

West Northamptonshire Council

Pension Fund Committee

2/10/2023

Mark Whitby – Head of Pensions

Report Title	Governance and Compliance Report
Report Author	Michelle Oakensen Governance and Regulations Manager michelle.oakensen@westnorthants.gov.uk

Contributors/Checkers/Approvers

MO	Sarah Hall on behalf of Catherine Whitehead	12/6/2023
S151	James Smith on behalf of Martin Henry	6/9/2023
Head of Pensions	Mark Whitby	17/8/2023

List of Appendices

Appendix A Skills and knowledge complementary training schedule

1. Purpose of Report

1.1 This is a standing report that identifies issues and developments relevant to West Northamptonshire Council's management and administration of the Northamptonshire Pension Fund.

2. Executive Summary

2.1 This report provides the Pension Fund Committee with information on the following significant current issues which have an impact on the governance, management and administration of the Northamptonshire Pension Fund.

- Pensions Dashboards (6.1)
- McCloud (6.2)
- Scheme Advisory Board (6.3)
- The Pensions Regulator (6.4)
- SCAPE discount rate and impact on actuarial factors (6.5)
- Mansion House Speech 2023 (6.6)
- DLUHC consultation on investment reforms (6.7)
- Abolishing the lifetime allowance consultation (6.8)
- DWP pension scam regulations (6.9)
- Additional Voluntary Contributions (6.10)
- Apprenticeship and qualification: next steps survey (6.11)

- 2.2 The report also provides details of any proposed immaterial amendments due to be made to policies or strategies as a result of Officer reviews (6.12).

3. Recommendation

- 3.1 The Pension Fund Committee is asked to:
- 1) Note the Governance and Compliance Report.
 - 2) Note the immaterial amendments to be applied to the policies in section 6.12.2.

4. Reasons for Recommendation

- To ensure adequate oversight of the issues impacting the Northamptonshire Pension Fund.
- To ensure that the Committee is aware of government consultations and responses provided.
- To comply with the CIPFA Skills and Knowledge Framework.
- To ensure good governance and compliance with the Local Government Pension Scheme Regulations and other relevant legislation and guidance.

5. Report Background

- 5.1 This report provides an update on developments and issues that impact the LGPS that members of the Pension Fund Committee need to be aware of to fulfil their responsibilities to the Fund's key stakeholders.

6. Issues and Choices

6.1 Pensions Dashboards

6.1.1 Pension Dashboards Amendment Regulations 2023

- 6.1.1.1 The Department for Work and Pensions (DWP) has laid [the Pensions Dashboards \(Amendment\) Regulations 2023](#) . A revised staging timetable will be set out in guidance and all schemes in scope will need to connect by 31 October 2026. The staging timetable will indicate when schemes are scheduled to connect, based on their size and type.

6.1.2 Staging dates – TPR expectations

- 6.1.2.1 The Pensions Regulator (TPR) has updated its [failing to comply with pensions dashboards duties guidance](#). The purpose of the updates is to outline what schemes will need to do to demonstrate that they have had regard to the staging timetable. The staging timetable will be set out in connection guidance.
- 6.1.2.2 TPR expects schemes to do the following to show that they 'have regard to the connection guidance':
- Connect to dashboards by the connection deadline of 31 October 2026 that is set out in legislation. Failure to do so could result in regulatory action by TPR.
 - A revised staging timetable will be set out in guidance which will indicate when schemes are scheduled to connect. All trustees and scheme managers must have regard to this guidance. Failure to do so will be a breach.
 - Although the timelines in guidance will not be mandatory, schemes will be expected to demonstrate how they have had regard to the guidance. Amongst other considerations, this means that scheme managers:
 - should not make decisions about connection until they have engaged with the guidance
 - must be able to demonstrate that they have adequate governance and processes for making such decisions. The reasoning for the decisions should be clearly considered and documented, as should how relevant risks are identified, evaluated and managed

- should make sure that they have access to all the relevant information before making decisions and acting on them. This includes engaging with those who are supporting them to develop a practical delivery plan. Clear and accurate audit trails need to be kept demonstrating the decisions made, the reasons for them and the actions taken
- A phased approach to staging enables a controlled and well-planned connection, reduces the risk of provider capacity constraints and means savers can realise the benefits of pension dashboards as early as possible
- Continuing to prepare for dashboards by engaging with those who will support them with their dashboards duties, such as integrated service providers and administrators to:
 - assess the potential impact of these changes on their schemes
 - agree a practical delivery plan, and
 - continue activity on getting to grips with member data.

6.1.3 PASA publishes dashboards value data guidance

6.1.3.1 On 8 June 2023, the Pensions Administration Standards Association (PASA) published [value data guidance](#).

6.1.3.2 The guidance provides pension schemes with ‘good practice’ approaches to providing value data to dashboards. It is designed for use by both defined benefit and defined contribution schemes and covers twenty topics. It includes possible approaches for dealing with issues such as late retirements, underpins, partial retirements and split normal retirement ages.

6.1.3.3 The LGPC secretariat contributed to this guidance and ensured there were specific recommendations for public service pension schemes. The Pensions Regulator (TPR) encourages administering authorities to read and consider the guidance to provide a consistent approach across schemes Further guidance is expected over the coming months.

6.2 McCloud

6.2.1 McCloud remedy consultation

6.2.1.1 On 30 May 2023, DLUHC published a consultation and draft regulations concerning the McCloud remedy. The consultation closed on 30 June 2023 and sought views on proposals to address discrimination found by the courts in the McCloud case.

6.2.2.2 DLUHC sought views on the following proposals:

- No aggregation requirement: underpin protection will extend to a new pension account that started before 1 April 2022, even if the earlier period of membership is not aggregated, as long as there has not been a disqualifying break.
- Previous membership of another public service pension scheme on or before 31 March 2012: a member will qualify for underpin protection because of earlier membership of another public service pension scheme, even if the pension rights from the other scheme have not been transferred to the LGPS, as long as there has not been a disqualifying break.
- Flexible retirement: a member with underpin protection who takes flexible retirement before 1 April 2022 will also have underpin protection on any benefits built up after flexible retirement and before the end of the underpin period.

6.2.2.3 The consultation covered topics that were not included in the 2020 consultation. These included:

- policies for individuals with excess teacher service
- when a member may be paid compensation if they have suffered a loss relating to the discrimination found in the McCloud case or the McCloud remedy
- the interest terms that will apply when payments are made late due to the McCloud discrimination.

6.2.2.4 The Northamptonshire Pension Fund responded, and the consultation response is currently awaited. High level guidance is expected from DLUHC regarding the implementation of the remedy.

6.3 Scheme Advisory Board

6.3.1 Scheme Advisory Board Committees

6.3.1.1 The SAB has three subcommittees and one advisory group formed underneath the main SAB body. The committees are:

- Compliance and Reporting Committee (CRC)
- Cost Management, Benefit Design and Administration (CMBDA) Committee
- Investment, Governance and Engagement (IGE) Committee
- Responsible Investment Advisory Group (RIAG) Each committee looks at a specific area of the LGPS.

6.3.1.2 Each has its own terms of reference and membership profile made up of practitioners, advisors, scheme member and employer representatives.

6.3.1.3 On behalf of the SAB and Committee chairs, the secretariat team would like to thank the volunteers on each of the committees and working groups who devote their time and knowledge to support this important work.

6.3.1.4 The CRC was established following the disbandment of the Chartered Institute of Public Finance and Accountancy (CIPFA) pensions panel in 2021. It aims to coproduce statutory guidance for LGPS administering authorities on a range of issues. The CRC has five workstreams looking at drafting new or updating existing statutory guidance. The workstreams are:

- Good governance
- Knowledge and skills
- Funding strategy statements
- audit issues
- producing the Annual Report.

6.3.2 Annual Report

6.3.2.1 The Board has published its tenth [Annual Report](#) and provides a single source of information about the status of the LGPS for its members, employers and other stakeholders. Continually improving key information about the Scheme as a whole is one of the top priorities of the Board.

6.3.2.2 The report combines information supplied in 86 fund annual reports, as at 31st March 2022.

6.3.2.3 Key highlights for 2022 are:

- total membership of the LGPS increased slightly, growing by 161,871 (2.6 per cent) to 6.39 million members in 2022 from 6.23 million in 2021.
- total assets of the LGPS increased to £369 billion (a change of 7.8 per cent), invested in
 - pooled investment vehicles – 67%
 - public equities – 12%
 - bonds – 3%
 - direct property – 3%
 - other asset classes – 15%.
- local authority returns on investment over 2021/22 was 8.1 per cent. This compares to UK CPI year on year inflation of 8.8 per cent (Sept to Sept).
- the Scheme maintained a positive cash-flow position overall, including investment income
- over 1.95 million pensioners were paid over the year.
- life expectancy rebounded to pre-covid levels with an increase of 0.8 years for males and 0.6 years for females (2021 figures versus 2022).

- total management charges increased by £385 million (22.5 per cent) from £1,711 million. This was primarily driven by a £381 million (25.6 per cent) rise in investment management charges, while administration and oversight and governance costs remained broadly stable.

6.3.3 Preparing the Annual Report guidance - review

6.3.3.1 The Compliance and Reporting Committee has identified several areas in the 2019 CIPFA 'preparing the Annual Report guidance' that require updating and clarification. A priority is to streamline the guidance and reduce duplication with other reporting obligations, wherever possible. This message is fully endorsed by DLUHC.

6.3.3.2 Another key area for improvement is how funds should report and categorise the allocation of assets. This area is covered in the Department for Levelling up, Housing and Communities (DLUHC) consultation on LGPS investment reform. This proposes a requirement for 'a single standard set of data on investments across Annual Reports and LGPS statistics. The new guidance will suggest that administering authorities follow a 'worked example' template provided by the SAB. The aim is to improve consistency and scheme-level reporting of asset allocation in the SAB Annual Report. Using standard data to report asset classes should make the Annual Report process simpler for funds and more consistent, allowing readers to compare data directly. A 'worked example' template for the categorisation of assets will shortly be shared by the SAB secretariat team. Administering authorities should incorporate this into reporting as soon as possible while the new guidance is being prepared.

6.3.3.3 The administrative Key Performance Indicators (KPIs) are under review. The SAB has invited fund officers and software suppliers to comment on the current guidance. The aim is to define the KPIs better and allow for standardised reporting. This will enable funds to benchmark themselves properly against others. SAB aims to have the guidance in place for the 2023/24 reporting period but hopes that some reporting changes can be implemented on a voluntary basis for 2022/23 Annual Reports.

6.3.4 Gender pensions gap report

6.3.4.1 The LGPS Gender Pensions Gap report produced in January 2023 identified a substantial difference between the average level of pension benefits built up by male and female scheme members. The difference is 34.7 percent for benefits in the CARE scheme and 46.4 percent for benefits in the final salary scheme. For benefits in payment, the difference is even greater at 49 percent.

6.3.4.2 The Board asked the Government Actuary's Department (GAD) to explore these gender gaps in more depth. The Board asked them to focus on:

- career patterns, in particular evidence of recent and past part-time working.
- differences relating to employers or categories of employer.
- comparing the analysis of LGA's 2019 gender pay gap report.

6.3.4.3 GAD issued their [findings](#) in June 2023 and concluded that:

- 1) Part-time working patterns are closely related to gender pension (and pay) gaps for members. However, the observed differences between men and women in terms of both their current and historic part-time working patterns are not sufficient to account fully for these gender gaps.
- 2) Pay and pension gender gaps can be seen for staff working with the same employer. The size of the gap at scheme-level is also due to the difference in the proportion of males and females working at higher paying employers, as well as between different categories of employers.

6.3.4.4 There is no settled approach to data and methodological issues that would allow detailed comparisons to be drawn between gender gaps in different public sector pension schemes. The Board has proposed that GAD puts in place a common reporting framework for all the public sector schemes. Potentially this could be worked into the quadrennial scheme valuation process. The Board believes that the relationship between gender pay and pension gaps reporting needs to be addressed to allow for greater transparency and understanding.

6.3.4.5 The Board has decided to set up a small working group to consider next steps. For example:

- Are there any in-scheme changes that would help address the levels of inequality eg around the ability to buy back service?
- Can we direct employers to best practice in managing the career paths of those who take time off for caring responsibilities?
- How do we communicate with members to ensure they are informed about the potential pension implications of the career choices they make?
- How can we mainstream this kind of analysis so we can properly evaluate what works and how much is left to do?

6.3.5 Economic Activity of Public Bodies (Overseas Matters) Bill

6.3.5.1 The [Economic Activity of Public Bodies Bill](#), also known as the Boycotts, Divestments and Sanctions Bill had its second reading in the House of Commons on 3 July 2023. The Bill seeks to ban LGPS administering authorities from making investment decisions influenced by political and moral disapproval of foreign state conduct, except where this is required by formal Government legal sanctions, embargoes and restrictions.

6.3.5.2 During the debate, significant concerns were raised about the Bill. These centered around its rationale, practicability and whether it constituted a significant over-reach of Ministerial authority.

6.3.5.3 The LGA has published a [technical brief](#) on the Bill. The technical brief includes a section on the Bill's effect on pensions and the LGA view of the Bill.

6.3.5.4 The SAB will provide written evidence on the Bill to the Public Bill Committee which will scrutinize the draft Bill. The Vice-Chair of the Board, Jon Richards, and LGA's Head of Pensions, Jo Donnelly, have also been invited to give evidence to that Committee. As far as the Board is aware, there is no evidence that any LGPS fund has instituted inappropriate politically motivated boycott or divestment policies.

6.4 The Pensions Regulator

6.4.1 Protecting savers from economic volatility 239

6.4.1.1 On 6 June 2023, the Pensions Regulator published a [blog](#) on protecting savers from economic volatility. Although there are signs of recovery from some financial markets, TPR reminds trustees to stay focussed to protect savers. The impact on defined benefit schemes appears to have settled, though trustees must remain vigilant. TPR reminds trustees to continue to act on their guidance on managing risks in liability-driven investments.

6.5 SCAPE discount rate and impact on actuarial factors

6.5.1 On 30 March 2023, administering authorities in England and Wales were informed that the superannuation contributions adjusted for past experience (SCAPE) discount rate reduced on 30 March 2023 to the consumer price index (CPI) plus 1.7 per cent. This was a change from CPI plus 2.4 per cent.

- 6.5.2 Subsequently three batches of actuarial factors were provided, the first batch in June and batches two and three in July and were effective from 1 June 2023. The June 2023 transitional measures set out when to apply the new factors and / or how to process cases on hold.
- 6.5.3 The Northamptonshire Pension Fund put on hold cases from 30 April 2023 to the relevant release date for each category, which resulted in a backlog for this period of time and shortly after.

6.6 Mansion House Speech 2023

- 6.6.1 On 10 July 2023, the [Chancellor delivered a speech at Mansion House](#). The Chancellor announced a number of measures aimed at increasing returns for savers and encouraging growth.
- The announcements included launching a consultation on accelerating the consolidation of LGPS assets in England and Wales (please see 6.7).

6.7 DLUHC consultation on investment reforms

- 6.7.1 On 11 July 2023, the Department for Levelling Up, Housing and Communities (DLUHC) launched a consultation on LGPS investment reforms [consultation on LGPS investment reforms](#). The consultation was announced by the Chancellor in his Mansion House Speech.
- 6.7.2 The consultation seeks views on proposals in five areas:
- Pooling: a deadline of 31 March 2025 for funds to transition all listed assets to their pool and a move to fewer, larger pools, each with assets in excess of £50 billion, to maximise benefits of scale
 - Levelling up: requiring that funds have a plan to invest up to 5 percent of assets to support levelling up in the UK
 - Private equity: an ambition to increase investment into high growth companies via unlisted equity
 - Investment consultants: regulations to implement the requirements set out in an order made by the Competition and Markets Authority in respect of the LGPS
 - Definition of investments: a technical change to the definition in the LGPS Investment Regulations 2016.
- 6.7.3 The consultation closed on 2 October 2023. A response was submitted on behalf of the Northamptonshire Pension Fund and the Scheme Advisory Board have responded to the consultation. The Fund response was agreed with the s151 Officer and Chair and supported the ACCESS response, which had been developed with the agreement of the ACCESS Joint Committee, s151 Officer Group and Officer Working Group.

6.8 Abolishing the lifetime allowance – consultation

- 6.8.1 On 18 July 2023, HM Revenue and Customs (HMRC) launched a consultation on [abolishing the pensions lifetime allowance](#). The consultation included draft legislation that aims to:
- abolish the lifetime allowance from pension legislation from 6 April 2024
 - limit the amount of tax-free cash an individual can receive to a maximum of £268,275, unless they hold valid lifetime allowance or lump sum protection
 - limit the total amount of lump sums an individual can receive before marginal rate taxation applies to £1,073,100 unless they hold a valid lifetime allowance protection, and
 - clarify how lump sums and lump sum death benefits will be taxed in the absence of the LTA.

6.9 DWP pension scam regulations

- 6.9.1 On 21 June 2023, DWP published a review of the Occupational and Personal Pension Schemes (Conditions for Transfers) Regulations 2021. DWP agreed to publish the review within 18 months of the regulations being operational. The review considered the following questions:

- are the regulations effective?
- are there any unintended consequences?
- what does the pension fraud landscape look like following the regulations?
- are the red and amber flags still appropriate?

6.9.2 The report concludes that the original policy intent remains appropriate. However, there is concern about applying the regulations, in particular regarding the incentive red flag and overseas investment amber flag. DWP will work with industry and TPR to consider if changes could be made to the regulations to improve the transfer experience, without undermining the policy intent. The full report can be found on the relevant page of [Gov.uk](https://www.gov.uk).

6.10 Additional Voluntary Contributions

6.10.1 Transfer from Standard Life to Phoenix Life

6.10.1.1 Standard Life is proposing to transfer all business to Phoenix Life Limited. Standard Life has been part of Phoenix Group since 2018. Standard Life have published [FAQs](#) about the transfer. Funds have the right to raise concerns about the transfer or object in the High Court in London or the Court of Session in Edinburgh. Subject to the approval of the Courts, the transfer is expected to happen in October 2023.

6.10.2 LGPS Frameworks – provision of AVC services

6.10.2.1 National LGPS Frameworks intends to launch a new framework for AVC services later this year. They have recently published a [Prior Information Notice for the AVC framework](#).

6.10.2.2 The purpose of the prior information notice is to inform providers about the opportunity and express an interest in the project. The information has already been shared with all current AVC providers operating within the LGPS.

6.11 Apprenticeship and qualification: next steps survey

6.11.1 The LGA is looking at ways to help administering authorities access relevant pensions administration apprenticeships and qualifications. They have been researching how best to do this and have put together an LGPS apprenticeship and qualification proposal setting out their plan for England and Wales.

6.11.2 The apprenticeship and qualification: next steps survey was issued in August to seek views on the proposal, as the proposed approach will involve significant resource from the LGA pensions team they will only proceed if 75 per cent of administering authorities in England and Wales agree to it in principle.

6.11.3 A response was submitted for the Northamptonshire Pension Fund supporting the proposal.

6.12 Northamptonshire Pension Fund Policy/Strategy updates

6.12.1 In March 2023 the Pension Fund Committee agreed for all policies and strategies to be reviewed by the Committee on a three year cycle (unless stated otherwise) with Officer reviews to be conducted on an annual basis or as deemed necessary.

6.12.2 For the period the following non material amendments are due to be applied:

Policy/Strategy	Review reason	Amendments made
Governance Policy and Compliance Statement.	Officer review due to ensure it remains synchronised with the Constitution and Inter Authority Agreement	<ol style="list-style-type: none"> 1) Chairman replaced with Chair throughout. 2) Governance structure diagram updated. 3) Overpayment of Pension Entitlement Policy title updated. 4) ACCESS Joint Committee arrangements updated to reflect the IAA. 5) Substitute and Local Pension Board observers added to the AJC standing orders. 6) Working arrangements and meetings added to the S151 Officer terms of reference
Investment Strategy Statement (ISS).	To reflect strategic asset allocation changes within the ISS.	Updated strategic asset allocation within the ISS to that agreed at the March 2023 Pensions Committee. A full review of the ISS will follow the active equity review.

6.12.3 The Monitoring Officer and Section 151 Officer have reviewed the policy with no further comments.

6.12.4 The updated policy will be published on the Pension Service website following the noting of these changes.

6.13 Skills and knowledge opportunities

6.13.1 The Public Services Pensions Act 2013 and the Pensions Regulator’s Code of Practice (Governance and administration of public service pension schemes) require all members of the Pension Fund Committee to maintain the necessary skills and knowledge to undertake their role effectively.

6.13.2 In addition, in order to facilitate the acquisition of skills and knowledge for members of the Pension Fund Committee, appendix A lists the main events that are deemed useful and appropriate.

6.13.3 If members of the Pension Committee would like to attend any of the events listed in appendix A, please contact a member of the Fund’s governance team who will make the necessary arrangements if an invitation has not already been sent.

6.13.4 The Training Strategy was approved at the July meeting of the Pension Committee and members have until 24 July 2024 to complete the mandatory training modules. Here is a copy of the [Training Strategy](#) for reference.

7 Implications (including financial implications)

7.1 Resources and Financial

7.1.1 There are no resources or financial implications arising from the report.

7.2 Legal

7.2.1 The ACCESS Pool is liaising with advisors in connection with the consultation response. Relevant legislation is referenced in the main body of the report.

7.3 Risk

7.3.1 The Constitution Section 4.8 para 1.3 states that the Pension Committee has “Authority to develop and maintain a skills and knowledge framework for all Pension Committee and Investment sub-committee members and for all officers of the Fund including;

- (i) Determining the Fund’s knowledge and skills framework;
- (ii) Identifying training requirements;

- (iii) Developing training plans; and
- (iv) Monitoring attendance at training events.

7.3.2 This report ensures on-going compliance with the above and that the Pension Committee is up to date with:

- New or amending legislation affecting the LGPS;
- Relevant activities of the LGPS Scheme Advisory Board and the Pensions Regulator that concern the governance of the (LGPS) on a national and local basis; and
- Skills and knowledge opportunities.

7.3.3 The risks associated with the Pension Committee not having the required level of knowledge and understanding have been captured in the Fund’s risk register as detailed below.

Risk	Residual risk rating
Those charged with governance of the Fund and Scheme are unable to fulfil their responsibilities effectively	Green
Failure to administer the scheme in line with regulations and guidance.	Green
Failure to provide relevant information to the Pension Fund Committee to enable informed decision making.	Green

The Fund’s full risk register can be found on the Fund’s website at the following link:

[Northamptonshire Risk Register](#)

7.4 Relevant Pension Fund Objectives

7.4.1 The following objectives as per the Business Plan have been considered in this report –

- To have robust governance arrangements in place, to facilitate informed decision making, supported by appropriate advice, policies and strategies, whilst ensuring compliance with appropriate legislation and statutory guidance.
- To manage the Fund in a fair and equitable manner, having regard to what is in the best interest of the Fund’s stakeholders, particularly the scheme members and employers.
- To ensure that the relevant stakeholders responsible for managing, governing and administering the Fund, understand their roles and responsibilities and have the appropriate skills and knowledge to ensure those attributes are maintained in a changing environment.
- To continually monitor and manage risk, ensuring the relevant stakeholders are able to mitigate risk where appropriate.

7.5 Consultation

7.5.1 The Fund is kept updated with developments and consultations via various sources such as the Local Government Association, The Pensions Regulator and Scheme Advisory Board. No consultation was required for this report.