fund for the Scheme. RBWM is therefore responsible for managing and administering the scheme. The Pension Fund Committee as set out in RBWM’s Constitution acts as the Scheme Manager and is therefore responsible for ensuring that the Administering Authority fulfils its statutory responsibilities in accordance with the Regulations and the Public Service Pension Act 2013. It is therefore in line with best practice that a service level agreement (SLA) is in place between the Administering Authority and the Pension Fund team to ensure that roles and responsibilities are appropriately executed and appropriate procedures are in place as per the regulations. This SLA is attached at Appendix 2.
- 2.3. In order for Pension Fund Committee members to be able to appropriately undertake their duties as well as provide appropriate challenge to reports and recommendations, knowledge and understanding must be kept up to date. The Fund has in place a training framework guided by the Pensions Regulator’s 7 essential modules along with a suite of additional training resources set up and run either by officers or third parties. The revised training framework for 2022/23 is attached at Appendix 3 to this report.
- 2.4. In line with best practice and following a governance recommendation in the Hymans Robertson February 2021 “Good Governance: Phase 3 Report to SAB”, the Pension Fund Committee should prepare and publish a training log documenting all training attended by Committee members. As per the governance recommendation, this training log should be appended to the Governance Compliance Statement which was last approved in March 2022. The Pension Fund Committee already approved a recommendation in March 2022 to retrospectively append the updated training log to the Governance Compliance Statement when it is complete and available. The updated Committee training log for 2021/22 is attached at Appendix 4 to this report for final review before it is published.

3. KEY IMPLICATIONS

- 3.1. Maintaining a suite of non-statutory policies and acting upon the recommendations of various good governance reviews by third parties ensures that the Pension Fund is maintained as a well governed scheme. Regular reviews of these policy documents, such as those appended to this report, ensures that the officers and Committee Members running the Pension Scheme are acting in line with best practice and making well informed decisions on behalf of the Administering Authority, scheme employers and scheme members.

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1. No dedicated training budget is set for 2022/23, however, training resources shall be provided in line with the training framework and managed within existing administration resources. The other policy documents have no financial implications for 2022/23.
- 4.2. Recharge arrangements between RCBPF and RBWM are not dealt with in the appended SLA,, They are, however, planned to be reviewed and agreed as part of the budget setting process through 2022 and approved in the 2023/24 business plan.

5. LEGAL IMPLICATIONS

- 5.1. Failure to report breaches (or suspected breaches) of the law to the Pensions Regulator may resort in further legal action. Approval of the Fund policy around this helps to mitigate this happening as officers and Committee Members are aware of their responsibilities in this regard.

6. RISK MANAGEMENT

- 6.1. The risk register approved by the Pension Fund Committee on 4 July 2022 contains several identified risks which are mitigated through implementation of the policies contained in this report. Such as:
 - 6.1.1. PEN030 refers to the risk of “failure to comply with Scheme regulations” and one of the 4 mitigating treatments is the implementation of the reporting suspected breaches policy. One of the other mitigations of this risk is to have appropriately trained decision makers which is supported by the training framework in this report.
 - 6.1.2. Several other risks identified in the July 2022 risk register have training as one of the mitigations, as there is common acceptance that improved knowledge and understanding drives better decision making.

7. POTENTIAL IMPACTS

- 7.1. Failure to comply with pension legislation could result in the Administering Authority being reported to the Pensions Regulator where failure is deemed to be of a material significance.
- 7.2. Equalities: Equality Impact Assessments are published on the council’s website. There are no EQIA impacts as a result of taking this decision. A completed EQIA has been attached at Appendix 5 to this report.
- 7.3. Climate change/sustainability: N/A
- 7.4. Data Protection/GDPR. GDPR compliance is included as a specific risk on the register in regard to processing and handling personal data, this is dealt with in the appendix along with the relevant mitigations.

8. CONSULTATION

8.1. Committee Members were consulted upon preparation of the training log.

9. TIMETABLE FOR IMPLEMENTATION

9.1. Ongoing.

10. APPENDICES

10.1. This report is supported by 5 Appendices:

- Appendix 1 – Reporting Breaches of the Law
- Appendix 2 – SLA Between RBWM and RCBPF
- Appendix 3 – Training Framework Update
- Appendix 4 – Training log
- Appendix 5 - EQIA

11. BACKGROUND DOCUMENTS

11.1. This report is supported by 1 background document:

11.1.1. The Committee report approved on 7 March 2022 to approve the revised governance compliance statement, which recommended that the training log be appended to the governance compliance statement once it is finalised.

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory:</i>			
<i>Statutory Officers (or deputy)</i>			
Adele Taylor	Executive Director of Resources/S151 Officer		
Emma Duncan	Deputy Director of Law and Strategy / Monitoring Officer		
<i>Deputies:</i>			
Andrew Vallance	Head of Finance (Deputy S151 Officer)		
Elaine Browne	Head of Law (Deputy Monitoring Officer)		
Karen Shepherd	Head of Governance (Deputy Monitoring Officer)		
<i>Other consultees:</i>			
Cllr Julian Sharpe	Chairman – Berkshire Pension Fund Committee		

13. REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Pension Fund Committee decision	Yes/No	Yes/No

Report Author: Damien Pantling, Head of Pension Fund

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**REPORTING BREACHES
OF THE LAW**



The Pensions
Regulator

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1 INTRODUCTION

The Local Government Pension Scheme (LGPS) is a public service pension scheme which is highly regulated not only by scheme regulation but also by wider-reaching legislation.

In Berkshire the LGPS is governed by the Royal Borough of Windsor & Maidenhead as the administering authority (scheme manager) to the Royal County of Berkshire Pension Fund. The general powers and duties of the administering authority lie with the Pension Fund Committee as set out in the Council's Constitution. The Pension Fund Committee is assisted by the local Pension Board established in accordance with the Public Service Pensions Act 2013 and Regulation 106 of the Local Government Pension Scheme Regulations 2013 (as amended).

A Local Government Pension Fund has a different legal status when compared to trust-based schemes in the private sector and so the Royal County of Berkshire Pension Fund does not have, in the strictest meaning, trustees. However, those making decisions on behalf of the administering authority are required, in many ways, to act as if they were trustees in terms of their duty of care.

Following a review of public service pension provision by Lord Hutton of Furness in 2011, a number of recommendations were made to the Government on how to ensure that public service pension schemes remain sustainable and affordable in the future. These recommendations were carried forward into the Public Service Pensions Act 2013 resulting in changes to the LGPS regulations with effect from 1 April 2014.



The result of all of this is that the LGPS, and public service pension schemes in general, are now under greater scrutiny than ever before. The Public Service Pensions Act 2013 introduced the framework for the governance and administration of public service pension schemes and provided an extended regulatory oversight to the Pensions Regulator.

2 THE REQUIREMENT TO REPORT BREACHES OF THE LAW

Under Section 70 of the Pensions Act 2004 (see below), certain people are required to report breaches of the law to the Pensions Regulator where they consider that they have a reasonable cause to believe that a legal duty which is relevant to the administration of the scheme has not been, or is not being, complied with and that failure to comply is likely to be of material significance to the Pensions Regulator in the exercise of its functions.

Not all breaches need to be reported to the Pensions Regulator, only those where there is likely to be a material significance, but all breaches should be recorded and retained for future reference.

70. Duty to report breaches of the law.

- (1) *Subsection (2) imposes a reporting requirement on the following persons—*
 - (a) *a trustee or manager of an occupational or personal pension scheme;*
 - (aa) *a member of the pension board of a public service pension scheme;*
 - (b) *a person who is otherwise involved in the administration of an occupational or personal pension scheme;*

- (c) *the employer in relation to an occupational pension scheme;*
 - (d) *a professional adviser in relation to such a scheme;*
 - (e) *a person who is otherwise involved in advising the trustees or managers of an occupational or personal pension scheme in relation to the scheme.*
- (2) *Where the person has reasonable cause to believe that—*
- (a) *a duty which is relevant to the administration of the scheme in question, and is imposed by or by virtue of an enactment or rule of law, has not been or is not being complied with, and*
 - (b) *the failure to comply is likely to be of material significance to the Regulator in the exercise of any of its functions,*
- he must give a written report of the matter to the Regulator as soon as reasonably practicable.*
- (3) *No duty to which a person is subject is to be regarded as contravened merely because of any information or opinion contained in a written report under this section. (i.e. Duty to report overrides other obligations like duty of confidentiality, except where legal professional privilege applies). This is subject to section 311 (protected items). (Deals with exemption for legal professional privilege).*
- (4) *Section 10 of the Pensions Act 1995 (c. 26) (civil penalties) applies to any person who, without reasonable excuse, fails to comply with an obligation imposed on him by this section.*

3 WHO IS REQUIRED TO REPORT BREACHES OF THE LAW?

Those people who are subject to the reporting requirement ('reporters') for public service pension schemes is set out in Section 70 of the Pensions Act 2004 but in practical terms it is necessary for a senior officer of the administering authority to have responsibility for the management and execution of these procedures. Whilst any suspected breach should, where appropriate, be reported to a Senior Officer of the Pension Fund for escalation, the designated officer with overall responsibility for reporting breaches to the Pensions Regulator is the s.151 Officer for the administering authority or where the s.151 Officer is unavailable (or in the unlikely event of being implicated in the breach) the Monitoring Officer for the administering authority.

All reporters need to take due consideration as to who could be implicated in the perceived breach of the law when reporting their findings and ensure that the perceived breach is not worsened by making any individual or individuals who may be implicated in the breach of the law aware that a report is to be made.

4 WHAT MUST BE REPORTED?

Those responsible for reporting breaches of the law to the Pensions Regulator will need to consider when they have reasonable cause to believe there has been a breach that is likely to be of material significance to the Pensions Regulator.

Reasonable Cause

Having reasonable cause means more than merely having a suspicion that cannot be substantiated. For example, a suspicion that scheme assets may have been misappropriated may in fact be a direct result of something out of the Investment Manager's control such as drop in the markets leading to investment returns being lower than anticipated.

Any reporter must ensure that they know the full facts of the suspected breach and may need to check with members of the Pension Board, the Scheme Manager or anyone else they consider to be in a position to confirm the events leading up to the suspected breach of the law. However, reporters need to take care as to who they discuss their suspicions with where they have a cause to believe that theft, fraud or other serious offences may have occurred as they would not want to alert those potentially implicated or hinder the actions of the police or a regulatory authority. In such cases the Pensions Regulator should be contacted without delay.

Whilst a reporter should endeavour to fully understand the legal position regarding a suspected breach, they do not have to gather all of the evidence that the Pensions Regulator may require before taking legal action especially where a delay in reporting the breach could exacerbate or increase the risk of the breach.

Material significance

What is of material significance can be considered from four aspects:

1. Cause – dishonesty, poor governance or administration, poor advice, acting (or failing to act) in deliberate contravention of the law;
2. Effect – if the matter appears to be the effect of non-compliance with the Public Service Pensions Act 2013, the Local Government Pension Scheme Regulations, poor administration, inaccurate payments or theft;
3. Reaction to the breach – if no prompt and effective action has been taken to deal with the breach and to identify and tackle the causes so as to minimise the risk of recurrence;
4. Wider implications – if the breach suggests wider undetected problems.

To be able to consider these aspects all people who have a legal requirement to report breaches of the law, as set out in section 3, will need to ensure that they have sufficient knowledge and understanding of the pension law and regulations that govern the LGPS.

In forming a view as to whether or not the breach is of material significance reporters will need to consider other breaches of which they are aware but be careful to ensure that any such breaches have not already been addressed and resolved.

The aim of the Pensions Regulator is to protect the benefits of pension scheme members, reduce calls upon the Pension Protection Fund and to promote good administration of work-based pension schemes. Therefore, the following are important elements that the Pensions Regulator may consider to be of material significance:

- The right money is paid into the Scheme at the right time;
- Assets are appropriately safeguarded;
- Payments out of the Scheme are legitimate, accurate and paid at the right time to the right person(s);
- The Scheme Manager is complying with the legal requirements of Scheme funding;
- The Scheme Manager is properly considering their investment policies and investing in accordance with them;
- The Scheme is being administered properly in accordance with Scheme regulations;
- Appropriate records are maintained and are accurate;
- Scheme members receive accurate, clear and impartial information without delay.

The Pensions Regulator will not normally regard a breach as material if the Scheme Manager has taken prompt and effective action to investigate and resolve a breach and put in place the necessary procedure to ensure that such a breach will not reoccur.

However, the Pensions Regulator will be concerned where the Scheme Manager has failed to act promptly and effectively to identify, resolve and remedy the causes for the breach. If the proper corrective action has not been taken the Pensions Regulator is likely to deem the impact as material.

The wider implications of a breach are the concern of the Pensions Regulator where the fact that the breach has occurred in the first place will make it more likely that future breaches will arise because the Scheme Manager lacks the appropriate skills and knowledge needed to fulfil the requirements of their role.

A traffic light framework, as supplied by the Pensions Regulator, has been set up as a reference tool for reporters considering whether breaches of the law have a material significance and so should be reported to the Pensions Regulator. This framework document should be used by all reporters and continually updated as breaches are identified. It provides possible investigation outcomes and requires the reporter to consider the content of the red, amber and green sections for each of the cause, effect, reaction and wider implications of the breach being considered. This document will be made available to all persons responsible for reporting breaches of the law as part of Pension Board meetings.

A breach will be in the red category and therefore must always be reported to the Pensions Regulator, because one or more of the following apply:

- It was caused by dishonesty, poor scheme governance, poor advice or by deliberate contravention of the law;
- Its effect is considered to be significant;
- Inadequate steps have been taken to put matters right;
- It has wider implications.

A breach will be in the green category, and will not need to be reported to the Pensions Regulator but should be recorded, because one or more of the following apply:

- It was not caused by dishonesty, poor scheme governance, poor advice or by deliberate contravention of the law;
- Its effect is NOT significant;
- Proper steps are being taken to put matters right;
- It does NOT have wider implications.

A breach will be in the amber category when it is not obviously either red or green. The decision whether or not to report will require a balanced judgement based on the cause, effect, reaction and wider implication of the case under consideration. Other previous reported or unreported cases may be relevant when coming to a decision whether to report or not and consideration needs to be given to the adequate oversight and controls adopted by the scheme manager.

Examples of red, amber and green breaches are set out in the traffic light framework and must be referred to each time a breach of the law is suspected.

5 PROCEDURES FOR REPORTING BREACHES OF THE LAW

Anyone who has a responsibility to report breaches of the law during the course of their association with the Scheme should be alert to the potential for breaches to occur and to have properly established procedures in place to enable them to evaluate any potential breaches and the need to report them.

The Pension Fund keeps a 'register of breaches of the law' in which all breaches must be recorded regardless of whether or not they are or ever have been reported to the Pensions Regulator. This register is available to all responsible persons and forms part of the agenda for meetings of the Pension Board.

The flowchart at Annex 1 to this guide sets out the steps to be taken when considering breaches of the law but the details are also described in this section of the guide.

The following steps should be taken:

1. If the person suspecting the breach is not designated to deal with breaches, they should inform a designated person immediately taking due consideration of who could be implicated in the case. The designated person is the s.151 officer for the administering authority or in the event that the s.151 is not available or indeed is implicated in the breach, the Monitoring Officer for the administering authority.
2. A designated person should investigate if there is a reasonable cause to believe a breach has occurred by firstly checking the register and the traffic light framework by contacting a Senior Officer of the Pension Fund.
3. If the designated person has no reasonable cause to believe that a breach has occurred there is no duty to report the case to the Pensions Regulator.
4. The designated person should clarify the facts around the suspected breach and obtain any clarification of the law that may be required, liaising with other appropriate people as considered necessary with due regard to who could be implicated in the case.
5. Consider whether the breach is likely to be of material significance to the Pensions Regulator. If it is considered to be very serious it must be reported immediately to the Pensions Regulator. If this is the case a written report can be preceded by a telephone call to the Pensions Regulator. Any breach that is so serious that it must always be reported to the Pensions Regulator will always be recorded as a red category breach in the register. If the breach is considered not to be of material significance to the Pensions Regulator and is a clear-cut green breach then it does not need to be reported to the Pensions Regulator but should be recorded as a green category breach in the register.
6. If the breach is considered to be red, but not so serious that it needs to be notified to the Pensions Regulator immediately, a report should be sent to the Pensions Regulator as soon as is reasonably practicable ensuring that any delay will not result in the breach becoming more serious thereby incurring the risk of the Pensions Regulator issuing a civil penalty (see section 7 of this guide). Good practice would provide that such a case is reported within 10 working days.
7. If the breach is considered to be an amber breach (not a clear-cut red or green breach) further consideration needs to be given to the case by further considering the context of the case and how it relates to the principles of cause, effect, reaction and wider implication. Good practice would provide that such a case is dealt with within 20 working days.
8. It may be that the breach needs to be referred to the appropriate level of seniority at which decisions can be made on whether to report to the Pensions Regulator but consider who may be implicated in the breach of the law when discussing your suspicions with other individuals.

9. If the breach is a particularly difficult case seek input from relevant experts. This may require a sub-committee of the local Pension Board to be appointed to discuss the events leading up to the reporter's suspicion that a breach of the law may have occurred.
10. Keep in mind the appropriate timeframe for submitting a report to the Pensions Regulator (i.e. green cases do not need reporting, red cases should be reported immediately or if not within 10 working days and amber cases should be considered and acted upon within 20 working days and where ultimately deemed to be in the red category, reported immediately or within 10 working days, at the point within that timeframe, that a decision has been made).
11. Once the decision has been made that the breach falls into the red category, submit a report on the breach to the Pensions Regulator in accordance with the guidance provided in section 6.
12. If it is decided that the breach is not of material significance and so should not be reported to the Pensions Regulator update the register and close the case.
13. Where a report has been submitted to the Pensions Regulator, the reporter must ensure that they receive an acknowledgement from the Pensions Regulator within 5 working days of submitting the report. If not, the reporter should contact the Pensions Regulator to ensure that the report has been received.
14. Ensure that the register is updated at each stage of the process so that the case can be monitored and dealt with effectively and efficiently.

NOTE: The register is held by the Pension Fund. All updates to the register should be made by the reporting officer in conjunction with a Senior Officer of the Pension Fund taking into account who may be implicated in the breach.

6 HOW SHOULD REPORTS BE MADE?

All reports of material breaches must be made in writing to the Pensions Regulator as soon as is reasonably practicable. They should be sent preferably to the Pensions Regulator via its online system, 'Exchange' at www.tpr.gov.uk/exchange, but can be sent by post to The Pensions Regulator, Napier House, Trafalgar Place, Brighton, BN1 4DW, or electronically to customersupport@tpr.gov.uk or by calling 0345 600 0707.

The report should be dated and include as a minimum the following details:

- Full name of the scheme;
- Description of the breach or breaches;
- Any relevant dates;
- Name of the Scheme employer and/or Scheme Manager;
- Name, position and contact details of the person reporting the breach;
- The role of the person reporting the breach in relation to the Scheme.

Further information should be supplied wherever possible including for example:

- The reason the breach is thought to be of material significance;
- The address of the Scheme;
- The contact details of the Scheme Manager (The Royal Borough of Windsor & Maidenhead);
- Whether the concern has previously been reported.

If the matter of concern is considered to be particularly serious a phone call can be made to the Pensions Regulator prior to the submission of a written report.

7 FAILURE TO REPORT A BREACH OF THE LAW

Failure by any person to comply with their obligation to report breaches of the law to the Pension Regulator is a 'civil offence' unless a 'reasonable excuse' can be given.

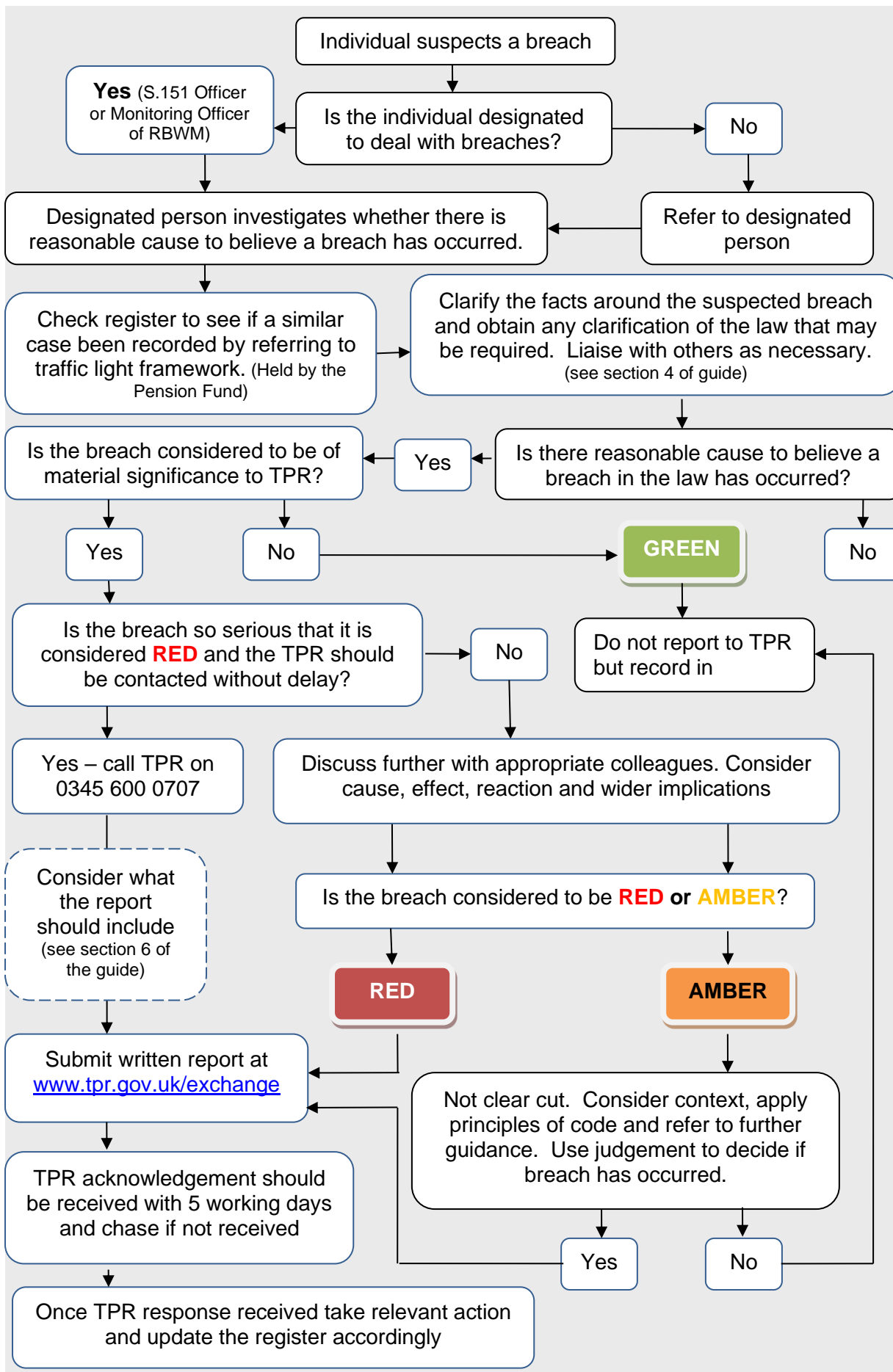
To decide if a report has a reasonable excuse for not reporting a breach, or reporting a breach later than would be expected, The Pensions Regulator may consider the following:

- The legislation, case law and codes of practice issued by the Pensions Regulator;
- The role of the reporter in relation to the Scheme;
- The training provided to the reporter and the level of knowledge that the reporter could reasonably be expected to have;
- The procedures put in place to identify and evaluate breaches and whether those procedures have been followed;
- The seriousness of the breach and whether or not the breach should have been reported immediately;
- Any reasons given for a delay in the report;
- Any other relevant considerations relating to the case in question.

If the Pensions Regulator considers issuing a civil penalty, a warning notice will be sent to the affected party or parties identifying the alleged breach. In addition, the Pensions Regulator may consider it appropriate to make a complaint to the reporters professional or other governing body.

ANNEX 1 – FLOWCHART - REPORTING BREACHES OF THE LAW TO TPR

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ANNEX 2 – TEMPLATE BREACHES REGISTER

POTENTIAL INVESTIGATION OUTCOMES				
	CAUSE	EFFECT	REACTION	WIDER IMPLICATIONS
BREACH DETAILS				
DATE IDENTIFIED				
RED				
AMBER				
GREEN				
DATE REVIEWED BY RESPONSIBLE PERSON				
OUTCOME AND ACTION TAKEN				
NAME OF REPORTER AND DATE REPORTED TO TPR				
TPR RESPONSE				
ACTION TAKEN				



**SERVICE LEVEL AGREEMENT BETWEEN THE
ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
AS ADMINISTERING AUTHORITY AND THE
THE PENSION ADMINISTRATION TEAM**

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1. INTRODUCTION

The Royal Borough of Windsor & Maidenhead (RBWM) is the Administering Authority for the Royal County of Berkshire Pension Fund (RCBPF). As such, RBWM has certain statutory responsibilities for the administration of the Local Government Pension Scheme (LGPS) in Berkshire. This includes the six Unitary Authorities (of which RBWM is one) and around 270 other associated employers who make up the membership of the Pension Fund.

The Administering Authority has ultimate responsibility for interpreting and implementing statutory LGPS regulations, which includes setting an investment strategy, for receiving monies due to and paying monies owing from the Fund and for making sure that it has robust systems and processes in place to ensure that the scheme is administered in line with scheme regulations and within prescribed levels of performance.

This document has been prepared as a service level agreement between the Administering Authority and the Pension Fund administration team and sets out service standards or 'promises' of the level of service that the team will provide to ensure that the Administering Authority achieves its statutory responsibilities.

2. ADMINISTRATION OF THE LGPS

The pension administration team will:

- 2.1. Maintain a member database of all current, deferred and retired members (including their dependants) of the scheme along with historical data relating to former scheme members who have a right to claim a refund of contributions but have not elected to do so (frozen refunds), former members who no longer have a liability within the Fund (benefits transferred out of the scheme), employees who have opted out of the Scheme for whom an opting out form must be retained and former now deceased members.
- 2.2. Provide an efficient, effective and courteous administration service.
- 2.3. Calculate member benefits in accordance with Scheme regulations.
- 2.4. Provide a pension payroll service to all retired Scheme members and their dependants.
- 2.5. Ensure that pension payments are made on the correct date and that all lump sum payments are made as soon as possible following the retirement of the Scheme member.
- 2.6. Provide current and deferred members with an annual benefit statement.
- 2.7. Ensure that all new Scheme members receive an access key to 'my pension ONLINE' with details of how to access a formal notification of membership and other relevant Scheme information.
- 2.8. Notify all retired scheme members of the annual increase to their pension benefits.

- 2.9. Provide a payslip to retired members of the Scheme in April every year and any subsequent month where there is at least a £0.50 variance in net pay.
- 2.10. Provide a P60 to every retired Scheme member within HMRC (HM Revenue and Customs) deadlines.
- 2.11. Perform other administrative tasks in line with the service standards laid down in a service level agreement with Scheme employers.

3. SCHEME COMMUNICATIONS

The pension administration team will:

- 3.1. Maintain and update a website for all members of the LGPS and provide a dedicated area for Scheme employers to assist them in administering the scheme on behalf of their employees.
- 3.2. Inform all scheme members of significant changes to the LGPS along with RCBPF updates by way of an (at least) annual newsletter.
- 3.3. Inform all scheme employers of significant changes to the LGPS along with RCBPF updates by way of a (at least) bi-annual scheme employer bulletin containing details of the most recent pension issues and action to be taken by employers.
- 3.4. Produce, publish and maintain a suite of scheme guides and factsheets to assist scheme members in understanding their pension rights and options.
- 3.5. Offer pension surgeries, presentations and open days to be held across the County of Berkshire.
- 3.6. Respond to letters and emails within 10 working days.

4. COMPLAINTS PROCEDURE

- 4.1. The pension administration team has a commitment to put things right if they go wrong and will investigate any complaint received within 10 working days.
- 4.2. If the team are unable to resolve a complaint the member has a right to appeal under the Internal Disputes Resolution Procedure (IDRP) which is a 3-stage appeal process set out in the regulations.

5. GENERAL

The pension administration team will:

- 5.1. Deal with member enquiries in a professional, polite and friendly way and offer guidance to scheme members as appropriate without giving financial or taxation advice.

- 5.2. Make available confidential interview facilities as required.
- 5.3. Maintain and report on performance statistics on a regular basis
- 5.4. Provide information for completion of an administration report to be presented to members of the Pension Fund Committee, Pension Fund Advisory Panel and Pension Board.
- 5.5. Provide information for the Annual Report and Financial Accounts of the Pension Fund.
- 5.6. Maintain the member database in accordance with the General Data Protection Regulations 2018 and issue a Privacy Notice explaining how the Pension Fund collects data, what the data is used for, with whom the data is shared and the rights of individuals about their data.
- 5.7. Ensure that annual budgets are set and monitored as appropriate, including the prior agreement of any recharge arrangements between RBWM and RCBPF. Budgets and recharge agreements are set in the annual business plan.

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TRAINING FRAMEWORK FOR BERKSHIRE PENSION FUND COMMITTEE AND ADVISORY PANEL MEMBERS (2022/23)

1. Introduction

Pension Fund Committee and Advisory Panel Members must ensure that their knowledge and understanding of the rules, regulations and laws governing LGPS funds are kept up to date. Regular training must be made available to enable decision makers to undertake their duties appropriately, to make informed decision as well as provide necessary challenge on various RCBPF decisions that are required to be taken by the Pension Fund Committee.

In line with best practice, a training framework is presented within this document, that is refreshed annually, focussing on several compulsory training items along with several options but highly recommended training items.

Pension Fund Committee and Advisory Panel members are required to keep a record of their training, which is collated into a training log and published as an appendix to the annual governance compliance statement following the Hymans Robertson Good Governance: Phase 3 Report to the SAB.

2. Essential Training

The Pension Regulator's (tPR) public service pensions toolkit contains seven modules that must be completed at least once by Pension Fund Committee and Advisory Panel members and should be revisited on a regular basis or as and when members feel there are possible gaps in the knowledge and understanding required to undertake their duties.

Training Item	Description	Trainer	Further Information
Conflicts of interest	Learn what conflicts of interest are, how important it is to be aware of them and their potential impact	tPR Public Service toolkit	https://www.thepensionsregulator.gov.uk/en/public-service-pension-schemes
Managing risk and internal controls	Learn how to identify, evaluate, manage and monitor scheme risks. You will also learn about internal controls to mitigate risk.	tPR Public Service toolkit	https://www.thepensionsregulator.gov.uk/en/public-service-pension-schemes
Maintaining accurate member data	Learn about the requirement for maintaining complete and accurate member data. You will also learn about other records that must be kept.	tPR Public Service toolkit	https://www.thepensionsregulator.gov.uk/en/public-service-pension-schemes
Maintaining member contributions	Learn about the requirement to monitor member contributions and how to manage overdue contributions.	tPR Public Service toolkit	https://www.thepensionsregulator.gov.uk/en/public-service-pension-schemes
Providing information to members and others	Learn about the information different types of schemes are required to provide.	tPR Public Service toolkit	https://www.thepensionsregulator.gov.uk/en/public-service-pension-schemes
Resolving internal disputes	Learn about the requirement for schemes to have an Internal Dispute Resolution Procedure (IDRP).	tPR Public Service toolkit	https://www.thepensionsregulator.gov.uk/en/public-service-pension-schemes
Reporting breaches of the law	Learn about the requirement to report certain breaches of the law to the Regulator. You will also learn about the traffic light framework.	tPR Public Service toolkit	https://www.thepensionsregulator.gov.uk/en/public-service-pension-schemes

3. Additional Training

Investment matters

In between quarterly Pension Fund Committee meetings, the Local Pensions Partnership (Investments) Limited (LPPI) attend a meeting with Fund officers and Committee members. This is referred to as the “LPPI/RCBPF intra-quarter meeting”. The agenda is usually focussed on upcoming matters to be discussed and approved at the next Committee meeting. Since September 2021, where possible this forum has incorporated a training session to sync with the main topic of discussion at the upcoming Committee meeting. Examples of what was covered in 2021/22 includes (but not limited to); SAA training, currency hedging training, real-assets portfolio training, risk appetite statement metric training. The intention is for this process to continue through 2022/23 and Committee members are advised to attend these sessions where possible and to suggest specific topics for training where possible.

Funding matters

At least quarterly, Fund officers hold a general training and update session with technical matters usually presented by the Fund’s actuary Barnett Waddingham. Examples of sessions delivered by the actuary in the past year includes (but not limited to); technical training on actuarial matters (such as discounting, funding etc.), funding and contributions training at the annual meeting, and longevity contract training. These training sessions plan to continue through 2022/23, either as standalone items or during Committee pre-meetings. Committee and Advisory Panel members are advised to attend these sessions where possible.

General and other matters

In addition to the desirable training sessions detailed above, third parties that the Fund has existing relationships with such as the Fund actuary, the custodian bank, LAPFF and the PLSA routinely arrange both formal and informal wide-audience training sessions on a range of topics from general LGPS overviews to specific matters such as asset valuation, IAS19 accounting reports and responsible investment. Where Fund officers are made aware of these sessions, details are circulated to Committee and Advisory Panel members to encourage attendance.

From time-to-time, Fund officers may arrange for external third parties to attend a group session to provide training on a specific matter. This will largely be on an ad-hoc basis where Committee, Advisory Panel or Fund officers feel that there is a current knowledge gap in this area. Generally, the Fund will look to use existing relationships but external parties may be contacted if better suited for the provision of such training.

The Fund’s two independent advisors (independent investment advisor and independent strategy and governance advisor) may be asked on an adhoc basis to provide a training session on a particular matter or issue where it is felt there is a knowledge gap.

Pension Fund Committee and Advisory Panel members may from time to time attend in-person and virtual conferences, seminars and forums. These events usually contain several useful training sessions on general and specific matters. Attendance to these sessions is encouraged and where not explicitly arranged by Fund officers, should be independently recorded in members’ training logs (or Fund officers should be informed to record in the training logs).

4. Budget

Training and development is seen as a crucial part of Committee and Advisory Panel members being equipped with the right knowledge and skill set to be able to effectively undertake their duties. Therefore, training and development resources, where reasonable, will be made available by the Fund and paid for out of existing administrative budgets. Whilst a specific budget for training and development is not ringfenced by the Fund in 2022/23, the 2022/23 business plan does state that “training and development resources are available” so expenses directly linked to the provision of essential and desirable training will be supported and made available by the Fund prior to agreement in advance by the Head of Pension Fund and the Administering Authority.

BERKSHIRE PENSION BOARD - TRAINING LOG

Training Framework	AC	AP	JF	NC	TP
TPR's Public Sector Online Toolkit (7 modules):					
Conflicts of Interest					
Managing Risk and Internal Control					
Maintaining Accurate Records					
Maintaining Member Contributions					
Providing Information to Members and Others					
Resolving Internal Disputes					
Reporting Breaches of the Law					

Key:	AC: Alan Cross
	AP: Arthur Parker
	JF: Jeff Ford
	NC: Nikki Craig
	TP: Tony Pettitt

TPR Code of Practice No.14					
Governing Your Scheme	3	3	3	3	3
Managing Risks	4	3	3	3	4
Administration	3	3	3	2	4
Resolving Issues	4	3	3	3	3

Pensions Legislation					
The Legislative Framework for Pensions in the UK	3	3	1	2	3
LGPS Regulations and Statutory Guidance	4	2	4	2	3
LGPS Discretions	4	2	2	2	4
Other Legislation	2	2	1	2	2

Pensions Governance					
Understanding National and Local Governance Structure	3	2	2	2	3
Knowledge of Pension Fund Stakeholders	4	2	2	2	3
Knowledge of Pension Fund Stakeholder Consultation and Communication	3	2	1	2	3
Governance Policies	3	2	3	3	4

Pension Administration					
Understanding Best Practice	3	3	3	2	3
Interaction with HMRC	2	2	1	2	3
Additional Voluntary Contributions	3	3	3	2	3
The Role of the Scheme Employer	4	4	3	2	4
Stewardship Report	3	2	2	2	3

Pensions Accounting and Auditing Standards					
Understanding the Accounts and Audit Regulations	5	4	2	2	4
The Role of Internal and External Audit	5	5	2	2	4
Third Party Contracts	3	2	1	2	4

Investment Performance and Risk Management					
Monitoring Assets and Assessing Long-Term Risk	3	2	2	2	4
Myners Principles of Performance Management	3	1	1	2	3
Awareness of Support Services	3	2	2	2	3
Understanding Risk and Return of Fund Assets	3	3	2	2	3
Understanding the Financial Markets	3	3	2	2	3
LGPS (Management and Investment of Funds) Regulations	3	2	2	2	3
HMRC and Overseas Taxation	3	1	1	2	3

Actuarial Methods , standards and practices					
General understanding of the role of the fund actuary	3	3	2	3	4
Knowledge of valuation process	3	3	3	2	4
Monitoring ill health and strain costs	3	3	3	2	4
Impact of employers joining and leaving the fund	3	3	3	2	3
Understanding outsourcing and bulk transfers	3	3	1	3	3
Employer covenants	3	2	3	2	4

Procurement and Relationship Management					
Public Procurement Policy and Procedures	3	2	2	3	4
Brief Overview of UK and EU Procurement Legislation	3	2	2	3	4
How the Pension Fund Monitors and Manages its Outsourced Providers	3	2	2	2	3

Date	Additional Training	AC	AP	JF	NC	TP
03/08/2015	Induction Training					
18/01/2016	Overview of the LGPS Training					
Jun-16	LGPS Introduction and Benefits Training - UNISON					
14/02/2017	Investment training delivered by Nick Greenwood					
Jun-18	Pension Board Member's Annual Event					
Jun-19	Pension Board Member's Annual Event					
04/09/2019	Training Day - BW & LPP					
16/12/2019	Governance overview of the LGPS					
06/10/2020	LGA Fundamentals on line - Legal Structure of LGPS					
07/10/2020	LGA Fundamentals on line - Investment Framework of LGPS					
08/10/2020	LGA Fundamentals on line - Governance and Oversight of the LGPS					
18/11/2020	AON Webinar Cyber Risk in the LGPS					
26/01/2021	LGPS Update - LGA Webinar					
26/01/2021	Overview of the LGPS - Barnett Waddingham					
18/02/2021	Spring seminar - Barnett Waddingham/CIPFA					
03/02/2021	LGPS-Live					
23/06/2021	Barnett Waddingham / CIPFA Annual LPB Members Seminar					
21/09/2021	Mercer - LGPS: Setting a course to net zero					

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : Governance Compliance Statement

Essential information

Items to be assessed: (please mark 'x')

Strategy		Policy	x	Plan		Project		Service/Procedure	
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Responsible officer	Damien Pantling	Service area	Pension Fund	Directorate	Finance
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Stage 1: EqIA Screening (mandatory)	Date created: 05/05/2022	Stage 2 : Full assessment (if applicable)	N/A
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Approved by Head of Service / Overseeing group/body / Project Sponsor:

"I am satisfied that an equality impact has been undertaken adequately."

Signed by (print):

Dated:

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Governance Compliance Statement

Guidance notes

What is an EqlA and why do we need to do it?

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act.
- Advancing equality of opportunity between those with 'protected characteristics' and those without them.
- Fostering good relations between those with 'protected characteristics' and those without them.

EqlAs are a systematic way of taking equal opportunities into consideration when making a decision, and should be conducted when there is a new or reviewed strategy, policy, plan, project, service or procedure in order to determine whether there will likely be a detrimental and/or disproportionate impact on particular groups, including those within the workforce and customer/public groups. All completed EqlA Screenings are required to be publicly available on the council's website once they have been signed off by the relevant Head of Service or Strategic/Policy/Operational Group or Project Sponsor.

What are the "protected characteristics" under the law?

The following are protected characteristics under the Equality Act 2010: age; disability (including physical, learning and mental health conditions); gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

What's the process for conducting an EqlA?

The process for conducting an EqlA is set out at the end of this document. In brief, a Screening Assessment should be conducted for every new or reviewed strategy, policy, plan, project, service or procedure and the outcome of the Screening Assessment will indicate whether a Full Assessment should be undertaken.

Openness and transparency

RBWM has a 'Specific Duty' to publish information about people affected by our policies and practices. Your completed assessment should be sent to the Strategy & Performance Team for publication to the RBWM website once it has been signed off by the relevant manager, and/or Strategic, Policy, or Operational Group. If your proposals are being made to Cabinet or any other Committee, please append a copy of your completed Screening or Full Assessment to your report.

Enforcement

Judicial review of an authority can be taken by any person, including the Equality and Human Rights Commission (EHRC) or a group of people, with an interest, in respect of alleged failure to comply with the general equality duty. Only the EHRC can enforce the specific duties. A failure to comply with the specific duties may however be used as evidence of a failure to comply with the general duty.

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Governance Compliance Statement

Stage 1 : Screening (Mandatory)

1.1 What is the overall aim of your proposed strategy/policy/project etc and what are its key objectives?

Good governance in the LGPS involves ensuring that the Fund is managed in line with best industry practice as opposed to simply complying with the statutory regulations. This report deals with three separate non-statutory policies that are to be reviewed by the Pension Fund Committee at regular intervals in line with best practice.

Ensuring that the Fund has a policy around assessing and reporting breaches of the law to the Pensions Regulator, a service level agreement between the Fund and the Administering Authority and a training policy and log in place enables the Fund to be managed effectively.

These three policies have been previously approved by the Pension Fund Committee and have been reviewed and refreshed as part of the Fund's periodic policy review.

1.2 What evidence is available to suggest that your proposal could have an impact on people (including staff and customers) with protected characteristics? Consider each of the protected characteristics in turn and identify whether your proposal is Relevant or Not Relevant to that characteristic. If Relevant, please assess the level of impact as either High / Medium / Low and whether the impact is Positive (i.e. contributes to promoting equality or improving relations within an equality group) or Negative (i.e. could disadvantage them). Please document your evidence for each assessment you make, including a justification of why you may have identified the proposal as "Not Relevant".

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Governance Compliance Statement

Protected characteristics	Relevance	Level	Positive/negative	Evidence
Age			N/A	Key data: The estimated median age of the local population is 42.6yrs [Source: ONS mid-year estimates 2020]. An estimated 20.2% of the local population are aged 0-15, and estimated 61% of the local population are aged 16-64yrs and an estimated 18.9% of the local population are aged 65+yrs. [Source: ONS mid-year estimates 2020 , taken from Berkshire Observatory]
Disability			N/A	
Gender re-assignment			N/A	
Marriage/civil partnership			N/A	
Pregnancy and maternity			N/A	
Race			N/A	Key data: The 2011 Census indicates that 86.1% of the local population is White and 13.9% of the local population is BAME. The borough has a higher Asian/Asian British population (9.6%) than the South East (5.2%) and England (7.8%). The forthcoming 2021 Census data is expected to show a rise in the BAME population. [Source: 2011 Census, taken from Berkshire Observatory]
Religion and belief			N/A	Key data: The 2011 Census indicates that 62.3% of the local population is Christian, 21.7% no religion, 3.9% Muslim, 2% Sikh, 1.8% Hindu, 0.5% Buddhist, 0.4% other religion, and 0.3% Jewish. [Source: 2011 Census, taken from Berkshire Observatory]
Sex			N/A	Key data: In 2020 an estimated 49.6% of the local population is male and 50.4% female. [Source: ONS mid-year estimates 2020 , taken from Berkshire Observatory]
Sexual orientation			N/A	

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : Governance Compliance Statement

Outcome, action and public reporting

Screening Assessment Outcome	Yes / No / Not at this stage	Further Action Required / Action to be taken	Responsible Officer and / or Lead Strategic Group	Timescale for Resolution of negative impact / Delivery of positive impact
Was a significant level of negative impact identified?	No	No	Damien Pantling	N/A
Does the strategy, policy, plan etc require amendment to have a positive impact?	No	No	Damien Pantling	N/A

If you answered **yes** to either / both of the questions above a Full Assessment is advisable and so please proceed to Stage 2. If you answered “No” or “Not at this Stage” to either / both of the questions above please consider any next steps that may be taken (e.g. monitor future impacts as part of implementation, re-screen the project at its next delivery milestone etc).

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : Governance Compliance Statement

Stage 2 : Full assessment

2.1 : Scope and define

2.1.1 Who are the main beneficiaries of the proposed strategy / policy / plan / project / service / procedure? List the groups who the work is targeting/aimed at.

N/A – No full assessment required

2.1.2 Who has been involved in the creation of the proposed strategy / policy / plan / project / service / procedure? List those groups who the work is targeting/aimed at.

N/A – No full assessment required

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : Governance Compliance Statement

2.2 : Information gathering/evidence

2.2.1 What secondary data have you used in this assessment? *Common sources of secondary data include: censuses, organisational records.*

N/A – No full assessment required

2.2.2 What primary data have you used to inform this assessment? *Common sources of primary data include: consultation through interviews, focus groups, questionnaires.*

N/A – No full assessment required

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : Governance Compliance Statement

Eliminate discrimination, harassment, victimisation

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Governance Compliance Statement

Advance equality of opportunity

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Governance Compliance Statement

Foster good relations

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

2.4 Has your delivery plan been updated to incorporate the activities identified in this assessment to mitigate any identified negative impacts? If so please summarise any updates.

These could be service, equality, project or other delivery plans. If you did not have sufficient data to complete a thorough impact assessment, then an action should be incorporated to collect this information in the future.

N/A – No full assessment required

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : Governance Compliance Statement