



Local Pension Board Conflict of Interest Policy

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Introduction

This document outlines the approach for ensuring the Lancashire Local Pension Board is fully compliant with legislative requirements for identifying, monitoring, and managing potential conflicts of interest to ensure that no actual conflicts of interest arise.

This policy applies to members of the Pension Board and to all officers and advisors supporting the operation of the Pension Board. References to Board Members also apply to advisors and, where appropriate, to officers, where an interest is not covered by the County Council's [Code of Conduct for Employees](#).

The policy sets out the procedures to be followed and the checks and measures in operation to ensure the business of the Board and any decisions or actions taken by it are open, transparent, and compliant.

Legislative Requirements on Pension Boards

Under Section 5 (paragraph 4) of the Public Service Pension Act 2013 it is a requirement for the regulations governing public sector pension schemes to include provisions ensuring Board Members do not have conflicts of interest. The Local Government Pension Scheme Regulations 2013 fulfil this requirement within Part 3 - Governance as follows:

LGPS Regulations 2013

(Regulation 108: Local Pension Boards: Conflicts of Interest).

1. Each administering authority must be satisfied that any person to be appointed as a member of a local Pension Board does not have a conflict of interest.
2. An administering authority must be satisfied from time to time that none of the members of a local Pension Board has a conflict of interest.
3. A person who is to be appointed as a member of a local Pension Board by an administering authority must provide that authority with such information as the authority reasonably requires for the purposes of paragraph 1.
4. A person who is a member of a local Pension Board must provide the administering authority which made the appointment with such information as that authority reasonably requires for the purposes.

Pension Regulator Code of Practice on Conflicts of Interests

The Public Service Pensions Act 2013 extended the regulatory oversight of the Pensions Regulator (tPR) to include public sector schemes and added new provisions into the Pensions Act 2004 requiring tPR to issue a code of practice on the governance of public service pension schemes including conflicts of interest for Pension Boards.

Complying with these new requirements (Section 90A to the Pensions Act 2004) tPR issued **Code of Practice no.14 (Governance and Administration of Public Service Pension Schemes)** in January 2015. This Conflicts of Interest Policy has been developed having regard to the details of the code which interprets legal requirements and offers practical guidance to Administering Authorities on meeting the terms of LGPS Regulation 108 (above).

This Conflicts of Interest Policy for the Lancashire Local Pension Board sets out procedures to be followed by individuals in their capacity as Board Members and as officers or advisors supporting the operation of the Board. In addition, individuals must also comply with all requirements placed on them by codes of conduct and other policies connected with their wider roles and responsibilities, whether as elected members, officers, salaried officials or advisors (e.g. by the County Council's Code of Conduct, and the Protocol for County Councillor/Officer Relations and their equivalents within other employer organisations).

This policy encourages the consideration of interests in their broadest sense, an approach which reinforces the expectation that Board Members, officers and advisors will maintain the highest standards of conduct in adherence with the Nolan Principles referred to above.

Conflict of Interests - General

The prevention of actual conflicts of interest is reliant on the effective management of potential conflicts. This entails Pension Board Members (and the officers and advisors supporting them) having a clear understanding of what a potential conflict of interest is and what they must do to ensure that no actual conflict arises.

The potential for a conflict of interest exists whenever there are underlying personal interests capable of compromising an individual's ability to act with objectivity. An interest is a personal stake or a perceived obligation (to a person, group, or organisation) which is likely to prejudice an individual in the course of them fulfilling the responsibilities of their role. Interests can be both financial and non-financial.

Financial interests include current or prospective assets or investments, plus influences from an employment, trade, profession, or contract. Non-financial interests can be many and varied but will include specific memberships or affiliations which compromise the individual's ability to think or act without bias when acting in their official capacity.

It is inevitable that members of the Pension Board will have interests. Where these will potentially prejudice the exercise of functions as a member of the Board by directly impacting on Board business (or will have the appearance of doing so) it is essential they are known about and managed effectively to protect the impartiality and standing of the Board and ensure the transparency of its operation and outcomes.

A potential conflict of interest will arise when an individual has a responsibility or duty connected to their membership of the Pension Board whilst at the same time having:

- a separate personal interest (financial or otherwise).
- a responsibility by virtue of another role or position they hold.
- a close colleague or family member with a specific responsibility or a direct interest in a particular aspect of Pension Board business.

A member of the Board does not have a financial or other interest arising merely by virtue of membership of the Local Government Pension Scheme or any connected scheme, or by membership of another local authority.

Sensitive interests

Where you consider that disclosure of the details of an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the County Council's Monitoring Officer agrees, if the interest is entered on the Register, copies of the Register that are made available for inspection and any published version of the Register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.

Effective management of potential conflicts

Under this policy, the effective management of all potential conflicts of interest will be achieved through consistent compliance with 6 clear steps:

1. Identifying Interests

The existence of any interest fundamentally incompatible with fulfilling the role and statutory responsibilities of a Pension Board Member will be identified as part of the appointment process and will ultimately prevent an individual from being appointed to the Board.

Following their appointment all Board Members are required to identify any interests held directly by themselves or by close family or contacts which have the potential to lead to a conflict of interest. This identification of interests involves detailed reflection on the role and specific responsibilities of the Pension Board and its members which are as set out in the Terms of Reference for the Pension Board.

Examples of the most common interests and the scenarios in which they may cause a conflict to arise are set out at **Annex A**.

2. Disclosing Interests

Board Members are required to complete and submit an interim disclosure form in advance of attending their first Pension Board meeting. Thereafter Board Members will be required to disclose all financial and nonfinancial interests including the receipt of any gift or hospitality (received or declined) in excess of £25 via the completion and submission of the form set out at **Annex B**.

A definition of financial and non-financial interests is set out at **Annex C**.

Where no relevant interests are identified by a Board Member, they must submit a nil return to evidence that they have complied with the requirement to identify and disclose all relevant interests. Officers, in line with the County Council's Code of Conduct for Employees, are not required to submit a nil return

It is the responsibility of each Board Member to regularly consider and review their relevant interests and to submit a further disclosure form within 28 days of becoming aware of any changes to an interest previously disclosed or of any new interest not previously disclosed.

All Board Members must review their interests and submit an updated disclosure annually. For Board Members with no relevant interests this will involve the submission of a new nil return. Making an updated annual return will assist the County Council (as the administering authority) to fulfil the requirement to be satisfied from time to time that none of the members of the Board has a conflict of interest.

Completed disclosure forms must be submitted to the Monitoring Officer who will review the completeness of the disclosure form and confirm it has been signed and dated by the appropriate Board Member before the details are input onto the Register.

3. Maintaining an up-to-date Register of Interests

An up-to-date Register of the interests disclosed by Pension Board Members, will be maintained by the **Monitoring Officer**

The Register will be held electronically with details from new declaration forms input in a timely manner and maintained so as to provide an accurate and up to date record of all details disclosed by individual Board Members, advisors and officers and the date on which their disclosures were made. Any information held in the Register will form the basis of an annual review of member interests by the Pension Board.

Each review will:

- encourage a thorough reflection on relevant interests disclosed by Board Members.
- allow a comparison of the range of interests being identified by individual Board Members and support interests being universally and consistently understood.
- confirm that, during the prior period, an appropriate declaration was made on every occasion where a registered interest had (or appeared to have) the potential to impact an item of business.
- examine the effectiveness of the management approach to potential conflicts of interest.
- confirm the accuracy and completeness of record keeping to identify weaknesses or learning points requiring action.

A copy of the Register of Interests is available for public inspection and is published on the County Council's website.

4. Declaring Potential Conflicts

Pension Board Members are personally responsible for identifying potential conflicts of interest. They must routinely review the work plan, agenda and papers of the Board in advance in order to identify any matters in which they have an interest.

Where a Board Member is aware of an interest with the potential (or appearance of having the potential) to cause a conflict they should declare this in advance of the meeting taking place by providing details to the Monitoring Officer who will inform the Chair of the Board.

The Local Pension Board must be confident that the advice it receives from officers and advisers is independent and truly in the best interests of the Fund. For this reason, officers and advisers giving advice to the Local Pension Board must declare any situation where a potential, perceived or actual conflict exists, in order that it can be appropriately managed. Declarations should be made in advance to the Monitoring Officer who will inform the Chair of the Board.

Declaring an interest in advance provides the opportunity for adequate reflection on the most appropriate approach to managing a potential conflict, it also encourages open discussion and ensures a fully transparent approach.

All meetings of the Local Pension Board will include a standing agenda item which facilitates the declaration (and where necessary the disclosure and declaration) of all relevant interests.

Where it becomes apparent at a meeting that an undisclosed interest held by a Board Member, officer or advisor is relevant and creates the potential (or appears to create the potential) for a conflict, this interest must be immediately drawn to the attention of the independent Chair of the Board who will determine the appropriate course of action to manage the situation.

5. Managing Potential Conflicts

Potential conflicts of interest will arise as a result of a variety of interests and scenarios and they fall to be managed on a case by case basis in the manner most suited to ensuring that:

- no actual conflict will arise.
- where there is the appearance of a potential conflict this is acknowledged and addressed openly.
- adequate attention is given to recording the basis for judging a declared interest to be immaterial.

The Board must determine the appropriate mechanism for managing each potential conflict. Approaches to managing potential conflicts of interest will include:

- the member for whom the potential conflict exists taking no part in discussions or voting on the matter creating the conflict.
- the member relinquishing or divesting themselves of a personal interest which is the source of a conflict of interest with their Pension Board responsibilities (where practical).
- a member considering resignation from their position if the conflict is likely to be so persistent as to limit meaningful participation in the Pension Board.
- The full Council, removing the individual from the Pension Board where they consider the potential conflict is impractical to manage.

6. Recording the Management Approach

Details of the specific approach taken to manage potential conflicts of interest will be documented and reported upon as part of the routine business of the Board.

As an integral part of the minute taking which formally records the conduct and outcomes of Pension Board meetings, responsibility for recording and reporting on the existence of potential conflicts of interest and the management approach to preventing an actual conflict from arising rests with the Monitoring Officer.

Wherever a relevant interest is declared, the minutes of Board meetings will record this and give details of how the potential conflict of interest was managed to prevent an actual conflict from arising.

Compliance with the approach and procedures set out within this Conflict of Interests Policy is a requirement under the Terms of Reference for the Pension Board and the Code of Conduct for Members of the Pension Board of the Lancashire County Pension Fund.

Code of Conduct

All members of the Lancashire Local Pension Board shall have regard to the 'Seven Principles of Public' which are also known as the Nolan Principles.

Officers are subject to the County Council's [Code of Conduct for Employees](#) and are only required to submit a completed Notification of Interests where that conflict of interest is not covered in the County Council's Code of Conduct for Employees.

Any declarations (such as the receipt of any gift or hospitality in excess of £25) under the County Council's Code of Conduct for Employees.

Accordingly, when acting in your capacity as a Board member you must act in accordance with the following:

- 1. Selflessness** - You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.
- 2. Integrity** - You must not place yourself under any financial or other obligation to an outside individual or organisation that might seek to influence you in the performance of your official duties.
- 3. Objectivity** - When carrying out your public duties you must make all choices on merit.
- 4. Accountability** - You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
- 5. Openness** - You must be as open as possible about your decisions and actions and the decisions and actions of the Board and should be prepared to give reasons for those decisions and actions.
- 6. Honesty** - You must declare any disclosable financial or non-financial interests that relate to your public duties and must take steps to resolve any conflicts that arise in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out below.
- 7. Leadership** - You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the requirements above, by leadership and example.

In addition, members of the Pension Board are expected to:

- treat people with respect, including the organisations and any members of the public you engage with and those you work alongside.
- take account of relevant advice from professional officers and advisors, taking all relevant information into consideration, remaining objective and making decisions on merit.
- behave in accordance with all legal obligations, alongside any requirements contained within the Board's policies, protocols and procedures, including the Conflicts of Interests Policy.

You should:

- Notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of appointment. The County Council's Monitoring Officer is:

Heloise MacAndrew, Director of Law and Governance
Lancashire County Council
County Hall
Preston, Lancashire PR1 8XJ

Tel 01772 534105

Email heloisemacandrew@lancashire.gov.uk

- Disclose a disclosable pecuniary interest at a meeting if it is not on the Register.
- Notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the Register that you have disclosed to a meeting.
- Not participate in any discussion or decision on a matter in which you have a disclosable pecuniary interest.
- Not, knowingly, or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.

Failure to comply with the above would constitute a breach of the Code of Conduct and Board Members should be aware that in certain circumstances a serious breach of the Code of Conduct could be deemed to be a criminal offence.

Annex A

Examples of Potential Conflicts

The following examples of potential conflicts of interest are provided for illustrative purposes. References to Board Members also apply to advisors and, where appropriate, to officers, where an interest is not covered by the County Council's Code of Conduct for Employees.

Circumstances where the Pension Fund invests in opportunities relating to functions undertaken by the County Council, e.g. care home provision, and where there would be a direct benefit on the County Council, would not in itself give rise to a conflict of interest.

Members of the Pension Board may be officers of the administering authority (Lancashire County Council) or another employer organisation within the Fund and will potentially face conflicting priorities by virtue of these two roles.

Example 1 - Pension Board Members may be required to make or scrutinise a decision which will commit the Fund to injecting additional resources into improving administration and efficiency which will involve greater costs falling on employer organisations. Simultaneously, they may face pressure from those organisations to challenge existing budgets and to reduce expenditure on pension administration matters.

Example 2 - The Pension Board might review a decision by the Pension Fund Committee to levy an additional charge (under the Regulations) on a group of employers whose poor performance in carrying out their statutory functions in respect of the Local Government Pension Scheme has caused the Administering Authority additional costs. Any Board Member employed by one of the affected employer organisations would need to declare their interest in order for a potential conflict to be identified and managed so as to prevent any actual conflict of interests from arising.

A Board Member might be employed by (or have some other relevant connection with) a firm providing administrative or other services to the Fund.

Example 3 - Where the Board is due to discuss or monitor the performance of a supplier of administrative or other services in which a Board Member has an interest they will face a potential conflict of interests. The Board Member will need to declare their interest in order for a potential conflict to be identified and managed so as to prevent any actual conflict of interests from arising.

A Board Member may have financial or other interests which give the appearance of a conflict but which, by virtue of their nature or scale, are not ultimately material to the issue under consideration by the Board.

Example 4 – If a Board Member holds shares in a company that provides services to the Fund. The shares are valued at a few hundred pounds and the company's value is many tens of millions. The Pension Board is reviewing the performance of the provider and a decision to extend the value and term of the contract.

In this case the Board may consider that on grounds of materiality, no conflict of interest exists. The Local Pension Board is not responsible for the decision to award the contract and the impact of the contract extension will have no effect on the company's share price. The Board Member in question should, however, still declare their interest and the minutes of the meeting should record the decision that the Board judged the interest insufficiently material to require the member to be excluded from discussing or voting on the item of business.

Annex B

Notification of Interests Form

Lancashire Local Pension Board
Code of Conduct for Members, Officers, and Advisors
Notification of Disclosable Financial and Non-Interests

I

(insert title e.g. Mr or Mrs, and first name/surname)

as a member of the Lancashire Local Pension Board have set out below the financial interests (sections 1 to 7) and the non-financial interests (sections 8 and 9) which I am required to disclose under the Code of Conduct for Board members, and I have indicated where I have no such interests under any heading.

"Financial interest" means an interest which is my interest, or the interests of a close colleague or family member and I am aware that the other person has the interest. (NB. These people are referred to below as "the relevant person")

Financial Interests (see guidance notes at Annex C)

1. Any employment, office, trade, profession, or vocation carried on for profit or gain:

Description of your employment	Details

2. Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the Lancashire County Pension Fund: (a) under which goods or services are to be provided or works are to be executed and (b) which has not been fully discharged:

3. Any beneficial interest in land:

Address/description of land	Nature of interest in land

4. Any licence (alone or jointly with others) to occupy land for a month or longer:

Address/description of land	Nature of interest in land

5. Any tenancy where (to my knowledge): (a) the landlord is the Lancashire County Pension Fund; and (b) the tenant is a body in which the relevant person has a beneficial interest:

Address/description of land	Nature of interest in land

6. Any beneficial interest in securities of a body where:

(a) that body (to my knowledge) has a place of business or land associated with the Lancashire County Pension Fund; and (b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class:

Name of Body

Non-Financial Interests (see guidance notes at Annex C)

8. Any position of general control or management, or membership of a body:

Name of body	Details

9. Any gift or hospitality received or declined which is in excess of £25 in value:

Details of gift or Hospitality received or declined including date.	Name and address of Donor
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Signed Date

Annex C

Definitions of Interests

Financial Interests

Financial interest means an interest of a description specified below that is your interest, or the interest of a close colleague or family member and you are aware that that other person has the interest.

Interest	Prescribed description
Employment, office, trade, profession, or vocation	Any employment, office, trade, profession, or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the Lancashire County Pension Fund:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the Lancashire County Pension Fund.
Licences	Any licence (alone or jointly with others) to occupy land in the area covered by the Lancashire County Pension Fund for a month or longer.

Corporate Tenancies	Any tenancy where (to the individual's knowledge): (a) the landlord is the Lancashire County Pension Fund; and (b) the tenant is a body in which the relevant person (c) has a beneficial interest.
Securities	Any beneficial interest in securities of a body where: (a) that body (to the individual's knowledge) has a place of business or land in the area covered by the Lancashire County Pension Fund; and (b) either: (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a

Non-Financial Interests

Disclosable non-financial interest means an interest of a description specified below which is your interest, a close colleague or family member and you are aware that that other person has the interest.

Interest	Description
Outside Bodies	Any position of general control or management, or membership of any body, except where you have been nominated to that body by the Board or where you are an elected Member of a local authority.
Gifts and Hospitality	Any person or body from whom you have received a gift or hospitality with an estimated value above £25