

**PART 3 - SCHEME OF DELEGATION
TO OFFICERS**

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Date Approved:	2006
Date Revised:	June 2008; June 2010; June 2013; June 2014
Date of Next Review:	to be agreed
Responsible Officer:	A Frosdick

SECTION A

1 ADOPTION

- 1.1 This Scheme of Delegation (“the Scheme”) was approved by the Authority on the 20 June 2013. It is a key element of the Authority’s internal control arrangements. The Scheme is reviewed annually.

2 DEFINITIONS AND INTERPRETATION

- 2.1 For the purposes of the Scheme the following expressions shall have the meanings described in this Section.

“Divisions” Means the Investment Division and the Pensions Administration Division

“The Clerk” Means the Clerk

“The Treasurer” Means the Treasurer

“Monitoring Officer” Means the Monitoring Officer

“Head of Service” Means the Fund Director

- 2.2 A reference to any enactment shall be deemed to include a reference to any amendment or re-enactment of the same.

- 2.3 Any officer can decline to exercise the powers delegated under this Scheme in particular circumstances and refer any such matter to the Authority (or Board as appropriate) for decisions or approval.

- 2.4 In the event of any question arising concerning the interpretation and application of this Scheme, the Clerk, in consultation with the Monitoring Officer, shall determine the issue.

- 2.5 For the avoidance of doubt, where a power or duty or authority is exercisable by an officer within these Delegations, that officer is hereby given authority to further delegate such power, duty or authority to any other officer he may nominate, in the interests of the Authority or for the better performance of any such power, duty or authority.

3 COMPLIANCE

3.1 The exercise of any delegated power under this Scheme is subject to:-

- (i) expenditure being within the approved revenue estimates or having received the prior approval of the Authority; and
- (ii) compliance with any relevant statutory enactment; Code of Practice; the Authority's Standing Orders, Financial Regulations and Financial Instructions; and any relevant Authority Plans and Policies.

4 RECORDS

4.1 An officer who has made a decision in accordance with powers delegated under this Scheme shall record the decision in writing and make the record available for inspection as required.

5 PUBLIC INSPECTION

5.1 Copies of this Scheme, the Authority's Standing Orders and Financial Regulations can be viewed on the Authority's website at www.southyorks.gov.uk. Copies of these documents can also be inspected during the office hours of 11.00 am to 4.00 pm, Monday to Friday at the Authority's offices at 18 Regent Street, Barnsley, South Yorkshire S70 2HG.

SECTION B

POWERS DELEGATED TO THE CLERK AND THE TREASURER

6 GENERAL

- 6.1 The Clerk is the Clerk to the Authority appointed under Section 34(8) of the Local Government Act 1985.
- 6.2 The Treasurer is the officer appointed by the Authority to be responsible for the proper administration of the Authority's financial affairs in accordance with Section 73 of the Local Government Act 1985.
- 6.3 The Fund Director is the Head of Service for the Divisions: Investments and Pensions Administration.
- 6.4 To facilitate the performance of the roles and responsibilities referred to in paragraph 6.1, the Clerk is authorised to discharge the functions and powers listed below in addition to the officers specified in the Sections referred to:
- Section C - Staffing and Conditions of Service in their application to the Fund Director save in respect of matters reserved to the Authority (appointment, grievance appeals, termination of employment and terms of any compromise agreement)
 - Section D - Pensions Investment
 - Section E - 13.2 - Pensions Administration
- 6.5 The Clerk is authorised by the Authority to give a direction in special circumstances that any officer shall not exercise a delegated function in any particular case.

7 PROPER OFFICER

- 7.1 The Clerk is authorised to act as the Authority's Proper Officer for all purposes in relation to:-
- (a) The following provisions in the Local Government Act 1972:-
- (i) Schedule 12 (meetings and proceedings of local authorities)
- signature of summons to Authority meetings
 - receipt of notices regarding the address to which a summons to meeting is to be sent
- (ii) Sections 100(B)(2) and 100(B)(6) (circulation of reports and agendas)

- (iii) Section 100(B)(7)(c) (supply of papers to the press)
 - (iv) Section 100(C) (summaries of minutes)
 - (v) Section 100(D)(1)(a) and 100(D)(5) (compilation of lists and identification of background papers)
 - (vi) Section 100(F)(2) (papers not open to members)
 - (vii) Section 115 (accountability of officers)
 - responsibility for the receipt of money due from officers
 - (viii) Section 223(1) (authorisation of officers in proceedings)
 - (ix) Section 255 (deposit of documents with proper officer of the Authority etc)
 - (x) Section 229 (photographic copies of documents)
 - certification of photographic copies of documents
 - (xi) Section 234 (authentication of documents)
- (b) The Clerk is the Authority's Proper Officer for the purposes of Section 2(4) of the Local Government and Housing Act 1989 (deposit of list of politically restricted posts)

7.2 The Monitoring Officer is the Authority's officer responsible for safe custody of the Common Seal of the Authority, for deciding which documents should be under seal and to which the Common Seal is affixed and attesting the affixing of the Common Seal in accordance with the Authority's Contract Standing Orders.

7.3 Deputies

In the event of the Clerk's office being vacant or if he/she is absent or otherwise unable to act the following officers are authorised to act as the proper officer for the purposes set out in paragraphs 7.1(a) and (b):

- (i) the Monitoring Officer
- (ii) the Treasurer
- (iii) the Deputy Clerk

In the event of the Monitoring Officer being absent or otherwise unable to act the Deputy Monitoring Officer is authorised to act as the proper officer for all purposes set out in paragraph 7 for which the Monitoring Officer is authorised to act.

SECTION C

THE FUND DIRECTOR - DELEGATED POWERS

8 In discharging the functions conferred by this Section the Fund Director is authorised to nominate one or more officers to act on his/her behalf. The Fund Director shall maintain a record of all nominations.

9 STAFFING AND CONDITIONS OF SERVICE

9.1 For all categories of staff to determine all matters relating to:-

- (i) the recruitment, selection and appointment of employees;
- (ii) implementation of national and local agreements;
- (iii) all payments to employees;
- (iv) the granting of appropriate increments in career grade and examination success schemes;
- (v) the filling of all temporary vacant posts;
- (vi) the operation of arrangements relating to hours of work, annual and other leave and time off for employees;
- (vii) the training and development of employees;
- (viii) the health, safety and welfare of employees;
- (ix) the operation of procedures relating to consultation;
- (x) payments in respect of damage to, or loss of employees personal property;
- (xi) the entering into compromise agreements with employees;
- (xii) the determination of grievances in accordance with agreed procedures;
- (xiii) (a) Suspension and/or disciplinary action, including dismissal of employees in accordance with agreed procedures.
(b) Suspension and/or disciplinary action shall only be taken following consultation with the Clerk (or his/her nominated representative).

9.2 The Fund Director is authorised to:-

- (i) approve re-grading applications in consultation with the Clerk following a formal job evaluation process;
- (ii) approve applications for early retirement under the Authority's Selective Early Retirement Scheme in consultation with the Chairman of the Authority; and

- (iii) determine appeals from employees against the imposition of the disciplinary sanctions - recorded oral warnings, written warnings and final written warnings. (Appeals against dismissal are heard by the Management Committee).

10 GENERAL

- 10.1 The provision of reasonable and appropriate hospitality for official visitors.
- 10.2 Approval of the use of purchasing cards in accordance with procedures approved by the Treasurer.

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SECTION D

PENSIONS INVESTMENT - DELEGATED POWERS

11 FUND DIRECTOR – DELEGATED POWERS

- 11.1
- (a) In accordance with the asset allocation strategy determined by the Authority and, subject to such consultations as the Fund Director may deem appropriate, the allocation of all monies accruing to the Pension Fund which are not required for payment of benefits for investment in accordance with the approved benchmark and investment policy including treasury management functions.
 - (b) To appoint brokers and award contracts in accordance with Contract Standing Orders.
 - (c) To execute votes in accordance with the Authority's agreed policy.
 - (d) To attend as the Authority's representative at the meeting of any company in which the Authority has a beneficial interest or any meeting of any class of members of such a company as the Authority's representative for the purposes of the Companies Act.
 - (e) To act as the Authority's representative on companies and committees including acceptance of directorships as appropriate.
 - (f) To charge interest under Regulation 44 of the LGPS (Administration) Regulations 2008 on employers or other administering authorities on late payments due under the Fund.
 - (g) Property Investment

The Fund Director is responsible for the management of the Pension Fund Property Portfolio in accordance with the strategy set by the Authority and, subject to Contract Standing Orders and Financial Regulations of the Authority, and obtaining appropriate legal advice from the Authority's solicitor(s). Delegated powers:-

- (i) the negotiation and acceptance of terms for the acquisition and disposal of land and buildings;
- (ii) the negotiation and acceptance of terms for the granting, renewing, reviewing, varying or assignment of leases, underleases, tenancies, licences, and any other interest in the Fund property;
- (iii) preparation and implementation of schemes for works of modernisation, improvements, maintenance and repair of the Fund property together with the invitation and acceptance of tenders and the authorisation of expenditure on such works;
- (iv) the appointment and supervision of managing agents and professional advisors (including solicitors) necessary for the effective management of the Pension Fund Property Portfolio;
- (v) the collection of all rents, service charges, insurance premiums and any other monies arising out of the Pension Fund Property Portfolio;

- (vi) the signature of agreements and making arrangements for the execution of documents under seal; (documents under seal are to be executed by one of the officers authorised under Procedural Standing Order No. 31);
- (vii) dealing with health and safety matters in association with investment properties.
- (h) The authorisation and execution of documents relating to the exercise of the powers and duties delegated to him/her.
- (i) The powers and duties delegated shall be exercised in accordance with internal control arrangements specified by the Clerk and by the Treasurer.

11.2 HEAD OF INVESTMENT – DELEGATED POWERS

- (a) Whenever the office of Fund Director is vacant or he/she is for any reason unable to act the investment powers and duties delegated to the Fund Director may be exercised by the Head of Investment.
- (b) Investing in accordance with the benchmark set by the Authority.
- (c) Appointment of brokers.
- (d) The authorisation and execution of documents relating to the exercise of the powers and duties delegated to him/her. (Documents under seal are to be executed by one of the officers authorised under Procedural Standing Order No. 31).
- (e) The powers and duties delegated shall be exercised in accordance with internal control arrangements specified by the Clerk and by the Treasurer.

11.3 HEAD OF FINANCE – DELEGATED POWERS

- (a) Whenever the office of Fund Director is vacant or he/she is for any reason unable to act the treasury management powers and duties delegated to the Fund Director and those referred to under paragraph 15.6 may be exercised by the Head of Finance.
- (b) The authorisation and execution of documents relating to the exercise of the powers and duties delegated to him/her. (Documents under seal are to be executed by one of the officers authorised under Procedural Standing Order No. 31).
- (c) The powers and duties delegated shall be exercised in accordance with internal control arrangements specified by the Clerk and by the Treasurer.

11.4 PRINCIPAL INVESTMENT MANAGER(S) - DELEGATED POWERS

- (a) Investing in accordance with the benchmark set by the Authority.
- (b) The authorisation and execution of documents relating to the exercise of the powers and duties delegated to him/her. (Documents under seal are to be executed by one of the officers authorised under Procedural Standing Order No. 31).
- (c) The powers and duties delegated shall be exercised in accordance with internal control arrangements specified by the Clerk and by the Treasurer.

SECTION E

PENSIONS ADMINISTRATION- DELEGATED POWERS

12 GENERAL

12.1 The following references are used throughout this section:

- “R Regs” - The Local Government Pension Scheme Regulations 2013
- “TP Regs” – The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014
- “A Regs” - The Local Government Pension Scheme (Administration) Regulations 2008 (as amended)
- “B Regs” - The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended)
- “T Regs” - The Local Government Pension Scheme (Transitional Provisions) Regulations 2008 (as amended)
- “1997 Regs” - The Local Government Pension Scheme Regulations 1997 (as amended)
- “1995 Regs” - The Local Government Pension Scheme Regulations 1995 (as amended)

12.2 Head of Pensions Administration

To deal with the following benefits and contributions matters in relation to the funds managed by the Authority.

- i. In consultation with the Chair and Vice-Chair, the making, or terminating, of admission agreements with bodies falling within the scope of Regulations 3 and Schedule 2 Part 3 of the R Regs.
- ii. The exercise of discretion under Regulation 40, 43, 46, and 82 of the R Regs, and Regulation 17 of the TP Regs regarding the payment of death grants in respect of deceased scheme members.
- iii. The exercise of discretion under Regulation 17 of the R Regs, regarding the payment of AVC funds in respect of deceased scheme members.
- iv. The exercise of discretion under Schedule 1 of the R Regs in determining eligibility of a dependent child who commences full time education or training after the date of the members death.
- v. The exercise of discretion under Schedule 1 of the R Regs in respect of breaks in education or training for the purposes of deciding if a person can be regarded as a child.
- vi. The commutation of certain small pension benefits to single lump sum payments so as to discharge future liability for payments, in accordance with Regulation 34 of the R Regs.
- vii. The commutation of pensions in exceptional circumstance of ill-health as provided by Regulation 50 of the 1997 Regs (as permitted by Schedule 1 of the T Regs).

- viii. Obtaining revisions to a rates and adjustments certificate in circumstances falling within Regulation 64 of the R Regs.
- ix. The determination under Regulation 69 of the R Regs, of intervals for the payment (inclusive of accompanying information) of employee and employer contributions to the Fund, and costs arising from certain retirements types, under Regulation 68 for the R Regs and Schedule 2 of the TP Regs.
- x. The determination under Regulation 72 of the R Regs of the amount of any benefit that may be payable to a person out of the pension fund, in addition to various matters in relation to new contributors concerning previous service and additional pension.
- xi. The approval under Regulation 36 of the R Regs of medical practitioners to be used by Fund employers in making decisions on entitlement to ill-health retirement.
- xii. The transfer under Regulations 93 and 94 of the R Regs, to an employing authority from the Fund, of sums to compensate for loss caused by a former member's misconduct.
- xiii. The payment of transfer values under Regulations 96, 98 and 99 of the R Regs.
- xiv. The acceptance of transfer values under Regulation 100 of the R Regs.
- xv. In accordance with Regulation L147 of the 1995 Regs (as permitted by Schedule 1 of the T Regs) to determine how to discharge Pension Credit liability.
- xvi. In accordance with Regulation 49 of the R Regs, to decide, in the absence of an election from a scheme member, which benefit is to be paid where that member would be entitled to a benefit under more than one regulation in respect of the same period of membership.
- xvii. The approval of applications for the reinstatement of spouse's pensions under Regulation F7 of the 1995 Regs in the following circumstances:-
 - If a spouse has remarried and that marriage has ended; or
 - If a spouse has been cohabiting outside marriage and that cohabitation has ended
- xviii. The exercise of discretion on the extension of statutory time limits in respect of various applications made by employees and beneficiaries as provided in the Regulations.
- xix. In accordance with Regulation 80 of the R Regs and Regulation 22 of the TP Regs, to specify the information to be supplied by employers to enable SYPA to discharge its functions.
- xx. The exercise, on behalf of a deceased member, of an election, under Regulations 3, 4, 8, 10, and 17 of the TP Regs, and Regulation 10 of the B Regs to use pensionable pay determined from an earlier period for calculating scheme benefits.

- xxi. The exercise of discretion, under Regulation 83 of the R Regs, whether a child's pension should be paid to a person other than the child subject to direction that it is to be used solely for the child's benefit.
- xxii. To exercise the discretion to require a medical, to turn down on medical grounds, or determine where a lump sum payment instead of regular payments is required, in respect of a members election under Regulation 16 of the R Regs.
- xxiii. Where the scheme employer is defunct, to exercise the discretion over early release of benefits under Regulation 38 of the R Regs and earlier extant regulations as they relate to the release of deferred benefits on medical grounds where there is no cost to the Authority.
- xxiv. To decide evidence required to determine eligibility to benefit of a cohabiting partner under Schedule 1 of the R Regs and Regulation 17 of the TP Regs.
- xxv. To decide whether to recover additional costs incurred as a result of the level of employer performance under Regulation 71 of the R Regs and Regulation 22 of the TP Regs.
- xxvi. To determine whether to charge interest on overdue payments from employers under Regulation 71 of the R Regs.

12.3 Internal Dispute Resolution Procedure - Stage 1

The Head of Pensions Administration to deal with Stage 1 appeal decisions under the Internal Dispute Resolution Procedure (appeals against decisions of the Authority as an Employing or Administering Authority).

12.4 Internal Dispute Resolution Procedure - Stage 2

The Fund Director to deal with Stage 2 appeal decisions under the Internal Dispute Resolution Procedure (appeals against decisions of employers and decisions taken on behalf of the Authority as an Administering Authority).

12.5 Pensions Regulator

The Head of Pensions Administration to deal with all matters requiring direct contact with the Pensions Regulator acting in the latter's capacity as the regulatory authority under the Public Service Pensions Act 2013 and especially regarding the provision of statutory data and information, notification of breaches and compliance with the law reporting retrospectively to the Authority at the first opportunity.

12.6 Fund Director

Whenever the office of Head of Pensions Administration is vacant or he/she is for any reason unable to act the benefits and contribution matters delegated to the Head of Pensions Administration in paragraphs 12.2 and 12.5 above may be exercised by the Fund Director or his nominee.

SECTION F

LEGAL PROCEEDINGS - DELEGATED POWERS

13 GENERAL

13.1 **The Clerk**

- (i) To institute, defend or participate in any legal proceedings in any case where either the institution or defence of such proceedings is necessary to give effect to decisions of the Authority or of any Board, or Officer acting under delegated powers as in any case where the Clerk considers that the institution or defence of, or participation in proceedings is necessary to protect the Authority's interests.
- (ii) To settle claims not exceeding £20,000 and in urgent circumstances claims exceeding £20,000. Details of claims exceeding £20,000 are to be reported retrospectively to the Authority at the first opportunity.
- (iii) To sign documents in connection with legal proceedings/procedures on behalf of the Authority.
- (iv) To instruct Counsel and external solicitors as appropriate.
- (v) To authorise officers not being solicitors to appear on the Authority's behalf before a Magistrates' Court subject to report to the Authority.

13.2 **The Monitoring Officer**

To exercise the powers delegated to the Clerk under paragraph 13.1 on:-

- (i) Being authorised or instructed by the Clerk or by the Treasurer; and
- (ii) In the circumstances where the office of the Clerk is vacant or he/she is absent or otherwise unable to act for any reason.

13.3 **The Fund Director**

To exercise the powers delegated to the Clerk under paragraph 13.1:-

- (i) Appertaining to securities class actions or class action claims relating to investments held by the Fund; and
- (ii) Appertaining to litigation relating to investments held by the Fund;
- (iii) Appertaining to litigation concerning taxation matters including Value Added Tax, tax suffered upon dividends and Income Tax suffered by or appertaining to the Fund and its investment holdings.

SECTION G

MONITORING OFFICER - DELEGATED POWERS

14 GENERAL

- 14.1 The Monitoring Officer is the officer designated by the Authority to perform the functions of the 'Monitoring Officer' under Section 5 of the Local Government and Housing Act 1989 ("Section 5").
- 14.2 In accordance with the provisions of "Section 5" the Monitoring Officer is required to prepare a report to the Authority if at any time it appears to him/her that any proposal, decision or omission by the Authority, by any Board of the Authority, or by any person holding office or employment under the Authority has given rise to or is likely to or would give rise to:-
- (a) a contravention by the Authority; by any Board; by an person holding any office or employment under the Authority of any enactment or rule of law; or
 - (b) any such maladministration as is mentioned in Part III of the Local Government Act 1974.
- 14.3 In performing the duty conferred by "Section 5" the Monitoring Officer will take account of reports made as a particular matter by any other officer and whether a matter is being resolved by other means including other reporting procedures.
- 14.4 The Monitoring Officer, in performing the duties as arising under "Section 5", is authorised to incur expenditure where this is necessary in seeking advice from outwith the Authority. Where the expenditure is likely to exceed £20,000, Authority approval must be obtained.
- 14.5 The Monitoring Officer has nominated the Deputy Monitoring Officer to perform the functions under "Section 5" when he is unable to act owing to absence or illness.

SECTION H

TREASURER - DELEGATED POWERS

15 GENERAL

- 15.1 The Treasurer's responsibilities as Treasurer are covered in the Authority's Financial Regulations.
- 15.2 The Treasurer as the officer responsible for the proper administration of the Authority's financial affairs for the purposes s.73 of the Local Government Act 1985.
- 15.3 The Treasurer is the officer responsible for the discharge of the Authority's duty to maintain an adequate and effective system of internal audit as required under Accounts and Audit Regulations 2011.
- 15.4 The Treasurer is authorised to enter into agreements for the transfer of credit approvals where appropriate for revenue estimates, capital programme and precepts.
- 15.5 The Treasurer is the officer responsible for exercising the functions under Section 114 of the Local Government Finance Act 1988 (reports relating to unlawful expenditure) and where he/she is unable to act owing to absence or illness section 2.5 applies.
- 15.6 The Treasurer is responsible for treasury management activities governed by Section 12 of Part I, Chapter I of the Local Government Act 2003 ("the Act") or similar and for investment activities relating to any purposes relevant to its functions under any enactment and for the purposes of the prudent management of its financial affairs and has nominated the Fund Director to perform the functions under Section 12 when he/she is unable to act owing to absence or illness.
- 15.7 The Treasurer is responsible for transfers to and from Reserves subject to the approval limitations referred to in Financial Regulation 4.7(a) and will be governed by policies approved by the Authority.

SECTION I

MISCELLANEOUS DELEGATED POWERS TO THE CLERK

16 GENERAL

16.1 a. **Press and Publicity**

- i. Press and publicity and public relations on matters concerning the Authority.
- ii. The handling of issues relating to the Commission for Local Administration.

b. **Freedom of Information Act – Internal Review Procedures**

- i. The Clerk, the Deputy Clerk and the Monitoring Officer are authorised to determine appeals under the Freedom of Information Act in accordance with the Authority's agreed internal review procedure.
- ii. Determination of charges payable for providing information in accordance with the Freedom of Information Act 2000 vests with the Fund Director.

c. **Conferences**

The Clerk is authorised to approve member's attendance at Conferences in consultation with the Chairman if required in advance of Authority meetings and to report to the next available meeting in accordance with the criteria set out below.

Attendance at conference and seminars also contributes towards development. It is not always possible to determine in advance (i.e. during this process) what conferences and seminars will be appropriate and/or available. Therefore, the attendance of Members at conferences will be delegated to the Clerk, in consultation with the Chair and in accordance with the following guidelines:-

- Conferences would be in accordance with the functions of the Authority
- The number of Members to attend would normally be 2 or 3 depending on the importance of the conference.
- Members would be selected from those who express an interest, and normally on a first come first served basis; unless the conference is of special interest to particular members in view of their identified development needs and/or their link or other responsibilities.

SECTION J

WRITE - OFFS

17.1 Investment : Write-offs

- (a) The Fund Director may approve the writing-off of rent/interest or other investment income due if the sum does not exceed £10,000.

Writing-off of any sum in excess of this limit shall be referred to the Authority for approval.

The Fund Director shall submit a quarterly report to the Head of Internal Audit detailing the write-offs which he/she has approved in accordance with the powers delegated to him/her.

- (b) Any other direct write-offs incurred as a consequence of investment activity in accordance with the Local Government Pension Scheme (Management and Investment of Funds) Regulations 2009 are reported by the Fund Director to the Investment Board in the Quarterly Investment Report.

17.2 Pensions administration: Write-offs

The writing-off of an overpayment of salary to an employee where there is a death in service and the overpayment of pension on the death of a pensioner may be approved by the following officers:

- | | |
|--|--|
| - not exceeding £1,000 | Head of Pensions Administration and Pensions Manager |
| - above £1,000 but not exceeding £5,000 | Fund Director |
| - above £5,000 but not exceeding £10,000 | Treasurer |

Writing-off of sums in excess of this shall be referred to the Authority for approval.

17.3 Inventories: Write-offs

The writing-off of inventory items may be approved by the following officers:

- | | |
|-------------------------|---------------|
| - not exceeding £10,000 | Fund Director |
|-------------------------|---------------|

- above £10,000 but not exceeding £20,000 Treasurer

Deficiencies in excess of this shall be reported to the Authority for approval.

17.4 **Other Write-offs**

The writing-off of cash discrepancies and bad debts may be approved by the following officers:

- not exceeding £5,000 Fund Director
- above £5,000 up to £10,000 Treasurer

Writing-off of sums in excess of this shall be referred to the Authority for approval.

17.5 **Review of Write-off limits**

All limits quoted in this section will be reviewed not less than once every two years.

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