

# **Codes and Protocols**

## **June 2023**

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# **Members' Code of Conduct**

## **June 2023**

## 1 INTRODUCTION

In conducting the business of South Yorkshire Pensions Authority elected and co-opted members should be guided by:

- (a) the Seven Principles of Public Life
  - selflessness
  - integrity
  - objectivity
  - accountability
  - openness
  - honesty
  - leadership
- (b) the Member Code of Conduct adopted by your Council
- (c) the Protocol on Member/Officer Relations adopted by the Authority
- (d) guidance on the role and conduct of trustees of pension schemes issued from time to time by the Pensions Regulator
- (e) such other policies as may be agreed by the Authority from time to time relating to member conduct.

## 2 MEMBER CODE OF CONDUCT: DECLARATIONS OF INTERESTS AND GIFTS AND HOSPITALITY

- (a) Declarations of Interests

If a member has any pecuniary or non-pecuniary interest in any matter at any meeting of the Authority or any meeting with officers at which he/she is present, he/she must disclose that interest and give sufficient details of it so that the nature of the interest is clearly understood.

**"Pecuniary interest"** means any interest which affects the member's financial position whether favourably or adversely.

**"Non-pecuniary interest"** means any interest which affects the member's personal well-being.

In either case this also includes the financial position or well-being if affected to the best of the member's knowledge of:

- anybody of which he/she is a member or in a position of general control or management

- a member of the member's family or any other person with whom he/she is closely acquainted
- any person or body who employs or who has appointed the member or such persons,
- any firm in which the member or the member's family or close acquaintances are a partner, or any company of which they are directors
- any person or body in whom the member or such persons have a beneficial interest in a class of securities exceeding the amount of £25,000 (for the avoidance of doubt this refers to directly held securities (shares or bonds) and not to pooled investments such as Unit Trusts).

(b) Gifts and Hospitality

The member should register with the Monitoring Officer within 28 days of receipt details of any gifts or hospitality which he/she has accepted as a member of the Authority.

### **3 PROTOCOL ON MEMBER OFFICER RELATIONS**

A copy of the Protocol on Member/Officer Relations adopted by the Authority is attached at separately published as part of the codes of practice of the Authority.

### **4 RELATED PARTY TRANSACTIONS**

In order to comply with the accounting code of practice and financial reporting standards, it is necessary to declare material related party transactions in the Statement of Accounts. To facilitate this members and officers are asked on an annual basis to complete a declaration. Forms are usually distributed in March each year. As on occasions the Authority has experienced difficulty in obtaining a 100% return rate from current and former members, the Authority asks new members to complete a declaration on appointment and outgoing members to complete one on the termination of their appointment. In the case of a new member this will have the advantage that any potential areas where a conflict of interest may arise will be identified at the outset. The member will then be subject to the annual declaration process. In the case of outgoing members, the expectation is that the Authority will achieve a better return rate if it asks for a final declaration shortly following their departure than if the request is made several months later.

Contact details for the Monitoring Officer are:

Monitoring Officer  
 South Yorkshire Pensions Authority  
 Oakwell House  
 2 Beevor Court,  
 Pontefract Road  
 Barnsley  
 S71 1HG

Tel: 01226 666418

Email: [governanceteam@sypa.org.uk](mailto:governanceteam@sypa.org.uk)

# **Officers' Code of Conduct**

## **June 2023**

## **1 INTRODUCTION**

This Code of Conduct is issued to and applies to all employees of the Authority. In an attempt not to be prescriptive or bureaucratic, it is a "principles" documents which sets out a culture regarding conduct rather than a set of narrowly drawn rules. Whilst this brings a degree of flexibility and adaptability it does place the onus squarely on the employee to observe the spirit of the guidance rather than tempting staff to hide behind the technicalities of regulations. It is prudent, therefore, for employees to always be prepared to question their actions within the principles so that if any member of staff has any doubt over what is acceptable or not, it is incumbent upon them to seek guidance from their manager. If in doubt ask!

Whilst recognising that employees are entitled to manage their own affairs in privacy, the Authority wishes to ensure that work is conducted in an environment which is free from any suggestion of improper influence. Accordingly, in order to avoid conflicts which might arise between the personal interests of staff and those of the Authority, employees are required to abide by this Code of Conduct.

Where in this code the decision maker is identified as the Head of Paid Service, any decision in relation to the Head of Paid Service as an individual will be made by the Clerk.

The Code consists of four parts. The first part sets out the broad principles governing conduct; the second amplifies aspects of the first; the third provides references to other pertinent documents, including legislation, and gives definitions of the terms used. The final section outlines the review timetable and responsibility

## **2 PART ONE**

### **2.1 General Principles**

The public is entitled to expect the highest standards of conduct from all local government employees. The role of such employees is to serve their employing authority in providing advice, implementing its policies and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity; avoid conflicts of interest and any actions or situations that are inconsistent with their professional obligations. Employees should be familiar with the Authority's Constitution and relevant legislation referred to in Part Three.

### **2.2 Accountability**

Employees are accountable and owe a duty to their employer. They must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.

### **2.3 Political neutrality**

Employees must follow every lawfully expressed policy of the Authority and must not allow their own personal or political opinions to interfere with their work. Where employees are politically restricted, by reason of the post they hold or the nature of the work they do, this will be reflected in their contract of employment, and they must comply with any statutory restrictions on political activities.

## **2.4 Relations with Members, the public and other employees**

Mutual respect between employees and councilors is essential to good local government and working relationships should be kept on a professional basis. Employees should deal with the public, members and other employees sympathetically, efficiently and without bias.

The matter of employees' relationships with fellow workers is considered in sections 2.10 and 3.2 below.

## **2.5 Equality**

Employees must comply with the Authority's policies relating to equality issues as well as the requirements of the law.

## **2.6 Stewardship**

Employees must ensure that any property or equipment entrusted to them should only be used in line with the relevant policies set out by the Authority.

## **2.7 Personal Interests**

An employee must not allow their private interests or beliefs to conflict with their professional duty. They must not misuse their official position or information acquired in the course of their employment to further their private interest or the interest of others.

Employees should abide by the Authority's rules about the declaration of gifts offered to or received by them from any person or body seeking to do business with the Authority or which would benefit from a relationship with the Authority. Employees should not accept benefits from a third party unless authorised to do so. See section 3.1 below.

## **2.8 Whistleblowing**

Where an employee becomes aware of activities which they believe to be illegal (including theft, fraud, or corruption), improper, unethical or otherwise inconsistent with this Code of Conduct, the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998 and with the Authority's Whistleblowing Policy.

## **2.9 Treatment of information**

Openness in the dissemination of information and decision making should be the norm in all public authorities. However, certain information may be confidential or sensitive and, therefore, not appropriate for release to a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a Councilor, relevant authority employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. Nothing in this Code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.

Specific guidance on the use of the internet, e-mail and other media is contained in appropriate policies and procedures.

Unless specifically nominated and authorised by the Director or Clerk, employees are not permitted to give reports or speak to the press (including the trade press) and media on matters relating to their employment with the Authority, Authority business or the decisions of the Authority.

## **2.10 Appointment and Supervision of staff**

Employees of the Authority, when involved in the recruitment and appointment of staff, must ensure that all appointments are made on the basis of merit. In order to avoid any accusation of bias, those employees must not be involved in any appointment, or any other decision relating to discipline, promotion, appraisals or pay and conditions for any other employee, or prospective employee, to whom they are related or with whom they have a significant personal relationship outside work. Such relationships must be declared on the 'Declaration of Employee Interests' Form.

## **2.11 Investigations by monitoring officers**

When a monitoring officer is undertaking an investigation in accordance with Part 3 of the Local Government Act 2000 and associated regulations, employees must comply with any requirement made by that monitoring officer in connection with such an investigation.

# **3 PART TWO**

## **3.1 Gifts and Hospitality**

It is likely that staff will be offered gifts and hospitality during the course of their employment and dealings with connected persons. The Authority wishes to encourage staff to get to know the people and organisations with which they deal and recognises the benefits that can accrue from networking etc. However, it is imperative that employees operate at all times in a way which is demonstrably above criticism. This is a difficult area and the standards expected are likely to vary over time.

Gifts should not, as a rule, be accepted if the value exceeds £25. If a gift arrives unexpectedly (i.e., unsolicited) and is thought to be worth more than £25 and it would be impractical or offensive to return it, this needs to be declared in the Hospitality Register. The Director will then decide how to utilise the gift.

An employee who earns a monetary fee for speaking at a function or writing an article etc. in his or her capacity as an employee should have cleared the position with the Director prior to acceptance wherever possible. If a fee is received unsolicited it should be declared and paid over to the Authority at the earliest opportunity.

The acceptance of hospitality has to be treated with discretion. Routine business lunches are unlikely to give grounds for suggestions of undue influence unless they become frequent and/or lavish. Attendance at conferences and seminars, which include hospitality, are similarly unlikely to cause difficulties. However, attending any social, sporting or cultural events must be treated with caution and should be declined. Similarly, invitations to functions which include an invitation to a connected person or somebody with whom the employee has a significant relationship should be refused.

Invitations to functions which are purely or mainly social should be declined. In all cases, employees should consider the public perception that their attendance at an event might create.

All trips overseas on official business must be prior approved by the Director. It is recognised that overseas visits are less straight-forward in that they might include private transport etc. provided by the host or local custom might demand that gifts are received or given. If prior written permission has not been obtained in those circumstances, an officer should use their judgement and make any necessary declarations as soon as possible upon return.

All offers of gifts received (even if they are rejected) should be declared and entered into the register.

Dealings with suppliers must be treated in the same way as offers of hospitality. There should be a strong bias against accepting any gifts or hospitality from a supplier. For the avoidance of doubt prior permission ought to be sought whenever possible.

Employees should not accept or give personal sponsorship from business contacts for any activity, including voluntary or charitable ones, without prior written approval from the Director.

The Code also applies to occasions when an officer is accompanying an Elected Member on official business.

The Authority's hospitality register is kept by the Head of Governance and the governance team. All entries should be registered as soon as possible. The register is reviewed and audited on an annual basis

### **3.2 Relationships**

If as a result of a personal relationship, be it significant, connected or otherwise, a member of staff believes he/she is in a potential conflict or there could be a perception of a conflict of interest, he/she must disclose the facts of the relationship by completing the 'Declaration of Employee Interests' form. Similarly, any officer who believes that they are under a legal or regulatory obligation to disclose information should do so.

If an officer's personal interest is a prejudicial interest the officer must declare that interest and the nature of the interest as soon as the interest becomes apparent to the officer. An officer should not seek to improperly influence a decision in which the officer has a prejudicial interest.

Formal declarations of third-party interests are required from employees who believe they are in a personal relationship that requires such disclosure.

### **3.3 Personal Share Dealing**

Employees trading securities on their own account should declare to the Director any trades in securities issued by companies where the Authority itself directly holds a position.

This does not include employee's holdings in pooled funds forming part of products such as ISA's and AVC portfolios or SIPP's which are invested in pooled funds.

### 3.4 **Personal Interests**

All employees have contractual obligations with the Authority, and accordingly, all employees should seek advice before undertaking outside employment. No outside work, whether paid or unpaid, should be undertaken in the workplace or utilise workplace facilities.

Employees should err on the side of caution and declare any outside interests or commitments, including non-financial interests that they have, which they think could be open to question or be seen by others to compromise their position. For example, employees involved in companies (director, company secretary); who are members of governing bodies of educational establishments (e.g. governor of school which is an admitted body of the Fund); who are in occupation of or intend to purchase a property owned by the Authority or who are members of a "secret society" (e.g. lodges, chapters etc.) should consider making a declaration on the 'Declaration of Employee Interests' form. Please bear in mind the nature of a personal relationship and how they can be perceived by others.

## 4 **PART THREE**

### 4.1 **References**

The Authority's Constitution is published on the Authority's website under "About Us". The Constitution includes a number of documents relevant to this Code such as the protocol on Councilor/Officer relations.

The Authority has published separate policy statements on equality, fraud and corruption; discipline; harassment; health and safety; money laundering; risk management; whistleblowing; Freedom of Information etc. Some of these are referred to in the Constitution whilst others are available on SharePoint.

The Authority has established Standing Orders which cover the conduct of the Authority's business affairs and the letting of contracts. The Authority has published an Investment Strategy Statement. These are available on the Authority's website.

### 4.2 **Definitions and Relevant Legislation**

References used in this Code are described below:

Connected persons: spouses and partners; children and stepchildren under age 18; trusts of which the employee is a trustee.

Dealings: includes purchases, sales, subscriptions in placings etc. but excludes rights issues and takeovers.

Shares: includes related investments such as bonds, debentures, futures, options, spread bets and other derivatives but excludes ISAs, collective investment schemes (such as unit trusts, OEICS), savings and share plans and insurance products. However, individual company shares held in ISAs are declarable.

Significant relationships: means a relationship which an independent party might reasonably consider could affect the actions of the member of staff.

Local Government Act 1972: under section 117 an employee must give notice to the Authority of any pecuniary interest he/she has in any contract whether it has been or is proposed to be entered into by the Authority. Such a declaration should be made to his/her line manager who must also inform the Director. The declaration must be made as soon as an employee becomes aware of the possibility of any such conflict arising or indeed that may be perceived/construed as arising. section 117 also requires that "an officer shall not, under colour of his office or employment, accept any fee or reward whatsoever other than his/her proper remuneration" and an officer who contravenes the provisions of section 117 shall be liable on summary conviction to a fine not exceeding £2500.

The Bribery Act 2010: includes a general offence covering offering, promising, or giving a bribe and a general offence covering requesting, agreeing to receive or accepting a bribe. The penalties are severe.

## **5 PART FOUR**

This code will be reviewed at least annually by the Director in consultation with appropriate Officers.

This version was approved on 23 September 2014 and brought to employee's attention via the Intranet site on 24 September 2014. It was reviewed on 16 August, 2016, again in May 2020 and in June 2023. All staff will be asked to confirm that they have read and understood it.

# **Protocol on Member – Officer Relations**

## **June 2023**

## **1 INTRODUCTION**

- 1.1 The relationship between members and officers is an essential ingredient that goes into the successful working of the organisation. This relationship within the Authority is characterised by mutual respect, informality and trust. Members (whether elected or co-opted) and officers feel free to speak to one another openly and honestly. Nothing in this Protocol is intended to change this relationship. The purpose of this Protocol is rather to help members and officers to perform effectively by giving guidance on their respective roles and expectations and on their relationship with each other. The Protocol also gives guidance on what to do on the rare occasions when things go wrong. Responsibility for the operation of this Protocol lies with the Clerk.
- 1.2 The Protocol must be read and operated in the context of any relevant legislation, statutory rules relating to the disclosure of disclosable pecuniary interests, local codes of conduct and any procedure for confidential reporting.

## **2 ROLES OF MEMBERS AND OFFICERS**

### **2.1 Members**

Members have four main areas of responsibility

- (a) determining the policy of the Authority and giving it political leadership.
- (b) monitoring and reviewing the performance of the Authority in implementing that policy and administering the South Yorkshire Pension Fund.
- (c) representing the Authority externally; and
- (d) acting as advocates on behalf of stakeholders.

It is not the role of members to involve themselves in the day-to-day management of the Authority's services.

### **2.2 Chair and Vice-Chair**

The Chair and Vice-Chair of the Authority and any of the appointed committees have additional responsibilities. Because of those responsibilities, their relationships with employees may be different from and more complex than those of members without these responsibilities and this is recognised in the expectations they are entitled to have. However, such members must still respect the impartiality of officers, and must not ask them to undertake work of a party-political nature.

### **2.3 Opposition Members**

As individual members, all members have the same rights and obligations in their relationship with officers and should be treated equally whether they are members of the majority group or an opposition group.

### **2.4 Officers**

The role of officers is to give advice and information to members and to implement policies determined by the Authority. In giving such advice to members and in

preparing and presenting reports, it is the responsibility of the officer to express his/her own professional views and recommendations. Whilst an officer may report the views of an individual member on an issue, if the member wishes to express a contrary view, he/she should not pressure the officer to make a recommendation contrary to the officer's professional view. Certain officers e.g., the Head of Paid Service, the Clerk, the Assistant Director - Resources and the Head of Governance have responsibilities in law over and above their obligations to the Authority and to individual members, and members must respect these obligations, and must not victimise officers for discharging these responsibilities.

### **3 EXPECTATIONS**

- (a) Members can expect from officers:
  - (i) A commitment to the Authority as a whole, and not to any political group.
  - (ii) A working partnership.
  - (iii) An understanding of and support for respective roles, workloads, and pressures.
  - (iv) Timely response to enquiries and complaints.
  - (v) Professional advice, not influenced by political views or preference, which does not compromise the political neutrality of officers.
  - (vi) Regular, up-to-date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to individual responsibilities that they have and positions they hold.
  - (vii) Awareness of and sensitivity to the political environment.
  - (viii) Respect, dignity, and courtesy.
  - (ix) Training and development in order to carry out their role effectively.
  - (x) Integrity, mutual support, and confidentiality.
  - (xi) That employees will not use their relationship with members to advance their personal interests or to influence decisions improperly.
  
- (b) Members in carrying out the business of the Authority should have regard to the Seven Principles of Public Life – selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Accordingly, when acting in your capacity as a member of the Authority officers can expect from members:
  - (i) A working partnership.
  - (ii) An understanding of and support for respective roles, workloads and pressures.
  - (iii) Political leadership and direction.

- (iv) Respect, dignity, and courtesy.
  - (v) Integrity, mutual support, and appropriate confidentiality.
  - (vi) Not to be subject to bullying or to be put under undue pressure.
  - (vii) That members will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly.
- (c) Limitations on Behaviour

The distinct roles of members and officers necessarily imposes limitations upon behaviour. By way of illustration, and not as an exclusive list:

- (i) Close personal relationships between members and officers can confuse these separate roles and get in the way of the proper discharge of the Authority's functions, not least in creating the perception in others that a particular member may secure advantageous treatment.
- (ii) The need to maintain separate roles means that there are limits to the matters on which members may seek the advice of officers, both in relation to personal and party-political issues.
- (iii) Relationships with a particular individual or party group should not be such as to create public suspicion that an employee favours that member or group above others.

## **4 POLITICAL GROUPS**

### **4.1 Authority**

The Authority, although including representatives of more than one political party, is not formally divided into political groups. As this position may change guidance is included on reports by officers to such groups and attendance at meetings.

### **4.2 Districts**

In the interests of accountability, the Authority has adopted a practice of making reports to and meeting with the District Leaders to discuss the work of the Authority and issues facing it.

### **4.3 Reports**

- (a) Recognised political groups on the Authority may request the Clerk to prepare written reports on matters relating to the Authority for consideration by the group. Requests received from the District Leaders must be approved by the Chair and Vice-Chair.
- (b) Officer reports to political groups will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the Authority. Reports will not deal with any political implications of the matter and officers will not make any recommendation to a political group,

- (c) Where a report is prepared for a political group, the Clerk will advise all other appropriate groups that the request has been prepared and will provide a copy of that report to such groups upon request.

#### **4.4 Officer Attendance**

- (a) Requests for officer attendance at political group meetings and meetings of the District Leaders to advise on matters relating to the Authority shall be directed to the Clerk.
- (b) The Director will attend and such officers as she or he considers appropriate unless she or he is of the opinion that the issue is of such a political nature that it would be inappropriate for any officer to attend.
- (c) Officers' advice to political groups/District Leaders will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the Authority. Advice will not deal with any political implications of the matter or an option, and officers will not make any recommendation to a political group.
- (d) Where an officer attends a political group, the Clerk will advise all other groups that the officer has attended and the subject upon which he/she has advised.
- (e) Officers will respect the confidentiality of any matter which they hear in the course of a political group meeting.

### **5 WHEN THINGS GO WRONG**

#### **5.1 Procedure for Officers**

From time to time the relationship between members and officers may break down or become strained. Whilst it will be preferable to resolve matters informally, through conciliation, officers will have recourse to the Grievance Procedure. In the event of a grievance being upheld, the matter will be referred to the Clerk, who having discussed the matter with the Chair and Vice-Chair will decide on the appropriate course of action to take.

#### **5.2 Procedure for Members**

In the event that a member is dissatisfied with the conduct, behaviour or performance of an officer, the matter should be raised with the Clerk. If the matter cannot be resolved informally, more formal action may be required.

# **Conflicts of Interest Policy**

## **June 2023**

## **CONFLICTS OF INTEREST POLICY**

### **1 INTRODUCTION**

Conflicts of interest have always existed for those with Local Government Pension Scheme (LGPS) administering authority responsibilities as well as for advisers to LGPS funds. This simply reflects the fact that many of those managing or advising LGPS funds will have a variety of other roles and responsibilities, for example as a member of the LGPS, as an elected member of an employer participating in the LGPS or as an adviser to more than one LGPS administering authority. Further, any of those persons may have an individual personal, business, or other interest which might conflict, or be perceived to conflict, with their role managing or advising LGPS funds.

It is generally accepted that LGPS administering authorities have both fiduciary and public law duties to act in the best interest of both the LGPS beneficiaries and participating employers. This, however, does not preclude those involved in the management of the LGPS fund from having other roles or responsibilities which may result in an actual or potential conflict of interest. Accordingly, it is good practice to document within a policy, such as this, how any such conflicts or potential conflicts are to be managed.

### **2 PURPOSE AND OBJECTIVES**

This is the Conflicts of Interest Policy of the South Yorkshire Pensions Authority (SYPA), which is the administering authority for the South Yorkshire Pension Fund. The Policy details how actual and potential conflicts of interest are identified and managed by those involved in the management and governance of the Pension Fund, whether directly, or in an advisory capacity.

This Conflicts of Interest Policy is established to guide Pensions Authority members (including co-optees), officers and advisers. A separate but similar policy applies to members of the Local Pension Board. Along with other constitutional documents, including various Codes of Conduct, it aims to ensure that those individuals do not act improperly or create a perception that they may have acted improperly. It is an aid to good governance, encouraging transparency and minimising the risk of any matter prejudicing decision making or management of the Fund otherwise.

The identification and management of potential and actual conflicts of interest is integral to SYPA the objectives set out in the Governance Compliance Statement.

### **3 WHO DOES THIS POLICY APPLY TO**

This Policy and the issue of conflicts of interest in general must be considered in the light of each individual's role, whether this is a management, advisory or assisting role. This Conflicts of Interest Policy applies to:

- all members of the Pensions Authority, whether voting members or not, and those with responsibilities representing the Fund on other committees, groups and bodies.
- all employees of the Authority who are involved in the management of the Pension Fund and administration of the LGPS including the Authority's statutory officers as defined in the Constitution.

- all advisers and suppliers to the Fund, including the asset pooling operator, whether advising the Pensions Authority or any of its committees or officers, in relation to their role in advising the Fund.

The Director in conjunction with the Head of Governance will monitor potential conflicts for less senior officers involved in the daily management of the Pension Fund and highlight this Policy to them as he or she considers appropriate.

In this Policy, reference to advisers includes all advisers, suppliers and other parties providing advice and services to. This includes but is not limited to actuaries, investment consultants, independent advisers, benefits consultants, third party administrators, fund managers, lawyers, custodians and AVC providers.

Where an advisory appointment is with a firm rather than an individual, reference to "advisers" is to the lead adviser(s) responsible for the delivery of advice and services to the Administering Authority rather than the firm as a whole.

In accepting any role covered by this Policy, those individuals agree that they must:

- acknowledge any potential conflict of interest they may have.
- be open with the Administering Authority on any conflicts of interest they may have.
- adopt practical solutions to managing those conflicts; and
- plan ahead and agree with the Administering Authority how they will manage any conflicts of interest which arise in future.

The procedures outlined later in this Policy provide a framework for each individual to meet these requirements.

## **4 LEGISLATIVE AND RELATED CONTEXT**

The overriding requirements in relation to the management of potential or actual conflicts of interest for those involved in LGPS funds are contained in various elements of legislation and guidance. These are considered further below.

### **4.1 The Public Service Pensions Act 2013**

The Act defines a conflict of interest as "a financial or other interest which is likely to prejudice the person's exercise of functions as a member of the board (but does not include a financial or other interest arising merely by virtue of membership of the scheme or any connected scheme)." Further, the Act requires that scheme managers must have regard to any such guidance that the national scheme advisory board issue (see below).

### **4.2 The Pensions Act 2004**

The Public Service Pensions Act 2013 also added a number of provisions to the Pensions Act 2004 related to the governance of public service pension schemes and, in particular, conflicts of interest.

#### 4.3 **The Localism Act 2011**

Chapter 7 of this Act requires councilors to comply with the code of conduct of their local authority and that code of conduct must be consistent with the Seven Principles of Public Life (considered further below). In addition, the Act requires that the code of conduct must include provisions requiring the disclosure and registration of pecuniary interests and interests other than pecuniary interests.

#### 4.4 **The Seven Principles of Public Life**

Otherwise known as the 'Nolan Principles', the seven principles of public life apply to anyone who works as a public officeholder. This includes people who are elected or appointed to public office, nationally and locally, and all people appointed to work in:

- the civil service;
- local government;
- the police;
- the courts and probation services;
- non-departmental public bodies; and
- health, education, social and care services.

Many of the principles are integral to the successful implementation of this Policy:

- selflessness;
- integrity;
- objectivity;
- accountability;
- openness;
- honesty; and
- leadership.

#### 4.5 **Advisers' professional standards**

Many advisers will be required to meet professional standards relating to the management of conflicts of interest, for example, the Fund Actuary will be bound by the requirements of the Institute and Faculty of Actuaries. Any contract, protocol or other document entered into between an adviser and the Administering Authority which includes any requirement relating to conflicts of interest, whether as a professional body or otherwise, should be read in conjunction with this Policy.

#### 4.6 **CIPFA Investment Pooling Governance Principles for LGPS Administering Authorities Guidance**

The CIPFA governance principles guidance states "the establishment of investment pooling arrangements creates a range of additional roles that committee members, representatives, officers and advisors might have." It includes some examples of how conflicts of interest could arise in these new roles. It highlights the need for Administering Authorities to:

- update their conflicts policies to have regard to asset pooling.
- remind all those involved with the management of the fund of the policy requirements and the potential for conflicts to arise in respect of asset pooling responsibilities; and
- ensure declarations are updated appropriately.

This Conflicts of Interest Policy has been written to take account of the possibility of conflicts arising in relation to asset pooling in accordance with the CIPFA governance principles guidance.

### **5 ADMINISTERING AUTHORITY SPECIFIC REQUIREMENTS**

#### 5.1 **Pensions Authority Members**

In addition to the requirements of this Policy, Pension Authority members and co-opted members are required to adhere to the South Yorkshire Pensions Authority Members' Code of Conduct which includes requirements in relation to the disclosure and management of personal and pecuniary interests.

#### 5.2 **Employees**

In addition to the requirements of this Policy, employees of SYPA are required to adhere to the Employees' Code of Conduct which includes requirements in relation to the disclosure and management of personal and pecuniary interests.

#### 5.3 **Advisers and suppliers**

SYPA appoints its own advisers and suppliers. How conflicts of interest will be identified and managed should be addressed within its contractual agreements with those advisers and suppliers. In addition, the following requirements will apply:

Where

- the Administering Authority's advisers are asked to give advice to the Council or other scheme employer, or to scheme members or member representatives such as the Trades Unions, in relation to pension matters; or
- where an adviser is also appointed to another administering authority which is involved in a transaction involving the Fund and on which advice is required,

that adviser can only continue to advise the Administering Authority and another party where there is no conflict of interest in doing so; and

- where the Local Pension Board decides to appoint an adviser, this can be the same person as is appointed to advise the Pension Fund Panel or officers as long as there is no conflict of interest between the two roles.

#### 5.4 **Conduct at meetings**

There may be circumstances where a representative of employers or members wishes to provide a specific point of view on behalf of an employer (or group of employers) or member (or group of members). The Authority requires that any individual wishing to speak from an employer's or member's viewpoint must state this clearly, e.g., at a Pensions Authority meeting, and that this will be recorded in the minutes.

### **6 WHAT IS A CONFLICT OR POTENTIAL CONFLICT AND HOW WILL THEY BE MANAGED?**

The Public Service Pensions Act 2013 defines a conflict of interest as a financial or other interest which is likely to prejudice a person's exercise of functions. Therefore, a conflict of interest may arise when an individual:

- has a responsibility or duty in relation to the management of or advice on the LGPS fund administered by SYPA; and
- at the same time has:
  - a separate personal interest (financial or otherwise); or
  - another responsibility in relation to that matter,

giving rise to a possible conflict with his/her first responsibility.

An interest could also arise due to a family member or close colleague having a specific responsibility or interest in a matter.

Some examples of potential conflicts are included in Appendix 1.

The Authority will encourage a culture of openness and transparency and will encourage individuals to be vigilant, have a clear understanding of their role and the circumstances in which they may find themselves in a position of conflict of interest, and of how potential conflicts should be managed. The Authority will evaluate the nature of any dual interests or responsibilities that are highlighted and assess the impact on LGPS Pension Fund operations and good governance were an actual conflict of interest to materialise.

Ways in which conflicts of interest may be managed include:

- the individual concerned abstaining from discussion, decision-making or providing advice relating to the relevant issue.
- the individual being excluded from the meeting(s) and any related correspondence or material in connection with the relevant issue (for example, a report for a Pensions Authority meeting); or

- a working group or sub-committee being established, excluding the individual concerned, to consider the matter outside of the formal meeting (where the terms of reference permit this to happen).

Provided that the Authority (having taken any professional advice deemed to be required) is satisfied that the method of management is satisfactory, the Authority shall endeavour to avoid the need for an individual to have to resign due to a conflict of interest. However, where the conflict is considered to be so fundamental that it cannot be effectively managed the individual will be required to resign from their appointment.

## 7 RESPONSIBILITY

The Authority must be satisfied that conflicts of interest are appropriately managed. For this purpose, the Clerk and the Monitoring Officer are the designated individuals for ensuring the procedure outlined below is adhered to by members of the Authority, while the Director and the Head of Governance are the designated individuals in relation to the Authority's employees, advisers, and suppliers.

However, it is the responsibility of each individual covered by this Policy to identify any potential instances where his/her personal, financial, business, or other interests might come into conflict with his/her responsibilities for the stewardship of the Pension Fund.

## 8 OPERATIONAL PROCEDURE FOR PENSIONS AUTHORITY MEMBERS AND EMPLOYEES

What is required	How this will be done
<p><b>Step 1 - Initial identification of interests which are or could give rise to a conflict.</b></p>	<p>On appointment to their role will be provided with a copy of this Policy and be required to complete a Declaration of Interest form.</p> <p>The completed declarations will be provided by each individual to the Clerk (for members) or Director (for employees) and submitted to <a href="mailto:governanceteam@sypa.org.uk">governanceteam@sypa.org.uk</a>, who will in conjunction with the Head of Governance assess the extent to which any declarations are relevant to the individual's role in relation to the Pension Fund and collate the information into the Register of Conflicts of Interest.</p>
<p><b>Step 2 - Ongoing notification and management of potential or actual conflicts of interest</b></p>	<p>At the commencement of any Pensions Authority, Committee or other formal meeting where Pension Fund matters are to be discussed, the Chair will ask all those present who are covered by this Policy to declare any new interests and potential conflicts. These will be recorded in the minutes of the meeting.</p> <p>Any individual who considers that he/she or another individual has a potential or actual conflict of interest which relates to an item of business at a meeting, must advise the Chair and</p>

	<p>the Head of Governance prior to the meeting, where possible, or state this clearly at the meeting at the earliest possible opportunity. The Chair, in consultation with the Head of Governance should then decide whether the conflicted or potentially conflicted individual needs to leave the meeting during the discussion on the relevant matter or to withdraw from voting on the matter.</p>
	<p>If such a conflict is identified outside of a meeting the notification must be made to the Head of Governance and where it relates to the business of any meeting, also to the Chair of that meeting. The Head of Governance, in consultation with the Chair where relevant, will consider any necessary action to manage the potential or actual conflict.</p> <p>Where information relating to any potential or actual conflict has been provided, the relevant officers may seek professional advice as they think fit on how to address any identified conflicts.</p> <p>Any such potential or actual conflicts of interest and resulting action must be recorded on the Register of Conflicts of Interest.</p>
<p><b>Step 3 - Periodic review of potential and actual conflicts</b></p>	<p>At least once every 12 months, the Head of Governance will provide to all those to whom the above procedures apply a copy of the Register of Conflicts of Interest. All individuals will confirm in writing to the Head of Governance and submitted to <a href="mailto:governanceteam@sypa.org.uk">governanceteam@sypa.org.uk</a> that the information held in relation to them is correct. If that is not the case, they will complete a new Declaration of Interest as per step 1 and the Register will be updated.</p>

## 9 OPERATIONAL PROCEDURES FOR ADVISERS

Although this Policy applies to all advisers, the operational procedures outlined in steps 1 and 3 above relating to completing ongoing declarations are not expected to apply to advisers. Instead, all advisers must:

- be provided with a copy of this Policy on appointment and whenever it is updated.
- adhere to the principles of this Policy.

- provide, on request, information to the Director in relation to how they will manage actual or potential conflicts of interest relating to the provision of advice or services to the Authority; and
- notify the Director immediately should a potential or actual conflict of interest arise.

All potential or actual conflicts notified by advisers will be recorded in the Register of conflicts of interest.

## **10 MONITORING AND REPORTING**

The Authority's Register of Conflicts of Interest may be viewed by any interested party at any point in time. It will be made available by the Monitoring Officer on request.

In order to identify whether the objectives of this Policy are being met the Audit and Governance Committee will review the Register of Conflicts of Interest on an annual basis and consider whether there has been any potential or actual conflicts of interest that were not declared at the earliest opportunity.

## **11 KEY RISKS**

The key risks to the delivery of this Policy are outlined below, all of which could result in an actual conflict of interest arising and not being properly managed. The Authority supported by its Statutory Officers will monitor these and other key risks and consider how to respond to them. Key risks are:

- insufficient training or poor understanding in relation to individuals' roles on LGPS Pension Fund matters.
- insufficient training or failure to communicate the requirements of this Policy;
- absence of the individual allocated to manage the operational aspects of this Policy and no one deputising or failure of that individual to carry out the operational aspects in accordance with this Policy;
- failure by a chair to take appropriate action when a conflict is highlighted at a meeting; and
- lack of disclosure/concealment of conflicts of interests.

## **12 APPROVAL, REVIEW AND CONSULTATION**

This Policy will be formally reviewed and updated by the Head of Governance and the Deputy Clerk at least every three years or sooner if the conflict management arrangements or other matters included within it merit reconsideration including if there are any changes to the LGPS or other relevant Regulations or Guidance which need to be taken into account.

## APPENDIX 1

### Examples of potential conflicts of interest

- 1 An elected member on the Pensions Authority is asked to provide views on a funding strategy which could result in an increase/decrease in the employer contributions required from the employer he or she represents.
- 2 A member of the Pensions Authority is on the board of an adviser / supplier / investment manager that the Authority is considering appointing.
- 3 An officer or member of a Pensions Authority accepting hospitality and gifts from a potential adviser or supplier could be perceived as a potential or actual conflict of interest, particularly where a procurement exercise relating to those services is imminent.
- 4 An employer representative on the Local Pension Board is employed by a company to which the Pensions Authority has outsourced its pension administration services and the Local Pension Board is reviewing the standards of service provided by that company.
- 5 The person appointed to consider internal disputes is asked to review a case relating to a close friend or relative.
- 6 The Pensions Authority is considering buying support services from an external source, rather than maintaining the current arrangement of using the services provided by a District Council. The Treasurer, who is also responsible for the budget of the relevant District Council, is expected to approve the report to go to the Pensions Authority which, if agreed, would result in a material reduction in the income to the Council from the Pensions Authority.
- 7 An officer of the Pensions Authority is asked to provide guidance to the Local Pension Board on the background to an item considered at the Pensions Authority. This could be a potential conflict as the officer could consciously or sub-consciously avoid providing full details, resulting in the Board not having full information and not being able to provide a complete view on the appropriateness or otherwise of that Pensions Authority item.
- 8 Officers of the Authority are asked to provide a report to the Local Pension Board or Pensions Authority on whether the administration services should be outsourced which, if it were to happen, could result in a change of employment conditions or job insecurity for them.
- 9 An employer representative employed by the Administering Authority and appointed to the Local Pension Board to represent employers generally could be conflicted if he or she only serves to act in the interests of the Administering Authority, rather than those of all participating employers. Equally, a member representative, who is also a trade union representative, appointed to the Local Pension Board to represent the entire scheme membership could be conflicted if he or she only acts in the interests of his/her union and union membership, rather than all scheme members.
- 10 A Fund adviser is party to the development of a strategy which could result in additional work for his/her firm, for example, delegated consulting of fund investments or

providing assistance with monitoring the covenant of employers.

- 11 An employer representative has access to information by virtue of his or her employment, which could influence or inform the considerations or decisions of the Pensions Authority or Local Pension Board. He or she has to consider whether to share this information in the light of his/her duty of confidentiality to his/her employer. His/her knowledge of this information will put him/her in a position of conflict if it is likely to prejudice his/her ability to carry out his/her functions as a member of the Pensions Authority or Local Pension Board.
- 12 An officer of the Pensions Authority applying to the pool operator for employment may give misleading advice to the Panel to improve his/her prospects.
- 13 A member of the Pensions Authority or officer serving is on the pool's joint committee or officer group and a matter is being considered that would benefit one Partner Fund disproportionately to the others.

**Protocol on the Operation of the roles of  
Monitoring Officer and s. 73 Officer**

**June 2023**

## **MONITORING OFFICER PROTOCOL**

### **General Introduction to Statutory Responsibilities**

The Monitoring Officer is a statutory appointment under section 5 of the Local Government and Housing Act 1989. This Protocol provides some general information on how those statutory requirements will be discharged at South Yorkshire Pensions Authority.

The current responsibilities of the Monitoring Officer role rest with the Head of Governance who undertakes to discharge his/her statutory responsibilities in a manner that enhances the overall reputation of the Authority. In doing so he/she will also safeguard, so far as is possible, members and officers whilst acting in their official capacities, from legal difficulties and/or criminal sanctions.

The main functions of the Monitoring Officer at South Yorkshire Pensions Authority are:

- 1 To report to the Authority in any case where he/she is of the opinion that any proposal or decision of the authority has given rise to or is likely to or would give rise to any illegality, maladministration, or breach of statutory code under sections 5 and 5A of the Local Government and Housing Act 1989; (LGHA 89)
- 2 To investigate any matter, which he/she has reason to believe may constitute, or where s/he has received an allegation that a matter may constitute, a reportable incident under Sections 5 and 5A of the LGHA 89.
- 3 To act as the principal adviser to the authority's Staffing, Appointments and Appeals Committee in relation to standards matters.
- 4 To maintain the Authority's risk register.
- 5 To maintain the register of members' interests.
- 6 To act as the Proper Officer for the preparation, publication and retention of records of decisions taken by or on behalf of the Authority.
- 7 To undertake, with others, investigations in accordance with the Authority's Whistleblowing procedures

In general terms, the Monitoring Officer's ability to discharge these duties and responsibilities will depend, to a large extent, on members and officers:

- 1 complying with the law (including any relevant Codes of Conduct).
- 2 complying with any General Guidance issued, in relation to standards matters.
- 3 making lawful and proportionate decisions; and
- 4 complying with the Council's Constitution and Procedure Rules
- 5 generally, not taking action that would bring the Authority, their offices, or professions into disrepute
- 6 communicating effectively with the Monitoring Officer and seeking advice on any

issues relating to constitutional or ethical matters

The main statutory references for the Monitoring Officer's functions are set out in Appendix 1.

### **Working Arrangements**

It is important that members and officers work together to promote the corporate health of the Council. The Monitoring Officer plays a key role in this, and it is vital, therefore, that members and officers work with the Monitoring Officer (and his/her staff) to enable him/her to discharge his/her statutory responsibilities and other duties.

The following arrangements and understandings between the Monitoring Officer, members and Senior Managers are designed to ensure the effective discharge of the Authority's business and functions. The Monitoring Officer will:

- 1 be alerted by members and officers to any issue(s) that may become of concern to the Authority, including, in particular issues around legal powers to do something or not, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise.
- 2 have advance notice (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the Authority and its committees at which a binding decision of the Authority may be made (including a failure to take a decision where one should have been taken) at or before the Authority or Committee meetings.
- 3 have the right to attend any meeting of the Authority and its committees (including the right to be heard) before any binding decision is taken by the Authority (including a failure to take a decision where one should have been taken) at or before the Authority or Committee meetings.
- 4 in carrying out any investigation(s) have unqualified access to any information held by the Authority and to any member or officer who can assist in the discharge of his/her functions.
- 5 ensure the other statutory officers (Director, the Clerk and the Assistant Director - Resources) are kept up to date with relevant information regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise.
- 6 meet regularly with the Director and the Assistant Director - Resources to consider and recommend action in connection with Corporate Governance issues and other matters of concern regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise.
- 7 report to the Authority, from time to time, on the Constitution and any necessary or desirable changes following consultation, in particular, with the Chair, the Director, the Clerk and the Assistant Director - Resources.
- 8 in accordance with statutory requirements, make a report to the Council, as necessary on the staff, accommodation and resources s/he requires to discharge his/her statutory functions.
- 9 have an appropriate relationship with the Chair, and Vice Chair with a view to ensuring

the effective and efficient discharge of the Authority's business.

- 10 develop effective working liaison and relationship with the External Auditor and the Local Government Ombudsman (including having the authority, on behalf of the Council, to complain to them, refer any breaches to them or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary) and settle any compensation payments for alleged or actual maladministration found against the Authority in consultation with the Head of Paid Service and the appropriate Assistant Director.
- 11 maintain and keep up-to-date relevant statutory registers for the declaration of members' interests, gifts and hospitality.
- 12 give informal advice and undertake relevant enquiries into allegations of misconduct and, if appropriate, make a written report to the Staffing, Appointments and Appeals Committee (in consultation with an Independent Person) or to refer the matter to the Police if, in the opinion of the Monitoring Officer, there is a serious breach of the Authority's Code of Conduct for Members.
- 13 in consultation, as necessary, with the Chair, defer the making of a formal report under Section 5 Local Government and Housing Act 1989 where another investigative body is involved.
- 14 oversee the implementation and monitor the operation of the Code of Corporate Governance and report annually to the Audit and Governance Committee on compliance with the Code.
- 15 advise on all applications from employees (or prospective employees) for exemption from political restriction in respect of their posts and where appropriate sign the certificate of opinion required by the independent adjudicator.
- 16 appoint a deputy and keep him/her briefed on any relevant issues that he/she may be required to deal with in the absence of the Monitoring Officer. The Deputy will only act in the absence of the Monitoring Officer if urgent action is required which cannot await the return of the Monitoring Officer.

To ensure the effective and efficient discharge of the arrangements set out above, members and officers will report any breaches of statutory duty or the Authority's policies or procedures and other vices or constitutional concerns to the Monitoring Officer, as soon as practicable.

The Monitoring Officer will seek to resolve potential reportable incidents by avoiding the illegality etc., or by identifying alternative and legitimate means of achieving the objective of the proposal.

Where the Monitoring Officer receives a complaint of a potential reportable incident, he/she shall in appropriate cases seek to resolve the matter amicably, by securing that any illegality, failure of process or breach of code is rectified, that the complainant is informed of the rectification, with or without a compensation payment and/or apology. However, it is recognised that the Monitoring Officer may determine that the matter is of such importance that a statutory report is the only appropriate response.

In appropriate cases, the Monitoring Officer may rely upon existing processes within the Authority (such as appeals procedures or insurance arrangements) to resolve any potential

reportable incident but may intervene in such processes to identify that the particular matter is a potential reportable incident and to ensure the satisfactory resolution of the issue.

In appropriate cases, and to secure the rapid resolution of a potential reportable incident or avoid a separate statutory report, the Monitoring Officer shall be entitled to add his/her written advice to the report of any other Officer of the Authority.

Notwithstanding the above, the Monitoring Officer retains the right in all cases to make a statutory report where, after consultation with the Director, the Clerk, and the Assistant Director - Resources, he/she is of the opinion that this is necessary in order to respond properly to a reportable incident. In addition, in appropriate cases, the Monitoring Officer may refer matters to the Police for investigation.

The Monitoring Officer is available for members and officers to consult on any issues of the Council's legal powers, possible maladministration, impropriety and probity issues, or general advice on the constitutional arrangements (for example, Procedure Rules policy framework, terms of reference, scheme of delegations etc.).

To ensure the effective and efficient discharge of this Protocol, the Assistant Director - Resources will ensure adequate insurance and indemnity arrangements are in place to protect and safeguard the interests of the Authority and the proper discharge of the Monitoring Officer role.

### **Sanctions for Breach of the Authority's Code of Conduct for Members and this Protocol**

Complaints about any breach of the Code of Conduct by a member may be referred to the Staffing Appointment and Appeals Committee (where necessary) and to the relevant Leader of the Political Party Group within the appointing Council. Complaints about any breach of the Code of Conduct by an officer may be referred to the Director.

## APPENDIX 1

### Monitoring Officer Protocol Summary of Main Monitoring Officer Functions

Description	Source
Report on contraventions or likely contraventions of any enactment or rule of law	Section 5 Local Government and Housing Act 1989
Report on any maladministration or injustice where the Ombudsman has carried out an investigation	Section 5 Local Government and Housing Act 1989
Appointment of Deputy	Section 5 Local Government and Housing Act 1989
Report on resources	Section 5 Local Government and Housing Act 1989
Receive copies of whistleblowing and allegations of misconduct	Code of Conduct for Members
Investigate misconduct in compliance with regulations.	Localism Act 2011
Establish and maintain registers of members interests and gifts and hospitality	Localism Act 2011
Advice to members on interpretation of the Code of Conduct for Members.	Code of Conduct for Members
Compensation for maladministration	Section 92 LGA 2000
Advice on vires issues, maladministration, financial impropriety, probity and policy framework and budget issues to all members	Section 5 Local Government and Housing Act 1989 / Localism Act 2011

## **SECTION 73 OFFICER PROTOCOL**

### **A. General Introduction to Statutory Responsibilities**

1. The Chief Finance Officer (known within the Authority as the Assistant Director – Resources) is a statutory appointment pursuant to Section 73 of the Local Government Act 1985, the responsibilities of which mirror those of an officer appointed as the Chief Finance Officer of a local council under Section 151 of the Local Government Act 1972. This Protocol provides some general information on how those statutory requirements will be discharged at South Yorkshire Pensions Authority.
2. The current responsibilities of the Chief Finance Officer are performed by the Assistant Director - Resources, who in doing so, undertakes to discharge these statutory responsibilities in a positive way and in a manner that enhances the overall reputation of the Authority. In doing so, he/she will also safeguard, so far as is possible, members and officers, whilst acting in their official capacities, from financial difficulties.
3. A summary list of the statutory responsibilities appears in the table annexed to this document. In general terms, the Assistant Director - Resources' ability to discharge these duties and responsibilities will depend, to a large extent, on members and officers: -
  - (a) complying with the Council's financial procedures;
  - (b) making lawful payments; and
  - (c) not taking action that would result in unlawful payments or unlawful action.

### **B. Working Arrangements**

1. According to the Chartered Institute of Public Finance and Accountancy (CIPFA), there are five key roles that are critical to the achievement of a Chief Finance Officer's statutory responsibilities:
  - maintaining strong financial management underpinned by effective financial controls;
  - contributing to corporate management and leadership;
  - supporting and advising democratically elected representatives;
  - supporting and advising officers in their operational roles; and
  - leading and managing an effective and responsive financial service.
2. Having excellent working relations with members and officers will assist in the discharge of the statutory responsibilities of the Assistant Director - Resources. Equally, a speedy flow of relevant information and access to debate (particularly at the early stages of any decision-making by the Authority) will assist in fulfilling those responsibilities. Members and officers should, therefore, work with the Assistant Director - Resources to discharge the Authority's statutory and discretionary responsibilities.

3. The following arrangements and understandings between the Assistant Director - Resources, members and the other Assistant Directors are designed to ensure the effective discharge of the Authority's business and functions. The Assistant Director - Resources will:
- (a) be alerted by members and officers to any issue(s) that may become of concern to the Authority, including in particular, issues around financial management, accounts and audit regulations, proposed expenditure or proposed actions which might lead to a loss or deficit.
  - (b) have advance notice (including receiving Agendas, Minutes, Reports and related papers) of all relevant meetings of the Authority and its committees at which a decision may be made (including a failure to take a decision where one should have been taken) at or before the Authority or Committee meetings.
  - (c) have the right to attend any meeting of the Authority or its committees (including the right to be heard and report to members) before any decision is taken (including a failure to take a decision where one should have been taken) at or before the Authority or Committee meeting.
  - (d) in carrying out any investigation(s) and exercising any fiduciary duties have unqualified access to any information held by the Authority and to any Officer who can assist in the discharge of his functions.
  - (e) ensure the other statutory officers (Director, Clerk and the Monitoring Officer) are kept up to date with relevant information regarding any financial management, accounts and audit regulations, proposed expenditure or proposed actions which might lead to a loss or deficit.
  - (f) meet regularly with the Director, the Clerk and the Monitoring Officer to consider and recommend action in connection with Corporate Governance issues and other matters of concern regarding any financial management, accounts and audit regulations, proposed expenditure or proposed actions which might lead to a loss or deficit.
  - (g) report to the Authority, from time to time, on the Financial Regulations and any necessary or desirable changes following consultation, in particular with the Director, the Clerk and the Monitoring Officer.
  - (h) in line with the relevant statutory requirements, make a report to the Authority, as necessary, on the staff, accommodation and resources required to discharge his or her statutory functions.
  - (i) develop effective working liaison and relationship with the External Auditor (including having the authority, on behalf of the Authority, to complain to the same, refer any breaches to the same or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary).
  - (j) in consultation, as necessary, with the Chair of the Authority and the External Auditor, defer the making of a formal report under Section 114, 115 and 116 of the Local Government Finance Act 1988 where another investigative body is involved.

- (k) nominate a suitably qualified deputy and keep the deputy briefed on any relevant issues that the deputy may be required to deal with in the absence of the Assistant Director - Resources. Appoint an appropriate external adviser in cases where the Assistant Director - Resources is precluded from offering advice and the deputy is unable to advise.
4. To ensure the effective and efficient discharge of the arrangement set above, members and officers will report any breaches of statutory duty or Authority policies or procedures and other legal or constitutional concerns to the Assistant Director - Resources, as soon as practicable.
  5. The Assistant Director - Resources is also available for members and officers to consult on any issues of the Authority's financial powers, possible unlawful payments, or general advice on the financial arrangements.
  6. To ensure the effective and efficient discharge of this Protocol, the Assistant Director - Resources will ensure adequate insurance and indemnity arrangements are in place for the same to protect and safeguard the interests of the Authority and the proper discharge of the Chief Finance Officer role.
  7. The Assistant Director – Resources or deputy will record details of any advice given.

## APPENDIX 1

### Summary of Chief Finance Officer Functions

<b>Description</b>	<b>Source</b>
Report on decisions incurring unlawful expenditure, unlawful loss or deficiency or unlawful item of account.	Section 114, 114a, 115, 116 Local Government and Finance Act 1988.
Appointment of Deputy.	Section 114 Local Government and Finance Act 1988.
Report on resources.	Section 114 Local Government and Finance Act 1988.
Responsibility for the administration of financial affairs.	Section 73 Local Government Act 1985.
Borrowing, investment accounts and financial administration.	Local Government Act 2003 Sections 1-92.
Responsibility to determine the form of the Council's accounts and records, provide internal audit and statement of accounts.	The Accounts and Audit Regulations 2015
Responsibility to have regard to Prudential Code for Capital Finance in Local Authorities when determining appropriate borrowing limit.	Local Authorities (Capital Finance and Accounting) (England) Regulations 2003

# **Protocol for the Investigation of Standards Complaints**

**June 2023**

## **PROTOCOL FOR DEALING WITH STANDARDS COMPLAINTS**

### **1 INTRODUCTION**

These "arrangements" set out how a person may make a complaint that an elected or co-opted member of the Authority has failed to comply with the Authority's Code of Conduct and sets out how the Authority will deal with allegations of a failure to comply with the Code.

Under section 28(6) and (7) of the Localism Act 2011, the Authority must have in place "arrangements" under which allegations that a member or co-opted member of the Authority, or of a committee or sub-committee of the Authority, has failed to comply with the Authority's Code of Conduct can be investigated and decisions made on such allegations.

Such arrangements must provide for the Authority to appoint at least one Independent Person.

### **2 MAKING A COMPLAINT**

If a person wishes to make a complaint, they should write to:

The Monitoring Officer  
South Yorkshire Pension Fund  
Oakwell House  
2 Beevor Court  
Pontefract Road  
Barnsley  
S71 1HG

Or email [governanceteam@sypa.org.uk](mailto:governanceteam@sypa.org.uk).

The Monitoring Officer has statutory responsibility for administering the system in respect of complaints of member misconduct.

The Monitoring Officer must acknowledge receipt of a complaint, normally within 5 days of receiving it, and must keep the person informed of the progress of their complaint.

### **3 INVESTIGATION OF COMPLAINTS**

The Monitoring Officer will review every complaint received and, after consultation with the Independent Person, take a decision as to whether it merits formal investigation. This decision will normally be taken within 14 days of receipt of the complaint. Where the Monitoring Officer has taken a decision, he/she will inform the complainant of his/her decision and the reasons for that decision.

Where he/she requires additional information in order to come to a decision, he/she may request such information, and may request information from the member against who the complaint is directed.

The Monitoring Officer may refer a complaint to the Appointment and Appeals Committee for a decision on whether it should be investigated where he/she considers

it would be inappropriate for him/her to take the decision; for example, where he/she has previously advised the member on the matter of complaint.

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the member accepting his/her conduct was unacceptable and offering an apology, or other remedial action by the Authority. Where the member of the Authority makes a reasonable offer of local resolution, but the complainant is not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

In deciding whether a matter should be investigated the Monitoring Officer will take into account:

- the seriousness of the allegation
- the effectiveness of the remedies available
- the date of the incident complained of
- the benefits of an independent consideration of the allegation
- if the allegation relates to a cultural or re-occurring issue relating to standards within the Authority
- if the matter should be dealt with by some other method, e.g. police investigation.

#### **4 HOW IS THE INVESTIGATION CONDUCTED?**

If the Monitoring Officer decides that a complaint merits formal investigation, he/she will arrange for an officer or some other person, if appropriate, to carry out a further investigation and to produce a report of their findings.

The Monitoring Officer shall inform the member that is the subject of the investigation of the nature of the complaint and that it is subject to investigation.

The Appointments and Appeals Committee will consider the investigation report and shall decide whether any further action is appropriate.

The views of the Independent Person must be sought by the Authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Authority at any other stage, or by a member or co-opted member against whom an allegation has been made.

#### **5 HEARING**

In the event that it is considered that further action may be appropriate the Appointments and Appeals Committee shall arrange to hold a hearing at which the member who is the subject of the complaint shall be entitled to be present and to be heard. The Appointments, and Appeals Committee may appoint a Sub-Committee to hear the complaint. Where a Sub-Committee is appointed it will have the same powers as the Appointments and Appeals Committee.

The views of the Independent Person required to be appointed under Section 28 of the Localism Act 2011 shall be sought as appropriate and where sought shall be taken into account before any decision is taken with regard to the allegation.

In the event that the allegation is upheld the Appointment and Appeals Committee (or Sub-Committee) shall either:

- Determine that no further action be taken
- Recommend to the Authority any further appropriate action to be taken in accordance with the general powers available to the Authority.

The Monitoring Officer shall inform the member who is the subject of the complaint and the complainant of the outcome of the complaint in writing within 7 days of the hearing.

# **Protocol on Participation by Non-Voting Members**

**June 2023**

## **1 INTRODUCTION**

- a. This document sets out the role and permitted participation of non-voting members of the South Yorkshire Pensions Authority ("the Authority"). This document was approved by South Yorkshire Pensions Authority (the "Authority") on the 8<sup>th</sup> June 2023, and will be reviewed at least every three years by the Head of Governance.

## **2 PARTICIPATION BY NON-VOTING MEMBERS IN THE WORK OF THE AUTHORITY**

- a. Co-opted non-voting members of the Authority are appointed to represent the interests of scheme members.
- b. Co-opted non-voting members of the Authority are subject to the same rights and obligations as other members of the Authority in terms of the provision of information to support them in their role and the need to maintain appropriate knowledge and skills and should refer to applicable codes and protocols of the Authority, as appropriate.

## **3 SPECIFIC EXCLUSIONS APPLICABLE TO NON-VOTING MEMBERS**

- a. Non-voting members are not permitted to participate in the following matters:
  - (a) Consideration of individual employment matters including appointments and appeals, except to the extent that non-voting members are separately involved in stakeholder panels as part of an appointment process. However, non-voting members may participate in discussions relating to the appraisal and objective setting for the Head of Paid Service, being the Director of the Authority;
  - (b) Consideration of appeals by scheme members; and
  - (c) Consideration of any other employment or staffing matters, including in relation to the determination of remuneration.
- b. It is expected that the exclusions set out in paragraph 3.1 will usually be considered by either the Staffing Committee, or the Appointment and Appeals Committee. Where such matters are considered by the full Authority, non-voting members will be asked to leave any meeting whilst such consideration is ongoing, or, if such considerations fall within any part of a meeting open to the public, will not be permitted to participate in any discussions pertaining to these matters.
- c. For the avoidance of doubt, non-voting members are also prohibited from proposing motions at meetings of the Authority under the terms of Standing Orders 6, 7 and 8 of the Procedural Standing Orders.