

Scottish NHS Pension Schemes Pension Board Terms of Reference

Introduction

1. The Public Service Pensions Act 2013 requires the establishment of a Pension Board with the responsibility for “assisting the Scheme Manager” in securing compliance with the scheme regulations and other legislation relating to the governance and administration of the scheme.
2. The Scottish NHS Pension Scheme 2015 regulations reflect the Pension Board governance arrangements

Accountability

3. The Pension Board collectively, and members individually, are accountable to the ‘Responsible Authority’ and ‘Scheme Manager’ (ultimately Scottish Ministers¹) with Cabinet Secretary for Finance and Constitution acting as lead Minister for public sector pensions. SPPA assumes the day to day role of Responsible Authority and Scheme Manager as delegated by Scottish Ministers via the Agency Framework Document.

Pension Board Role

4. The Pension Board is responsible for assisting the Scheme Manager in a range of issues associated with the administration of the scheme. These can include:

Administrative:

- Considering quality, timeliness and accuracy of the administrative services provided to members
- Monitoring administrative processes and supporting continuous improvements
- Supporting employers and the Agency in communicating effectively to scheme members
- Ensuring members have access to a range of tools to improve their understanding of their pension benefits
- Ensuring scheme data is managed to the highest standards
- Compliance with The Pension Regulator’s codes of practice and oversight of interaction between the Scheme Manager and The Pensions Regulator
- Requesting reports on specific topics from the Scheme Manager – as required

Financial:

- Consideration of the quadrennial valuations process and progress

Strategic:

¹ The Scotland Act 1998 (which established the Scottish Ministers) provides for statutory functions to be conferred on “the Scottish Ministers” collectively.

- Giving consideration to the future programme of service improvement at SPPA and its alignment with priorities identified by the Pension Board
- Consideration of lessons learned regarding customer complaints and Pension Ombudsman cases
- Fostering good working relationships with The Pensions Regulator and other service delivery partners
- Consideration of the annual report from The Pensions Regulator, including any responses to recommendations
- Producing an annual report outlining the work of the Board throughout the scheme year

Membership

5. The membership of the Pension Board will consist of:

- An independent Chairperson appointed by the Scheme manager
- An independent Vice-Chairperson appointed by the Scheme manager
- 4 Members nominated by the staff side of the representative bodies (who reflect a broad range of interests: active, deferred and pensioner reps)
- 4 Employer representatives who can offer the breadth of employer representation for the Scheme

SPPA will be represented at the Board by the Chief Executive or another senior official although they will not be Board members.

No substitutes will be permitted.

6. Employer and member representative membership will remain equal in number at all times

7. In addition it may be necessary to draw on particular experts or expert groups to support the work of the Pension Board. This will be on an 'as required' basis; any expert advisor attending the meeting is not a Board member.

Tenure

8. The initial period of membership for the Board members is two years with the possibility of extension subject to the regular review of Pension Board governance and succession planning². Independent Chairs and Vice Chairs will be appointed, in the first instance, for two years. If a Board member vacancy should arise, for any reason, the Chair will take immediate steps to fill it (see from paragraph 23 below). The maximum term available will be six years for all board posts.

Quorum

² The membership of the Board will be managed to promote the retention of knowledge & experience: tenures to reflect good practice with respect to effective Board succession planning.

9. 50% of the Pension Board membership, with at least one representative from the member and employer side and either the Chair or Vice-Chair, will constitute a quorum for Board meetings to proceed.

Conflicts of Interest

10. The Public Service Pensions Act 2013 requires that members of the Pension Board do not have conflicts of interests i.e. a financial or other interest which may prejudice the person's ability to perform the role of Board member. As such all members of the Pension Board will be required to declare any potential conflicts on appointment and routinely thereafter.

Meetings

11. The Pension Board will meet at least two times annually, (all Board meetings will be held at the SPPA Offices in Tweedbank, Galashiels) with further meetings arranged where necessary by agreement of the Board.

Reflecting Board Views

12. The Independent Chairperson will seek agreed and achievable resolutions to Board matters, seeking the consent of all members. Where a consensus is not reached, the number of alternative views will be recorded.

Remuneration

13. Remuneration is limited to the Independent Chair and Vice-Chairperson and will be agreed on appointment in accordance with standard Scottish Government terms. Members of the Pension Board, who are paid officials of their organisations, would have their costs covered by their employer. Travel expenses will be paid to all members of the Board.

Sub groups and committees

14. The Pension Board may set up time-limited sub-groups with the agreement of the Scheme Manager.

Reporting

15. The Pension Board will provide an annual report to the Scheme Manager and to the Scheme Advisory Board.

16. At the discretion of the Scheme Manager, the Independent Chair may be invited to attend the Management Advisory Board as an observer.

Review

17. Pension Board Governance arrangements will undergo continual evaluation³ to ensure sustainable good practice relevant to any changes in legislation, guidance and/or the SPPA Framework.

Appointment and Removal

18. The Independent Chair and Vice Chair will be appointed by the Scheme Manager

19. Member representatives (Unions and other member representative bodies) will be invited to nominate four candidates in writing to be put forward into the selection process with the Scheme manager approving final appointments. Nominees need not be union members.

20. Employer representatives: employer representative bodies will be invited to nominate four candidates in writing to be put forward into the selection process with the Scheme manager approving final appointments.

21. Members may resign from the Pension Board by giving a minimum of three months' notice in writing to the Independent Chairperson.

22. If a performance issue (performance management mechanism to be agreed by the Board collectively) is identified in relation to any member of the board, the Chair can recommend to the Scheme Manager their removal from the Board

23. Should any vacancies arise on the Board, the Chair and Vice Chair will take immediate steps to ensure that it is filled by using the member and employer nomination process agreed for the initial population of the Board

Training and Development

24. Pension Board members will receive induction training covering their role and responsibilities as a Board member.

25. Pension Board members will be expected to have appropriate knowledge and understanding of the Pension Scheme rules, administration policies and pension law. There is also an expectation Board members will undertake suitable Continual Professional Development (CPD) activity to ensure their knowledge and understanding is current.

26. The Independent Chairperson will conduct an annual performance review with each Board member assessing competence and skills in relation to discharging their Board member responsibilities.

Meetings

³ Regular assessment of SPPA's compliance with The Pensions Regulator's Code of Conduct will be at the centre of the evaluation process.

27. SPPA will undertake the secretariat function ensuring;

- Suitable facilities are available to hold meetings
- An annual schedule of meetings is arranged and additional meetings may be organised if necessary
- Papers will be distributed seven days prior to each meeting (to include standing orders) Draft minutes of meetings will normally be circulated within seven days following each meeting

28. Attendance is expected of Board members at all meetings; no alternate representation or substitution is permitted

Relationship with the SPPA Corporate Board, Scheme Advisory Board and The Pensions' Regulator

29. The Pension Board will fulfil a statutory function set out by the Public Service Pensions Act and in related secondary legislation (primarily scheme regulations). The Agency's Management Advisory Board will have oversight of the operation of the SPPA as a whole. The Chair of the Pension Board may be invited to attend the Agency's Management Advisory Board as a non-decision-making observer, strengthening governance and communications links.

30. There may be occasions where the Pension Board liaises with/works with the Scheme Advisory Board on key matters such as communication. The Pension Board annual report will be shared with the Scheme Advisory Board for information purposes. The relationship between the two boards will be considered as part of the continuous improvement process for good governance.

Reporting

31. The Independent Chair will report annually for information purposes on the activities of the Pension Board. Reporting to include but not limited to:

- An assessment of the performance of the Pension Board and any recommendations for improvements to future working arrangements
- Notifiable conflicts of interest of Board members
- A record of Board Membership (leavers and joiners) and relevant CPD undertaken by members
- Scheme income and expenditure
- Adequacy of financial controls
- Assessment of financial efficiency of the scheme
- Performance of service providers
- Audits and an evaluation of their effectiveness
- Evaluation of the effectiveness of scheme risk management programme
- Notifiable events, compliance risks and/or failures
- Interaction with The Pensions Regulator