



Briefing Note

Questions to Be Considered

You will see from the papers that there are a number of questions to be considered and to assist attached is a “recommendations of the working party table” which highlights the questions posed, the considerations and the proposed recommendation. You are asked to consider the information contained within this paper and attend the meeting of the working party having considered the questions and formed recommendations.

Interpretation

For clarity, the following terms have the following meanings within this note.

The 2013 Act	Public Services Pensions Act 2013
Draft Regulations	The Local Government Pension Scheme (Amendment) Regulations 2014.
Trustees	Persons currently appointed to the Pensions Committee
Members	People in receipt of a pension, a deferred pension, an employee paying into their pension.
Employers	Employers in the Fund
Councillors	Publicly elected councillors of local authorities
WCC	Wolverhampton City Council
The Council/ Full Council	The full Council as decision-making body of WCC
Scheme Manager Committee	The new Pensions Committee under the 2013 Act

Current Governance Structure

Currently, Wolverhampton City Council are the administering authority for pensions within the West Midlands.

This makes pensions a function of the Council.

Section 101 of the Local Government Act 1972 allows local authorities to delegate their functions to be performed on their behalf either by a committee of the council, a sub-committee, an officer or another authority.

In considering their ability to delegate their functions, Wolverhampton City Council has delegated the function of pensions to the Pensions Committee.

The Pensions Committee consists of 18 councillors nominated by each local authority in the West Midlands to be their representative together with four trade union observers.

Again, under S101, the Pensions Committee has the ability to delegate some or all of its function to another committee, a sub-committee or an officer and has elected to delegate the establishment of policies in relation to investment management, the oversight and monitoring of investment

activity and the performance of the Fund to the Investment Advisory Sub-Committee.

The Committee has delegated the administrative management of the Fund to the Director of Pensions who, in turn, has delegated to her officers.

A diagrammatic structure of the Fund is attached as Appendix One.

Future Governance Structure

The Role of the Scheme Manager

Under the 2013 Act, local government pension funds are now required to have Scheme Managers who are the administering authority for the Fund. In our case, the Scheme Manager is Wolverhampton City Council.

Section 4 requires that each scheme appoints a Scheme Manager, a person responsible for managing or administering the scheme. The Scheme Manager will have ultimate responsibility for the scheme and is a S101 function which enables the Scheme Manager to be a committee, much the same as we currently have. Because of this, the draft regulations don't say anything about the general make-up of a Scheme Manager Committee except to question whether the ability to form joint or combined committees should be provided for in the final regulations. This is addressed later in the report.

Under the Act, the Scheme Manager can have a divided role, one for the administration of the Fund and one for the management of it.

So, the first question is whether the role should be divided by Wolverhampton City Council as administering authority or whether the role should remain intact.

The Scheme Manager One or Two?

Under the Act, each Scheme Manager is required to be advised and assisted by a Pension Board. In considering the division of the two roles of Scheme Manager, should these be divided, each could be delegated to a committee and, therefore, each would require a Pension Board and this would need to be considered in practicality.

Two committee and two pension boards would require a large amount of administering; it would require two sets of nominations for equal representation and require two lots of resources from the Fund. There may be difficulty in obtaining nominations to either the management committee or the

administration committee where persons appointed feel that one has more influence or greater responsibility than the other (although in reality they will be equal), there may be a risk of “cherry-picking” seats. However, the division of skills for each role might be more suited to the division of Scheme Managers ensuring a specific skill set for each rather than expecting persons appointed to the committee to have a dual role and require dual skill sets.

Compare this to having one Scheme Manager requiring one Pension Board.

The Scheme Manager would hold both the management and administration role as they do now and be advised by one Pension Board. In having one committee, it may be considered overly burdensome to expect those appointed to have knowledge of both processes. However, it may also be advantageous, as persons appointed to the committee may feel they have a greater say in the overall management of the Fund, there would be no “cherry-picking” of seats and, subsequently, no feeling of discontent; everyone appointed would have the same level of influence over every decision. Further, as it is a S101 committee, the current nominations could remain on the 2014 committee, therefore ensuring the retention of knowledge and experience which has been built up over the years, and would see that knowledge working together in one committee rather than being divided amongst two.

The administering of one committee would also be advantageous to the Fund’s resources as it attempts to work to best value in consideration of the financial burdens facing local authorities.

In considering these options, it is recommended not to divide the role of Scheme Manager.

Item For Decision

Does the working party agree that the Scheme Manager role should not be divided – with one Pensions Committee taking on the whole Scheme Manager function?

Subsequent Delegations

As outlined above, the current structure provides for the current Pensions Committee to delegate the role of investments to the Investment Advisory Sub-Committee. As the new Scheme Manager function is a S101 function and can be delegated, there is provision in the new arrangements to create a sub-committee also.

The creation of a sub-committee will assist with the work of the Scheme Manager, as it will enable the sub-committee to specialise in an area of particular expertise and knowledge enabling those persons appointed to focus on those elements. The current sub-committee has been a successful body in the work of the Fund and has provided an opportunity to develop skill sets. It would be considered to be a disadvantage to lose this body in the new structure.

It is the recommendation of the Fund to continue to delegate certain areas of work to an appropriate sub-committee.

Item For Decision

Does the working party agree to continue with the Sub-Committee in the new structure?

The Pension Board

Section 5 of the Act requires that each Scheme Manager is advised and assisted by a pension board whose role will be to help ensure compliance with the legislation in the governance and administration of the scheme, together with any role or function the fund chooses to grant to the board.

The pension board is required to consist of a proportionate number of employer representatives and member representatives with the draft regulations requiring that there be a minimum quorum of four. The draft regulations also propose that in addition to any member and employer representatives, pension boards can also appoint “others” to sit provided the number of these “others” does not exceed the total number of employer and member representatives.

What the regulations do make clear is that elected councillors cannot sit as an employer or a member representative; therefore, it will fall to officers to take on the duty of sitting on the pension board. However, elected councillors can sit as these “others” so we won’t lose the experience and knowledge gained by councillors over the years.

Those appointed to the board are to be scrutinised by the Scheme Manager in ensuring no conflict of interest arises, and they have a duty to declare any interests to enable the Scheme Manager to identify such conflicts should they arise.

What is unclear is what constitutes a conflict of interest; some commentators believe this to mean actual conflicts rather than potential ones as potential conflicts would be extremely difficult to manage. The working party are encouraged to ask for clarity on this as part of our consultation response.

As well as ensuring there is no conflict, there is also a requirement on the Scheme Manager to ensure those appointed to the pension board meet the knowledge and understanding requirement through relevant training.

Combined

On reading the legislation, it does not appear that the intention is to have one committee performing both the Scheme Manager/decision-making role and the pension board/ advisory role. They are, after all, two distinct functions. However, the draft regulations are asking whether pension committees could be combined with pension boards under the new structure, subject to the proportionality requirement and on gaining permission from the Secretary of State. The regulations suggesting that permission for a combined committee will only be given in certain circumstances, it is not anticipated to be the norm.

It is recommended to the working party that WMPF establish a pension board separate from any committee established to perform the Scheme Manager role.

Joint

The other question in the consultation is whether there should be joint pension boards.

To be clear, a combined board will be where the scheme manager committee and the pension board are combined in the same authority. A joint board will be where the Scheme Manager Committee and the pension board remain separate within their own authority but have the ability to join with other authorities.

The advantage of this being where there are smaller funds who lack resources to manage their own board. It would also assist WMPF as, as you know, we manage ITA on behalf of Centro, so the ability to combine a pension board with them would assist in our resources and management.

The consultation on the draft regulations asks two questions on this point:

- 1) Should the pension board be a S101 committee
- 2) Should the final regulations allow for combined/joint Scheme Manager Committees and pension boards.

Question 1

While a S101 requirement for the board would seem advantageous, it may be considered overly burdensome and restrictive in consideration of the role of the pension board as an advisory and not decision-making body.

Local government authorities are used to working to the S101 committee style and WMPF would consider the same principles under S101 when considering the terms of reference for the pension board even if this was not included in the final regulations. However, flexibility would be useful which may allow for shorter notice of meetings.

The ability to resource a separate board for a small fund with two employers (especially given the knowledge and understanding requirement for the board members) appears potentially burdensome.

Should the S101 provision apply, it would be open to authorities to consider joint committee and pension boards. This would be advantageous to smaller neighbouring authorities who may struggle to comply with any imposed requirement to have separate pension committees and pension boards due to a lack of number or resource and where other in-house services are already working as a shared service.

There are also circumstances where more than one fund is being managed in one authority. WMPF, for example, also manages the Integrated Transport Authority (ITA) Fund and we would welcome the ability to have one advisory board for both; the ITA being able to benefit from the more extensive knowledge offered by a larger advisory group of people. To include the S101 provision would allow for the delegation to be given to other authorities which would assist should joint pension boards be permissible.

Given the advisory nature of the board, there may be a need to call a meeting as a matter of urgency to provide advice on a matter considered at committee where the restrictions of S101 (five-day agenda delivery etc) would make the ability to take the decision unviable, or where a delay in the decision would cause detriment to the fund.

It would be the recommendation to the working party to respond to the consultation asking for the flexibility of not having the pension board as a S101 committee.

Question 2

The need for the ability to create a combined committee and pension board would depend on Government's response to the ability to create joint boards as one may extinguish the need for the other.

Commentators have suggested that the dual function and separate legal codes governing the two bodies would make the management of them a struggle should they be combined, and would appear to go against the purpose of reform in having more accountability in a fund that, in effect, would be self-scrutinising.

While a combined committee and pension board would seem advantageous in the management of resources (two committees can be quite resource heavy), consideration needs to be given to the two different roles of the pension board and the Scheme Manager, one being the decision maker and one being the advisor. The working party are recommended to keep in mind the reasoning behind the changes and the need to create more accountability, a self-regulating decision-making body might be considered to go against this.

Commentators consider there to be an advantage in keeping the two bodies separate given the specific requirement for proportionality and the membership on the pension board, a separate committee which gives the opportunity for other representatives to advise on (and therefore have some element of control over) decisions of the fund would further relationships and foster good working relationships between funds, members and employers.

It is suggested that this provision may be more suited to smaller funds where the ability to manage two committees is not viable either due to resource or due to the lack of numbers for committee membership.

It is the recommendation to the working party that WMPF respond to the consultation in favour of the ability to create joint committees.

Item For Decision

Does the working party agree that the pensions board not be a S101 committee?

Does the working party agree that the scheme manager committee (decision-making role) be separate from the Pensions Board (assist and advisory role)?

Does the working party agree that the regulations should provide for joint committees and pension boards?

Conflicts of Interest

As stated, the Scheme Manager has responsibility for ensuring that persons appointed to the Pensions Board have no conflicts of interest. Currently, it is unclear from the legislation whether those conflicts are actual or potential, and the working party are recommended to ask for clarity on this point in their response to the consultation.

It is anticipated that the restriction will apply to actual conflicts, where there is a direct impact only as the ability to manage potential conflicts may be unviable. Further, it is suggested that membership of a pension scheme does not exclude the person from sitting on the pension board and that this will be an exempted conflict.

When considering this point it raises the question as to the conduct of those persons sitting on the Scheme Manager committee and the pension board. The Localism Act 2011 changed the way local authorities deal with councillor conduct, each having their own code of conduct which is not enforceable upon officers. Each employer will also have their own employee code of conduct for officers when acting within the remit of their employment. Further, the role of sitting on the Scheme Manager Committee and Pensions Board will be entirely separate from any duty the person has in their role as councillor or officer, as they will be expected to consider only the duty owed to members and employers within the scheme.

It is suggested therefore that to further the provisions of the 2013 Act, persons appointed to the Scheme Manager Committee and the Pensions Board adhere to a separate code of conduct relevant for their duties and the responsibilities they will undertake while sitting in this role.

A draft code of conduct is attached for your consideration.

Item For Decision

Should persons appointed to the Scheme Manager Committee and the Pensions Board be subject to a separate code of conduct?

Terms of Reference

Having considered how the structure will look, the working party is now asked to consider the terms of reference for the Scheme Manager Committee and the pension board, including provisions as to remit, role, quorum, representation, frequency of meetings, etc.

As stated, the Scheme Manager may be a committee delegated under S101 of the Local Government Act 1972 much the same as it is currently, and the terms of reference will be defined in the legislation. Therefore, the question is asked: who should sit on the Scheme Manager Committee?

Before considering the question of numbers on the Scheme Manager Committee, the working party are asked to consider the requirements of the Pension Board first.

Pension Board – Terms of Reference

Under the Act, the Pension Board is required to consist of equal number of employer and member representatives. The Fund has over 270,000 members and over 490 employers and you will need to consider what is fair, equal and manageable when determining the make-up of the board.

Currently within the Fund, we have five categories of employers:

- 1) Local authorities
- 2) Academies
- 3) Universities
- 4) Voluntary organisations
- 5) Contractors

It is suggested that a representative from each category is nominated to sit on the Pension Board making the ratio 5:5. This would require us to have five member representatives also. It is suggested that the terms under the Act do not restrict this to mean actual members, but to include trade unions as member representatives also.

Under the Act, neither employer or member representatives can be elected councillors and, therefore, there is a risk that the skills and knowledge accrued by trustees over the years will be lost. However, they will still be able to sit on the Scheme Manager Committee, and the advantage to be gained comes in having qualified officers sit as advisors to the trustees taking the decisions.

Given the provision under the Act and the ability to appoint "others" to the pension board, it is further proposed to appoint 2 elected councillors from Wolverhampton City Council on to the board also (Wolverhampton would be excluded from appointing a member or employer representative on the board if this was approved).

In considering this, the number of persons appointed to the Pensions Board would total 12, plus the provisions for substitutes.

In considering this, the working party are asked to consider the make-up of the Scheme Manager Committee in conjunction with the Fund's ability to resource, fund and train those appointed in addition to those appointed to the Pension Board.

The Scheme Manager Committee – Terms of Reference

In consideration of the representation on the Pension Board, it is proposed to reduce the number of Wolverhampton elected councillors on the Scheme Manager Committee and instead have eight representatives plus one from each of the district authorities together with four trade union members.

This would make the total number of persons appointed to both groups 28, plus substitutes and as officers we feel this is a manageable number when considering the resources and training required of the two groups. Any additional numbers might increase the resource required and therefore may increase the Fund's administration costs which would need to be borne by the contributing authorities.

In considering these decisions, draft terms of reference for each group are attached for your consideration.

Item For Decision

Does the working party agree that the Pension Board consist of a ratio of 5:5 member and employer representatives with two elected councillors from WCC?

Does the working party agree that the scheme manager committee consist of eight WCC elected councillors, one elected councillor from each district council and four trade union members?

Other Matters

As well as seeking clarification on points relevant to the Fund's governance structures, the draft regulations also seek consultation on a number of other points which the working party are asked to consider.

Funding of the Scheme Advisory Board

As discussed in the June Committee report, the Secretary of State is to be advised by his own pension board, the Scheme Advisory Board. Currently, this is in shadow form.

Under the Act, the Scheme Advisory Board has no decision-making powers and acts to advise the Secretary of State only. However, unlike local pension boards, the Secretary of State is not required to adhere to the advice of the Scheme Advisory Board.

The consultation from Government seeks opinion on whether funding for the Scheme Advisory Board should be recovered from pension schemes, and the working party are asked to consider the implications of this.

It is suggested that while the Scheme Advisory Board is beneficial to pension schemes, funding should only be provided where such furthers the improvement of LGPS schemes. The working party are also asked to consider what form such funding should take, whether a flat fee or a proportionate fee relative to the size of the fund is preferred.

Item For Decision

Should local schemes fund the Scheme Advisory Board?

Annual General Meetings, Employer Forums, etc

A further question asked by the consultation is whether the regulations should provide a legal requirement on schemes to provide AGMs or employer forums.

As you are aware, as a matter of good practice, WMPF hold annual and mid-year reviews inviting employers from across our Fund which have been successful and well attended. The Fund also takes a proactive approach to informing our members, highlighting issues to them through such mediums as roadshows and employer events which are supported by a newsletter and various briefs on the Fund's website.

The working party are asked to consider the ability of the Fund to manage, resource and indeed fund an AGM such as that proposed. With over 270,000 members, if even 1% of those attend would require a significant amount of resource and cost which the Fund would have to seek to recover from the employers as part of their administering contributions. In a time when budgets are tight and challenges to contributions are growing, the working party may not consider this requirement to be in the interest of the Fund or its members.

Consideration would need to be given to the differing size of pension funds, some have only one authority employer and, therefore, to hold an annual meeting for itself may be considered overly burdensome. It is suggested that this requirement should be considered best practice in fostering relationships rather than a legal requirement, as there is always a risk that no employers attend an arranged meeting.

Further, given the representation of employers on the Pension Board, it is hoped that any concerns or information will be relayed back to the employers through their representatives on the board or through such established mediums as employer/employee peer groups.

Item For Decision

Should the regulations impose a legal requirement on funds to hold AGMs/employer forums?

Public Sector Equality Duty

As you are aware, bodies performing a public function are bound to comply with the Public Service Equality Duty as set out in section 149 of the Equality Act 2010.

Government are seeking clarification as to whether funds believe this duty should extend to pension boards also and, at first consideration, it would seem common sense that the board would have to fall within the PSED given the public service nature of the role and the fact that a significant amount of matters to be considered may potentially affect one particular group with protected characteristics.

However, it would be for the Scheme Manager Committee (as decision makers) to consider the advice of the board in line with their other duties and, as a committee of a local authority, one of those duties would be the public sector equality duty. Therefore, the impact of any advice provided by the board to a group of persons with protected characteristics would be managed by the committee who are obliged to consider any such impact.

Item For Decision

Should the Pensions Board be required to comply with the Public Sector Equality Duty?

Knowledge and Understanding

Finally, Government in their consultation are also seeking comments on the requirement for Scheme Manager Committees to have the same knowledge and understanding requirement imposed on pension board members.

In considering the two roles, the Pension Committee will be the decision-making body, the pension board, the advisor, the working party are asked to consider the implications of having a decision-making body which are not required to have the knowledge and understanding of the implications of their decisions.

Item For Decision

Should persons appointed to the Scheme Manager Committee be required to have the same legal requirement as pension board members in having the knowledge and understanding relevant to fulfil their duties?



Committee Code of Conduct for the West Midlands Pension Fund

This code applies to all persons nominated to the Pension Committee (including its sub-committees) and the Pension Board (together Committees) in consideration of the principles set out in the Public Service Pensions Act 2013 and the Codes of Practice issued by the Pensions Regulator.

The Code of Conduct is intended to promote high standards of behaviour amongst those appointed to the committees and is underpinned by the seven principles of public life adopted by the administering authority for its own elected members. These should be borne in mind when interpreting the meaning of the Code.

i) **Selflessness**

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

ii) **Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

iii) **Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

iv) **Accountability**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

v) **Openness**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

vi) **Honesty**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

vii) **Leadership**

Holders of public office should promote and support these principles by leadership and example.

PART ONE

1.0 General Provisions

- 1.1 This Code applies to you as a person appointed to the Committees of the West Midlands Pension Fund (The Fund).
- 1.2 It is your responsibility to comply with the provisions of the Code and ensure all obligations are met.
- 1.3 In this Code “**Meeting**” means any meeting of any of the committees within the Fund, any external meeting at which you are a representative of the Fund and any meeting where your behaviour may be a perceived as a reflection on the Fund.

2.0 Scope

- 2.1 You must comply with this Code whenever you are conducting the business of the Fund or acting in the capacity of a person appointed to a committee of the Fund.

3.0 Respect

3.1 **You must treat others with respect.**

It is the collective responsibility of all persons appointed to the committees of the Fund to create a fair, safe and enjoyable environment for members, employers and officers which is free from discrimination, intimidation and abuse.

3.2 **You must not:**

- 3.2.1 do anything which may cause the Fund to breach the Equality Act 2010;
- 3.2.2 bully any person;
- 3.2.3 intimidate or attempt to intimidate any person;
- 3.2.4 do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Fund.

4.0 Confidentiality

- 4.1 You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - 4.1.1 you have the consent of a person authorised to give it;
 - 4.1.2 you are required by law to do so;
 - 4.1.3 the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

4.1.4 the disclosure is:

- (aa) reasonable and in the public interest; and
- (bb) made in good faith and in compliance with the reasonable requirements of the Authority.

Any assessment as to (aa) or (bb) above shall be conducted with the Director of Pensions and no decision as to the release of information under these two provision shall be taken until the Director of Pensions has given her agreement to its release.

4.2 You must not prevent another person from gaining access to information to which that person is entitled by law.

5.0 You must not

- 5.1 Conduct yourself in a manner which could reasonably be regarded as bringing the Fund into disrepute.
- 5.2 Place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- 5.3 Use or attempt to use your position as a person appointed to improperly confer on, or secure for yourself or any other person, an advantage or disadvantage including providing or offering to provide information as to the Fund's business/transactions or investment or a reference for any candidate for employment or promotion.
- 5.4 Use or allow to be used Fund resources improperly for political purposes (including party political purposes) and act in accordance with the Fund's reasonable requirements.

6.0 You must

- 6.1 When reaching decisions on any matter have regard to any relevant advice provided to you by:
 - 6.1.1 Officers of the Fund
 - 6.1.2 Officers of the administering authority, (where that officer is acting pursuant to his or her statutory duties).
 - 6.1.3 The Pension Board or other committees within the fund
 - 6.1.4 Any third party appointed by the Fund to provide specialist advice
- 6.2 Give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed.
- 6.3 Make all choices, such as making appointments, awarding contracts or recommending individuals for rewards or benefits, on individual and independent merit.
- 6.4 Make all decisions in relations to investments and the financial management of the Fund objectively, in a fair business-like manner with reasonable care skill and caution and with reasonable alert to the interest of members of the Fund.
- 6.4 Be as open as possible about your decisions and actions and the decisions and actions of the Fund, and should be prepared to give reasons for those decisions and actions, notwithstanding your other obligations under this Code.

7.0 Accountability

7.1 You are accountable to the members for your decisions and you must co-operate fully with whatever scrutiny is appropriate to your appointment.

PART TWO - CONFLICT OF INTERESTS

Under Section 5 of the Act the Scheme Manager must be satisfied that persons appointed to the Pensions Board do not have a conflict of interest in matters to be considered.

The Pensions Committee as Scheme Manager has taken this one step further and requires all persons appointed to any committee of the Fund to declare any interest which amounts to a conflict of interest in a matter to be discussed. The responsibility for ensuring this compliance has been delegated to the Head of Governance.

8.0 Declaring Interests

- 8.1 Subject to paragraph 8.6 (sensitive interests) you must within 28 days of
 - i) this Code being adopted or
 - ii) your appointment to a committee (where that is later) or
 - iii) an interest becoming known to you notify the Fund's Head of Governance of any matter which may, during the course of your appointment, cause or create a conflict of interest.
- 8.2 Interests which may constitute a conflict include interests of yours, your spouse, a family member or close associate and are usually financial interests, business interests or personal interests which may create bias.
- 8.3 Where such an interest exists and you have not previously notified the Head of Governance, you are required to announce it at the meeting where the conflict arises.
- 8.4 The Head of Governance will retain an interests register.
- 8.5 Where you have an interest which may give rise to a conflict you must not remain in the meeting or participate in the discussions on the matter on which you hold that interest.
- 8.6 Sensitive interests are interests which, if disclosed, could lead to the person appointed being subject to violence or intimidation. Sensitive interests will never be made public and the person appointed is not required to declare the nature of the interest at a public meeting, but merely that the interest exists and could give rise to a conflict.



Recommendations of the Working Party

Question	Options	Recommendation	Decision
Does the working party agree that the Scheme Manager role should not be divided with one Pensions Committee taking on the whole Scheme Manager function?	To divide the administration and management function of the Scheme Manager into two committees each advised by a Pensions Board	To not divide the function	
Does the working party agree to continue with the Sub-Committee in the new structure?	To have all decisions taken by the Scheme Manager Committee or to have some specific areas delegated to sub-committees	To continue with sub-committees	
Does the working party agree that the Pensions Board not be a S101 Committee?	To have S101 of the Local Government Act 1972 apply to the Pensions Board with the provisions for voting, formation, etc, or to have flexibility in determining our own terms of reference	To have flexibility to determine our own terms of reference for the Pensions Board	
Does the working party agree that the Scheme Manager Committee (decision-making role) be separate from the Pensions Board (assist and advisory role)?	To combine the Scheme Manager Committee with the Pensions Board or to keep them separate in recognition of their different functions	To keep them separate	
Does the working party agree that the regulations should provide for joint committees and pension boards	To have the ability to join with smaller funds in sharing knowledge and resource or to prevent joint committees and boards with each authority responsible for its own governance	To allow for joint committees and boards	
Should persons appointed to the Scheme Manager Committee and the Pensions Board be subject to a separate code of conduct?	To have elected councillors subject to their own differing codes of conduct together with employee representatives subject to their own codes of conduct or to have and the risk of having members not subject to any or to have an overall code which binds all persons appointed	To have an overall code	

Question	Options	Recommendation	Decision
Does the working party agree that the Pension Board consist of a ratio of 5:5 member and employer representatives with two elected councillors from Wolverhampton City Council?	To have more or less representation on the Pension Board in consideration of the requirement to have equal representation.	To have a ratio of 5:5 and appoint two elected councillors as 'other' representatives.	
Does the working party agree that the Scheme Manager Committee consist of eight Wolverhampton City Council elected councillors, one elected councillor from each district council and four trade union members?	To have a committee compliant with S101	To have a committee consisting of eight Wolverhampton City Council elected councillors, one elected councillor from each district and four trade union members making the administration and resourcing of the committee compatible with what we have currently	
Should local schemes fund the Scheme Advisory Board?	Yes or No	To assist in the furtherance of LGPS aims	
Should the regulations impose a legal requirement on funds to hold AGMs/ employer forums?	Yes or No	No, due to the potential increase in resource and wasted costs	
Should the Pensions Board be required to comply with the Public Sector Equality Duty?	Yes or No	In consideration of the board's remit: no.	
Should persons appointed to the Scheme Manager Committee be required to have the same legal requirement as Pension Board members in having the knowledge and understanding relevant to fulfil their duties?	Yes or No	In consideration of their decision-making role: yes.	