

Constitution of the Authority
1 April 2025

Amendment History

V 1.0 June 2019 – Rewrite Articles, Scheme of Delegation, Financial Regulations, Contract Standing Orders, Standards Investigations Procedure

V 2.0 June 2020 – Comprehensive revision and consolidation of all sections

V 2.1 Oct 2020 – Addition of provisions re non-voting co-opted members of the Authority, updated members allowance rates

V 2.2 June 2021 – Changes in size of committees and restriction on membership of Audit Committee (now referred to as the Audit and Governance Committee)

V 2.3 June 2023 – Comprehensive revision, consolidation and restructure of all sections

V2.4 October 2024 – Contract Standing Orders updated to reflect requirements of Procurement Act 2023 coming into force.

V2.5 April 2025 – Updated as per findings of Governance Review and action plan, and to reflect change of Clerk role and responsibilities added to the role of Director.

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Part 1- Summary of the Constitution

~~June 2023~~ April 2025

SUMMARY

South Yorkshire Pensions Authority (the "Authority") has agreed a constitution which sets out how the Authority operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to members of the public. Some of these processes are required by the law, while others are a matter for the Authority to determine.

The constitution itself is divided into ~~16~~5 Articles, set out in Part 2, which set out the basic rules governing the Authority's business. More detailed procedures and codes of practice are provided in separate rules and procedures and protocols published alongside this constitution.

What's in the constitution?

Article 1 of the constitution sets out the primary purpose of the constitution whilst Articles 2 to ~~15~~16 explain how the key parts of the Authority operate, including the rights of members of the public.

These Articles are:

- 1 Purpose of the Constitution
- 2 Members of the Authority
- 3 Members of the public and the Authority
- 4 The Role of the Authority,
- 5 Chairing the Authority
- 6 The Audit and Governance Committee
- 7 The Staffing Committee
- ~~8~~ 8 The Appointments and Appeals Committee
- ~~89~~ 89 [The Investment Advisory Panel](#)
- ~~910~~ 910 Joint Arrangements – Border to Coast Pensions Partnership
- ~~1011~~ 1011 Urgent Decisions
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- ~~1314~~ 1314 Finance, Contracts and Legal Matters
- ~~1415~~ 1415 Review and Revision of the Constitution
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The Authority

The Authority is an administering authority under the Local Government Pension Scheme (LGPS) and is responsible for administering the South Yorkshire Pension Fund. The LGPS is established by the Superannuation Act 1972 and the Public Service Pensions Act 2013 and subsequent regulations, and its purpose is to provide death and retirement benefits for all eligible employees. The Authority was formally established in 1988 on the winding up of the South Yorkshire Residuary Body under the terms of the Local Government Reorganisation (Pensions etc.) (South Yorkshire) Order 1987 made under the Local Government Act 1985. The Fund covers the four district councils of South Yorkshire and numerous other smaller employers.

The Authority has a fiduciary duty to the contributors and beneficiaries of the Fund to ensure contributions are collected, that benefits are calculated correctly and paid promptly, and that any surplus monies are properly invested. The main powers and duties of the Authority include:

- The functions, property, rights and liabilities of the South Yorkshire Pension Fund.
- Management of the Pensions Fund's investments, including the appointment of professional advisers.
- Payment of pensions to former local authority employees in South Yorkshire.
- Administration of the Local Government Pension Scheme rules for its contributors.
- Establishing and resourcing the Authority's operational activities.

How the Authority Operates

The Authority is composed of 12 members, all of whom must be a Councillor elected to one of the four constituent district councils within South Yorkshire, as described in Article 2.1 of the Articles of the Constitution.

All members meet together as the Pensions Authority. Meetings of the Authority are normally open to the public.

How Decisions are made

The Authority has ultimate responsibility for decision making but has delegated many decisions to committees and officers as described in this constitution.

The Authority's Staff

The Authority has people working for it (described as "officers") to give advice, to implement decisions and to manage the day to day delivery of its services. Some officers such as the Monitoring Officer have a specific statutory duties, which are spelt out in this Constitution.

Rights of members of the public

Members of the public have a number of rights in their dealings with the Authority. These are set out in more detail in Article 3 of the Articles of the Constitution. Some of these are legal rights whereas other rights depend upon the Authority's own processes. Individuals' rights include the following:

- The right to attend meetings of the Authority and its committees except where, for example, personal or confidential matters are being discussed.
- To inspect agendas and reports, except those which contain, for example, personal and confidential matters.
- To obtain a copy of this Constitution.
- To see reports and background papers (save for exempt confidential items) and to see records of decisions made by the Authority and its committees and officers;
- To complain to the Authority under the Authority's own complaints processes.
- To inspect the Authority's accounts and to make their views known to the external auditor.

The Authority welcomes participation by members of the public in its work.

Part 2 - Articles of the Constitution

~~June 2023~~ April 2025

1 PURPOSE OF THE CONSTITUTION

1.1 Discharge of Functions

These articles comprise the constitution of the South Yorkshire Pensions Authority (“the Authority”). The Authority will exercise its functions, powers, duties, and responsibilities in accordance with this constitution, within the law, fairly, equitably, openly and transparently.

1.2 Purpose of the Constitution

The purpose of this constitution is to set out in a single place and in clear language, how the Authority works and how it makes decisions, thereby:

- (a) Assisting members to discharge their role as decision makers efficiently and effectively.
- (b) Ensuring that the decision-making processes are clearly identifiable to members of the public.

This constitution is supported by a number of schemes, standing orders, codes and protocols which provide further detail about how the Authority operates. These are published separately to this constitution and include the following:

- (c) Scheme of Delegation to officers
- (d) Scheme of Delegation in relation to Border to Coast Pensions Partnership
- (e) Standing Orders
 - (i) Procedural Standing Orders
 - (ii) Access to Information Procedure Rules
 - (iii) Financial Regulations
 - (iv) Contract Standing Orders
- (f) Codes and Protocols
 - (i) Member Code of Conduct
 - (ii) Code of Conduct for Officers
 - (iii) Protocol on Member – Officer Relations
 - (iv) Conflicts of Interest Policy
 - (v) Protocols for the roles of the Monitoring Officer and section 73 Officer
 - (vi) Protocol for the Investigation of Standards Complaints
 - (vii) Protocol on Participation by Non-Voting Members

- (g) Members Allowances Scheme

2 MEMBERS OF THE AUTHORITY

2.1 Composition and Eligibility

- (a) Composition – The Authority comprises 12 members, each of whom must be an elected councillor, elected to one of the four constituent district councils in the former Metropolitan County of South Yorkshire. The constituent councils appoint members to the Authority in accordance with the provisions of the Local Government Act 1985. These appointments are made (subject to compliance with the political balance requirements of the Local Government and Housing Act 1989) in the following proportions:

- Barnsley Metropolitan Borough Council 2
- City of Doncaster Council 3
- Rotherham Metropolitan Borough Council 2
- Sheffield City Council 5

Members may be removed by their appointing council and new members appointed in their place, subject to their appointing council complying with the statutory requirements of the Local Government Act 1985 as to periods of notification, public notice etc.

Councillors appointed to the Authority are not eligible to be appointed to the Local Pension Board.

Each appointing council will in accordance with the provisions of the Local Government Act 1985 designate one of their appointed members to answer questions concerning the work of the Authority at meetings of the Full Council. These members are referred to as Section 41 Members.

- (b) The Authority has resolved to co-opt three non-voting members to represent the views of scheme members within its debates.

The regional secretaries of the following trade unions represented on the National Joint Council for Local Government Services will each be asked to nominate an individual to fulfil each these roles:

- UNISON
- GMB
- Unite

Co-opted members will be 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.

As non-voting members co-opted members are not able to propose motions at meetings of the Authority under the terms of Standing Orders 6, 7 and 8 of the Procedural Standing Orders.

Co-opted members will be subject to the same provisions as other members of the Authority in relation to non-attendance set out in Article 2.6. Should a co-opted member be removed for persistent non-attendance then the relevant regional secretary will be requested to appoint a substitute.

Co-opted members will be subject to the provisions of the Code of Conduct, the Protocol on Member - Officer Relations and the Protocol on Participation by Non-Voting Members, which are published alongside this Constitution.

No member co-opted to the Authority is eligible to be a member of the Local Pension Board.

2.2 Roles and Functions of Members

All members are expected:

- (a) To act corporately for the good governance of the Authority
- (b) On a regular basis, to attend meetings of the Authority and any committees, subcommittees, working parties or external bodies to which the member has been appointed and to fully participate in policy formulation and decision making in accordance with principles of good public governance, including a requirement to act at all times in accordance with:
 - statutory and other legal requirements
 - the Code of Conduct for Members applying to them
 - Standing Orders of the Authority
 - the Protocol on Member – Officer Relations;
- (c) If appointed by the Authority to an external body, to represent the interests of the Authority on that body.
- (d) To undertake learning and development activity, including an annual needs assessment and mandatory elements in line with the requirements set out in the Members Learning and Development Strategy.

2.3 Roles and Responsibilities of Designated Office Holders

Chair of the Authority

- (a) To chair meetings of the Authority and to ensure their overall effectiveness.
- (b) To provide effective leadership in the development of the Authority's policy, strategy and budget proposals.

- (c) To lead on the implementation of effective service delivery and the Authority's approved policies and strategies.
- (d) To act as the Authority's principal spokesperson at local, regional and national level.
- (e) To seek to ensure that good working relationships are established with external public and private sector bodies and networks relevant to the efficient discharge of the Authority's functions.

Vice-Chair of the Authority

- (a) To support the Chair of the Authority in discharging the roles associated with the office of the Chair.
- (b) To deputise for the Chair in his/her absence.

All Committee Chairs:

- (a) To chair the Committee and ensure its overall effectiveness.
- (b) To have a working knowledge of the Authority's relevant policies and strategies and to ensure he/she is sufficiently and effectively briefed by officers on matters coming before the Committee.
- (c) To co-ordinate and manage the work of the Committee.
- (d) To support the role of the Chair of the Authority in the development of policy, strategy and budget proposals.

All Committee Vice-Chairs

- (a) To support the Committee Chair in discharging the roles of the Chair.
- (b) To deputise for the Committee Chair during any absence of the Chair.

2.4 Rights and Duties of Members

- (a) Members will have such rights of access to such documents, information and premises of the Authority as are necessary for the proper discharge of their functions and in accordance with the law.
- (b) A Member of the Authority may, for the purposes of his/her duty as such member but not otherwise, on application to the Clerk inspect any document which has been considered by a Committee or a Sub-Committee or by the Authority and shall on request be supplied for the like purposes with a copy of such a document if practicable. Provided that a member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which he/she is professionally interested or in which he/she has directly or indirectly any prejudicial interest within the meaning of the Local Government Act 2000 and/or regulations made thereunder or the Member Code of Conduct. This provision shall not preclude the Monitoring Officer~~Clerk~~ from declining to allow inspection of any document which is, or in the event of legal proceedings

would be, protected by privilege arising from the relationship of solicitor and client.

- (c) All reports made or minutes kept by any Committee or Sub-Committee shall be open for the inspection of any member of the Authority during office hours.

(d) Subject to any statutory provision in that behalf, no member of the Authority shall without the consent of the Authority, be entitled to inspect any document in the custody of any officer of the Authority if, in the opinion of that officer and of the ~~Clerk~~ Monitoring Officer, the document is of a confidential nature.

2.5 Appointment of Relatives of Members

A candidate for any appointment under the Authority who knows that he/she is related to any member of the Authority shall, when making any application in respect of such an appointment, disclose that relationship in his or her application. A candidate who fails to disclose such a relationship shall be liable to be disqualified for the appointment and, if appointed, shall be liable to dismissal without notice. Every member and senior officer of the Authority shall disclose to the ~~Clerk~~ Monitoring Officer any relationship known to him/her to exist between himself/herself and any person whom he/she knows is a candidate for any appointment under the Authority.

2.6 Failure to Attend Meetings

- (a) Subject to the provisions of section 85 Local Government Act 1972, any member failing to attend any meeting of the Authority or its Committees for a consecutive period of six months ceases to be a member of the Authority unless within that period the member's absence is approved by the Authority.
- (b) The ~~Clerk~~ Monitoring Officer will monitor absences from meetings and unless approval for any absence is given by the Authority will report the failure to attend to the Authority in order that it may declare a vacancy and notify the relevant constituent council.

2.7 Conduct

Members will, at all times, observe the Members Code of Conduct approved by their District Council and the Protocol on Member – Officer Relations.

3 MEMBERS OF THE PUBLIC AND THE AUTHORITY

3.1 Rights of Members of the Public

Members of the public have the following rights:

- (a) Information – Members of the public have the right to:
 - (i) Attend meetings of the Authority, its committees, and sub-committees, except during items of business where confidential or exempt information is likely to be discussed or disclosed, in which case the meeting or that part of any meeting will be held in private to the exclusion of members of the public.

- (ii) See reports and background papers (except for confidential or exempt reports and papers) and any record of decisions by the Authority and its committees or sub-committees.
 - (iii) Inspect the Authority's accounts and make representations to the external auditor about the contents of those accounts.
- (b) Complaints – Members of the public have the right to complain to:
- (i) The Authority, under its complaints scheme.
 - (ii) The Local Government and Social Care Ombudsman.

4 THE ROLE OF THE AUTHORITY

4.1 Roles and Responsibilities

The Authority is responsible for the functions, property, rights, and liabilities of the South Yorkshire Pension Fund, including the management of the Pension Fund's investments, the payment of pensions to former local authority employees in South Yorkshire and the administration of the scheme rules for its contributors.

The Authority has a fiduciary duty to the contributors and beneficiaries of the Fund to ensure contributions are collected, that benefits are calculated correctly and paid promptly, and that any surplus monies are properly invested.

In order to fulfil these duties, the Authority has responsibility for:

- (a) Determining the Authority's priorities through the Corporate Planning Framework which comprises:
 - (i) The Corporate Strategy
 - (ii) The Local Code of Corporate Governance
 - (iii) The Annual Budget and Medium-Term Financial Strategy
 - (iv) The Treasury Management Strategy and Policy Statement
 - (v) The ~~Human Resources~~People Strategy
 - (vi) The Information and Communications Technology Strategy
 - (vii) The ~~Equality and Diversity~~Diversity, Equality and Inclusion Scheme
- (b) Issuing a levy on the District Councils in respect of the residual liabilities for pension payments of the former South Yorkshire County Council.
- (c) Reviewing the effectiveness of strategies and plans to deliver the priorities and targets set by the Authority; and maintaining a performance framework covering all aspects of the Authority's work, including provision for the holding of external suppliers to account for their performance.

- (d) Ensuring the Authority is adequately resourced to carry out its duties.
- (e) Appointing Committees with appropriate terms of reference and necessary delegated powers in order to ensure the efficient conduct of the Authority's business.
- (f) Reviewing the Work Programmes of the Committees to ensure they are up to date and moving the Authority towards delivering its Corporate Plan.
- (g) Ensuring Section 41 Members provide feedback in relation to District Council activity regarding their responsibilities as an employer in relation to the LGPS.
- (h) Establishing a Local Pension Board in line with the provisions of the LGPS Regulations in force at the time.
- (i) Approving and maintaining the pensions policy framework, comprising:
 - (i) The Funding Strategy Statement
 - (ii) The Investment Strategy Statement
 - (iii) The Responsible Investment Policy (including the Responsible Investment Policy and Voting Guidelines of the Border to Coast Pensions Partnership)
 - (iv) The Governance Compliance Statement
 - (v) The Pensions Administration Strategy Statement
 - (vi) The Communications Policy Statement
 - (vii) The Policy on Exercise of Discretions under the Local Government Pension Scheme Regulations
- (j) Exercising the Authority's responsibilities under the Health and Safety at Work Acts.
- (k) Authorising participation by the Authority in membership organisations and collaborations (for example the Local Authority Pension Fund Forum and the Pensions and Lifetime Savings Association).
- (l) Approving and monitoring compliance with the Members' Learning and Development Strategy.

5 CHAIRING THE AUTHORITY

5.1 Electing the Chair and Vice-Chair of the Authority

The Chair and the Vice-Chair of the Authority will be elected by the members at the Annual Meeting.

5.2 Roles and Responsibilities of the Chair and in his absence the Vice-Chair of the Authority

The Chair will preside over Authority meetings and ensure that they are conducted in accordance with the Standing Orders and procedural rules of the Authority. In addition, the Chair will discharge the roles and responsibilities set out in Article 2.2.

6 THE AUDIT AND GOVERNANCE COMMITTEE

6.1 Membership

- (a) The Authority has appointed an Audit and Governance Committee comprising six members together with the three co-opted members identified in Article 2.1a(b) and the two independent members referred to Article 6.1(b).
- (b) In addition to the above the Authority has agreed to appoint up to two independent members with relevant expertise to the Audit and Governance Committee.
- (c) The Chair of the Authority may not be a member of the Audit and Governance Committee.

6.2 Terms of Reference

The Authority has made available for inspection on its website Terms of Reference within which the Audit and Governance Committee shall operate.

7 THE STAFFING COMMITTEE

7.1 Membership

The Authority has appointed a Staffing Committee comprising six members.

7.2 Terms of Reference

The Authority has made available for inspection on its website Terms of Reference within which the Staffing Committee shall operate.

8 THE APPOINTMENT AND APPEALS COMMITTEE

8.1 Membership

The Authority has appointed an Appointment and Appeals Committee comprising six members.

8.2 Terms of Reference

The Authority has made available for inspection on its website Terms of Reference within which the Appointment and Appeals Committee shall operate.

9 THE INVESTMENT ADVISORY PANEL

9.1 Membership

The Authority has appointed an Investment Advisory Panel comprising the Director, the Assistant Director – Investment Strategy and two Independent Investment Advisers.

9.2 Terms of Reference

The Authority has made available for inspection on its website Terms of Reference within which the Investment Advisory Panel shall operate.

910 JOINT ARRANGEMENTS: BORDER TO COAST PENSIONS PARTNERSHIP

9.410.1 In order to fulfil the requirement under the Local Government Pension Scheme (Management and Investment of Funds) Regulations 2015 to pool its investment assets, the Authority became a founding shareholder in Border to Coast Pensions Partnership Limited (“BCPP”) in 2016. BCPP provides its shareholders with a variety of investment products and the Authority also therefore has the status of an investment customer of BCPP.

9.210.2 There are two levels of governance relevant to the exercise of the Authority’s functions as a shareholder.

9.310.3 First, the Authority is a member of the Joint Committee of the eleven local authorities which oversees the work of BCPP under an Inter-Authority Agreement set up under Local Government legislation. The Chair is the representative of the Authority on the Joint Committee and has the power to vote for the Authority within the terms of reference of the Joint Committee. In the absence of the Chair the Vice Chair will act as the Chair’s substitute.

9.410.4 Second, as a shareholder in BCPP, the Authority has certain rights and obligations which are documented in a shareholders’ agreement between BCPP and the eleven shareholders. The right to vote on certain matters and to attend meetings of shareholders is exercised through consultation between the Chair, the Director, and the Head of Governance and Corporate Services. Where practical there is further consultation with the Section 41 Members of the Authority. This is set out in the Scheme of Delegation in relation to Border to Coast Pensions Partnership.

9.510.5 The Authority’s relationship with BCPP as a customer is governed by separate contractual investment documentation.

4011 URGENT DECISIONS

40.411.1 Decisions required between meetings of the Authority and its Committees

In the event that an urgent decision that cannot be taken by officers under delegated powers is required between meetings of the Authority and its committees it will be taken by the Chair in consultation with the Section 41 Members, which may include

consultation with the Section 41 Members by means of remote communication, subject to the details of such decisions being retrospectively reported to the members of the Authority and published on the Authority's website.

40.211.2 Decisions required in the context of a civil emergency

In the event of a civil emergency the Director is authorised to take such decisions as are required and incur such expenditure as is necessary to ensure the continuation of the Authority's operations and safeguard its assets, subject to the details of such decisions being retrospectively reported to the members of the Authority and published on the Authority's website.

41.12 STATUTORY OFFICERS

41.412.1 Management Structure

- ()
- (a) General – The Authority may appoint such staff (officers) as it considers necessary to carry out its functions.
- (b) Statutory Officers – The Authority has appointed the following Statutory Officers:
 - (i) Head of Paid Service (known within the Authority as the Director) appointed under section 4(1) of the Local Government and Housing Act 1989).
 - (ii) Chief Finance Officer (known within the Authority as the Assistant Director – Resources, and the officer responsible for the proper administration of the Authority's financial affairs under section 73 of the Local Government Act 1985).
 - (iii) Monitoring Officer (known within the Authority as the Head of Governance and Corporate Services and the officer appointed under section 5 of the Local Government and Housing Act 1989).
 - (iv) Clerk (officer appointed under section 34(8) of the Local Government Act 1985). This role to be carried out by the Director.

41.212.2 Functions of the Head of Paid Service (the Director)

- (a) The Director has overall responsibility for the management and coordination of the employees appointed by the Authority. They are required to report to the Authority as appropriate with regard to the way in which the overall discharge by the Authority of its functions is coordinated, the number and grades of staff required for the discharge of these functions, the way in which these people are organised and managed, and the way in which they are appointed.
- (b) As such the Director is responsible for the production of the Authority's Corporate Strategy and any supporting strategies, and acts as the Authority's principal policy adviser.

- (c) Restriction on appointment – the Director cannot also be the Monitoring Officer but may also be the Clerk, and / or the Chief Finance Officer.

41.312.3 Functions of the Chief Finance Officer (the Assistant Director – Resources)

- (a) Ensuring lawfulness and financial prudence of financial decision making – after consulting with the Monitoring Officer, the Chief Finance Officer will report to the Authority and to the Authority’s external auditor, if he/she considers that any proposal, decision or course of action will involve incurring unlawful expenditure or is unlawful and likely to cause a loss or deficiency, or if the Authority is about to enter an item of account unlawfully. He/she will also make a report to the Authority if it appears that the expenditure of the Authority (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to meet that expenditure.
- (b) Administration of financial affairs – the Chief Finance Officer has responsibility for the administration of the financial affairs of the Authority.
- (c) Contributing to corporate management – the Chief Finance Officer is required to contribute to the corporate management of the Authority, in particular through the provision of professional financial advice.
- (d) Providing advice – the Chief Finance Officer will provide advice on the scope and powers of the Authority to take decisions about financial impropriety, probity and budget and policy framework issues to the Authority, its Committees and Sub-Committees, members and officers and will support and advise members and officers in their respective roles.
- (e) Restriction on Appointment – the Chief Finance Officer cannot also be the Monitoring Officer, but the role may be combined with any of the other statutory officer roles.

41.412.4 Functions of the Monitoring Officer

- (a) Maintaining the constitution – the Monitoring Officer will maintain an up-to-date version of the constitution, together with the codes, protocols and standing orders published alongside this Constitution, and will ensure that they are available for inspection by members, staff and the public.
- (b) Ensuring lawfulness and fairness of decision making – after consulting with the ~~Clerk~~, Director, and the Chief Finance Officer, the Monitoring Officer will report to the Authority in relation to any proposal, decision or omission which in his/her view would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) Providing advice –the Monitoring Officer will provide advice on the scope of the powers of the Authority, its Committees and Sub-Committees and officers to take decisions and in connection with matters involving maladministration and probity.

- (d) Restriction on appointment – the Monitoring Officer cannot also be the Chief Finance Officer, and/or the Head of Paid Service, but may combine the role with that of Clerk.

41.512.5 Functions of the Clerk

- (a) The role of the Clerk is to oversee and ensure the effective functioning of the Authority’s democratic processes and to ensure effective liaison and collaboration between the Authority and the constituent councils.
- (b) Restriction on Appointment – The role of Clerk may be combined with that of the Monitoring Officer in which case it may not be combined with those of the Chief Finance Officer or the Head of Paid Service. Alternatively, it may be combined with either or both of the roles of the Chief Finance Officer and the Head of Paid Service.

41.612.6 Duty to Provide Sufficient Resources to the Monitoring Officer and the Chief Finance Officer

The Authority will provide the Monitoring Officer and the Chief Finance Officer with such offices, accommodation and other resources as are in the opinion of those officers sufficient to allow their duties to be performed.

4213 DECISION MAKING

42.413.1 Responsibility for Decision Making

Responsibility for decision making by the Authority, its committees, and officers will be in accordance with Articles 4 to ~~13~~14 of this Constitution and the Officer Delegation Scheme , which together comprise the record of responsibility for decision making.

42.213.2 Principles of Decision Making

All decisions by the Authority will be made in accordance with the following principles:

- (a) Within the lawful powers of the Authority.
- (b) Well informed (including the taking of relevant professional advice from officers and other independent advisers).
- (c) Respect for human rights.
- (d) Presumption in favour of openness.
- (e) Clarity of aims and desired outcomes.
- (f) Within the letter and spirit of the constitution.

42.313.3 Decision Making by the Authority and its Committees

The Authority, and its committee meetings will comply with the Authority’s procedural rules and Standing Orders when considering any matter.

12.413.4 Decisions Made by Authority Bodies Acting as Tribunals

The Authority and its Committees, members or officers when acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person, will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

12.513.5 Decision Making by Officers

Officers have full authority for operational and managerial decision making and for any necessary action within their authorised remit in accordance with the terms of the Scheme of Delegation to Officers. Officers in making decisions should follow the principles set out in Article 12.2 and ensure that decisions are recorded in writing and that details of decisions are published in line with guidance issued from time to time by the Monitoring Officer.

1314 FINANCE, CONTRACTS AND LEGAL MATTERS

13.414.1 Financial Management

The management of the Authority's financial affairs will be conducted in accordance with the Financial Regulations.

13.214.2 Contracts

Contracts made by the Authority will comply with the Contract Standing Orders.

13.314.3 Legal Proceedings

The Clerk is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Authority (or any Committee, or officer) or in any case where the Clerk considers that such action is necessary to protect the Authority's interests.

13.414.4 Authentication of Documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Authority, it will be signed by the ~~Clerk~~ Monitoring Officer or by some person duly authorised by the Authority. The Standing Orders make further provision in relation to formal processes involving the award of contracts.

13.514.5 Common Seal of the Authority

The common seal of the Authority will be kept in a safe place in the custody of the Monitoring Officer. A decision of the Authority, a committee or any authorised officer, will be sufficient authority for sealing any document necessary to give effect to such a decision. The common seal will be affixed to such documents as are, in the opinion of the Clerk, appropriate for sealing. The Clerk/Monitoring Officer, or some other person authorised by the Authority, shall attest to the affixing of the common seal.

The other persons authorised to attest to the affixing of the common seal for the purpose of this article shall be any of the ~~Monitoring Officer~~, the Chief Finance Officer, ~~the Deputy Clerk~~ and the Head of Finance and Performance.

44.15 REVIEW AND REVISION OF THE CONSTITUTION

44.15.1 Duty to Monitor and Review the Constitution

- (a) The Monitoring Officer will monitor and review the operation of the constitution to ensure that the aims and principles of the constitution are given full effect.
- (b) A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the constitution adopted by the Authority and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In performing this duty, the Monitoring Officer may, in his/her discretion:
 - (i) Attend and observe meetings of different parts of the member and officer structure.
 - (ii) Examine the audit trail relating to decision making.
 - (iii) Record and analyse issues raised with him/her by members, officers, the public and other relevant stakeholders.
 - (iv) Compare practices in the Authority with those in other comparable Authorities or national examples of best practice.

44.215.2 Changes to the Constitution

Changes to the constitution will only be approved by the Authority after consideration of proposals submitted by the Monitoring Officer.

45.16 PUBLICATION OF THE CONSTITUTION

45.16.1 Publication

- (a) The ~~Monitoring Officer Clerk~~ will arrange to provide access to an electronic copy of this constitution to each member of the Authority as soon as practicable after that member has signed the Code of Conduct declaration, following appointment to the Authority.
- (b) The ~~Monitoring Officer Clerk~~ will arrange for copies to be made available for inspection at the Authority's offices and by publication on the Authority's website.

Scheme of Delegation to Officers

~~June 2023~~ April 2025

Scheme of Delegation to Officers

Section A - General

1 ADOPTION

- 1.1 This Scheme of Delegation ("the Scheme") was approved by South Yorkshire Pensions Authority (the "Authority") on the ~~8th June 2023~~ 13 March 2025 to take effect from 1 April 2025. It is a key element of the Authority's internal control arrangements. The Scheme is reviewed annually by the Monitoring Officer.

2 DEFINITIONS AND INTERPRETATION

- 2.1 The following definitions apply in relation to the officer roles described in this scheme:

- () Officer appointed under section 4(1) of the Local Government and Housing Act 1989 as the Head of Paid Service

The Director

- (a) Officer appointed under section 73 of the Local Government Act 1985 as the Chief Finance Officer

The Assistant Director - Resources

- (b) Officer appointed under section 5 of the Local Government and Housing Act 1989 as the Monitoring Officer

The Head of Governance and Corporate Services

- (c) Officer appointed as Clerk under section 34(8) of the Local Government Act 1985

The Director

- (d) Deputy officer appointed under section 73 of the Local Government Act 1985

The Head of Finance and Performance

- (e) Non-Statutory Chief Officers under section 2(7) of the Local Government and Housing Act 1989

Assistant Director - Investment Strategy

Assistant Director – Pensions

- 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 Committee as appropriate) for decision 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:
- (b) Expenditure being within the approved revenue estimates or having received the prior approval of the Authority.
 - (c) 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.sypensions.org.uk. Copies of these documents can also be inspected during the office hours of 10.00 am to 4.00 pm, Monday to Friday at the offices of the Authority located at Oakwell House, 2 Beevor Court, Pontefract Road, Barnsley S71 1HG.

Section B – The Director (Head of Paid Service)

The Authority's Director has been appointed for the purposes of section 4(1)(a) of the Local Government and Housing Act 1989 and as Clerk - under section 34(8) of the Local Government Act 1985

The Director has overall responsibility for the management and coordination of the employees appointed by the Authority. They are required to report to the Authority as appropriate with regard to the way in which the overall discharge by the Authority of its functions is coordinated, the number and grades of staff required for the discharge of these functions, the way in which these people are organised and managed, and the way in which they are appointed.

As such the Director is responsible for the production of the Authority's Corporate Strategy and any supporting strategies, and acts as the Authority's principal policy adviser.

The specific authority delegated to the Director is as follows:

Staffing Matters

For all categories of staff, to determine all matters relating to:

The recruitment selection and appointment of staff.

- (b) Implementation of national and local agreements in relation to pay and terms and conditions.
- (c) All payments to employees.
- (d) The granting of appropriate increments in career grade and examination success schemes.
- (e) The award of market supplements for the purposes of recruitment and retention.
- (f) The filling of all vacant posts.
- (g) The operation of arrangements relating to hours of work, annual and other leave and time off for employees.
- (h) The training and development of employees.
- (i) The health, safety and welfare of employees.
- (j) The operation of procedures relating to consultation with staff and trades unions.
- (k) Payments in respect of damage to, or loss of employees' personal property.
- (l) The determination of grievances in accordance with agreed procedures.
- (m) In relation to disciplinary processes
 - (i) Suspension and/or disciplinary action, including dismissal of employees in line

with agreed procedures.

- (ii) Suspension and/or disciplinary action, shall only be taken following consultation with the Monitoring Officer, Clerk ~~(or her/his nominated representative)~~.
- (n) Determine appeals from employees against the imposition of disciplinary sanctions short of dismissal.
- (o) To approve the grading of posts following a formal job evaluation process.
- (p) To approve applications for early retirement under the Authority's Selective Early Retirement Scheme, in consultation with the Chair of the Authority.

Miscellaneous

- (a) To approve the provision of reasonable and appropriate hospitality for official visitors.

Requirements of the Local Government Pension Scheme Regulations

- (a) To produce an Annual Report on the activities of the Authority and the Pension Fund in line with the requirements of the relevant codes of practice.
- (b) To maintain the Authority's policy framework, including but not limited to the Funding Strategy Statement, the Investment Strategy Statement and the Pensions Administration Strategy Statement.

Financial

- (a) To approve the issue of purchasing cards to individual employees in accordance with the procedures approved by the Assistant Director - Resources.
- (b) To maintain the Authority's contract register.
- (c) The maintenance of a register of key holders for safes and similar receptacles.
- (d) To approve the undertaking of private work by individual officers who are contractually allowed to undertake such work.

Investment

- (a) To Chair Meetings of the Authority's Investment Advisory Panel.
- (b) To award contracts for investment related services in accordance with the Authority's Contract Standing Orders.
- (c) To authorise officers of the Authority to act as the Authority's representative on companies and committees including acceptance of directorships as appropriate.

Legal Proceedings in Relation to the Authority's Investments

- (a) To initiate or defend legal proceedings and instruct counsel or external solicitors in relation to matters:
- (b) Appertaining to securities class actions or class action claims relating to investments held by the Fund.
- (c) Appertaining to litigation relating to investments held by the Fund.
- (d) 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.

Border to Coast Pensions Partnership

- (a) To ensure that the exercise of the Authority's vote as a shareholder in the Border to Coast Pensions Partnership is in accordance with the arrangements set out in the Scheme of Delegation in relation to Border to Coast Pension Partnership.

Pension Administration

- (a) To determine appeals made under stage 2 of the Internal Dispute Resolution Procedure and make any compensation payments required as a result of the outcome of such appeals.
- (b) To exercise any discretion reserved to the Authority within the Funding Strategy Statement and the Local Government Pension Scheme Regulations where not specifically delegated to another officer.

Democratic Services

The following provisions of the Local Government Act 1972:

- (i) Schedule 12 (Meetings and proceedings of local authorities)
 - Signature of summons to meetings of the Authority.
 - Receipt of notices regarding the address to which a summons to a meeting is to be sent.
- (ii) Section 100(B)(2) and 100(B)(6) (circulation of reports and agendas).
- (iii) Section 100(B)(7) (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 do not open to members).

- (vii) Section 223(1) (authorisation of officers in proceedings).
 - (viii) Section 224 (custody of documents).
 - (ix) Section 225 (deposit of documents with the 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) Proper Officer for the purposes of Section 2(4) of the Local Government and Housing Act 1989 (deposit of list of politically restricted posts).

Liaison with Constituent Authorities

To ensure effective liaison between the Authority and the constituent authorities including arranging for annual attendance by the Director and the Chair at the South Yorkshire Leaders Meeting to present on the work of the Authority.

Press and Publicity

The Clerk is responsible for making arrangements concerning press and publicity and public relations on matters concerning the Authority.

Decisions required in the context of a civil emergency

In the event of a civil emergency the Director is authorised to take such decisions as are required and incur such expenditure as is necessary to ensure the continuation of the Authority's operations and safeguard its assets, subject to the details of such decisions being retrospectively reported to the members of the Authority and published on the Authority's website.

Sub-Delegation

In the event of the Director being absent or otherwise unable to act then the following officers will be able to exercise the relevant delegated powers referred to in this section of the Scheme of Delegation:

- (a) Any Chief Officer
 - (i) Staffing Matters, in consultation with the Clerk Monitoring Officer
 - (ii) Miscellaneous Matters
 - (iii) Decisions required in the context of a civil emergency
- (b) Assistant Director – Resources

(iv) Financial Matters.

(v) Requirements of the Local Government Pension Scheme Regulations where necessary in consultation with the other Chief Officers

~~(v)~~(vi) Press and Publicity

~~(b)~~(c) Assistant Director – Investment Strategy

(i) Investment Matters

(ii) Legal Proceedings in Relation to the Authority's Investments

(iii) Border to Coast Pensions Partnership Matters

~~(e)~~(d) Assistant Director – Pensions

(i) Pension Administration Matters, subject to the delegation of their functions in relation to Stage 1 Appeals to another identified officer.

(e) Head of Governance and Corporate Services (as Monitoring Officer)

(i) Democratic Services functions

(ii) Liaison with Constituent Authorities

Section C - Assistant Director – Resources (Chief Finance Officer)

The Assistant Director - Resources is appointed under section 73 of the Local Government Act 1985 which requires Joint Authorities to make arrangements for an officer to be responsible for effective financial administration. The Assistant Director - Resources has defined statutory responsibilities in respect of the proper administration of the financial affairs of the authority, specifically:

- (a) Ensuring lawfulness and financial prudence of decision making.

After consulting with the Director and the Head of Governance and Corporate Services, the Assistant Director - Resources will report to the Authority and the Authority's external auditor if they consider that any proposal or decision or course of action will involve incurring unlawful expenditure or is unlawful and is likely to cause a loss or deficiency, or if the Authority is about to enter an item of account unlawfully.

- (b) Administration of Financial Affairs

The Assistant Director - Resources will have responsibility for the administration of the financial affairs of the Authority.

- (c) Providing Advice

The Assistant Director - Resources will provide professional financial advice as appropriate. They will also provide advice on scope of powers and authority to take decisions, issues relating to maladministration, financial impropriety, probity, and the budget and policy framework, to all and will support and advise Authority members and officers in their respective roles.

- (d) Give Financial Information

The Assistant Director - Resources will provide financial information as appropriate to the media and members of the public. (NB: The release of certain information may be restricted by law).

- (e) Local Government Act 1972, section 115 (accountability of officers)

Responsibility for the receipt of money due from officers.

- (f) Settlement of Claims

To settle claims not exceeding £100,000 and in urgent circumstances claims exceeding £100,000. Details of claims exceeding £100,000 are to be reported retrospectively to the Authority at the first opportunity.

- (g) Stage 1 Appeal Decisions

To deal with Stage 1 appeal decisions under the Internal Dispute Resolution Procedure (appeals against decisions of the Authority as an Employing Authority) and make any compensation payments associated with the results of such appeals.

In the event of the Assistant Director - Resources being absent or otherwise unable to act, the Head of Finance and Performance is authorised to act as the proper officer for all purposes for which the Assistant Director - Resources is authorised to act in accordance with this section of the Scheme.

Section D - The Head of Governance and Corporate Services (Monitoring Officer)

The Head of Governance and Corporate Services is appointed under section 5 of the Local Government and Housing Act 1989 as Monitoring Officer and has defined statutory responsibilities in respect of matters of legality, conduct, and probity. The Head of Governance and Corporate Services may not also be the Director. However, the Head of Governance and Corporate Services will liaise as appropriate with the Director in the discharge of their functions.

(a) Maintaining the Constitution

The Head of Governance and Corporate Services will maintain an up-to-date version of the Constitution and will ensure this is widely available for consultation by elected members, employees, and members of the public.

(b) Ensuring Lawfulness and Fairness of Decision Making

After consulting with the Director and Assistant Director - Resources, the Head of Governance and Corporate Services will report to the Authority if they consider that any proposal, decision, or omission would give rise to unlawfulness, or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(c) Access to Information

The Head of Governance and Corporate Services will ensure that decisions of the Authority together with the reasons for those decisions, as well as relevant officer reports and background papers, are made publicly available as soon as possible to persons requesting them. (NB: The release of certain information may be restricted by law).

(d) Advising whether Decisions are within the Corporate Planning Framework or the Pensions Policy Framework

The Head of Governance and Corporate Services will advise whether decisions of the Authority are in accordance with either the corporate planning framework, or the pensions policy framework approved by the Authority. (Decisions outside that framework will require approval of the full Authority).

(e) Providing Advice

The Head of Governance and Corporate Services will provide advice on the scope of statutory powers and authority of the Authority to take decisions, issues relating to maladministration, conduct and probity the corporate planning and pensions policy frameworks to all elected members.

(f) Member Development Knowledge and Skills

The Head of Governance and Corporate Services will be responsible for:

- (i) The implementation of the requirements of the CIPFA Code of Practice relating to pensions finance, knowledge, and skills as far as they apply to members.

- (ii) The preparation and delivery of a member learning and development strategy which ~~address~~addresses the requirements of the Code and the production of an annual report on the delivery of this strategy.

(g) Register of Members' Interests

The Head of Governance ~~and Corporate Services~~ will establish and maintain a Register of Interests of Members and Co-opted Members of the Authority.

(h) Statutory Reports

In accordance with the provisions of section 5 of the Local Government and Housing Act 1989, the Head of Governance 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 Committee 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:

- (i) a contravention by the Authority; by any Board; by a person holding any office or employment under the Authority of any enactment or rule of law; or
- (ii) any such maladministration as is mentioned in Part III of the Local Government Act 1974. In performing the duty conferred by section 5, the Head of Governance 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.

Legal Proceedings

- (e) To authorise the initiation of legal proceedings on behalf of the Authority, in the case of proceedings concerned with the investment of monies on behalf of the Fund, except as otherwise specifically delegated to individual officers.
- (f) To sign documents in connection with legal proceedings/procedures on behalf of the Authority.

~~In the event of the Head of Governance and Corporate Services being absent or otherwise unable to act, the Clerk is authorised to act as the proper officer for all purposes for which the Head of Governance is authorised to act in accordance with this section of the Scheme.~~

Staffing Matters Related to the Director

To be responsible for making suitable arrangements for the staffing provisions of this scheme of delegation to be exercised by an external Human Resources professional in so far as they relate to the Director with the exception of matters reserved to the Authority (appointment, grievance appeals, termination of employment, and terms of any compromise agreement).

Freedom of Information Act – Internal Review Procedures

To determine appeals under the Freedom of Information Act 2000 in accordance with the Authority's agreed internal review procedure.

Conferences

To approve members' attendance at conferences in consultation with the Chair of the Authority, in accordance with the criteria set out below.

- (g) The conference is relevant to the functions of the Authority and will usually appear on a list of approved events produced by the Director prior to the commencement of each Municipal Year.
- (h) Members would be selected from those who express an interest, normally on a first come first served basis, unless the conference is of special interest to particular members because of identified development needs, or specific responsibilities.

Local Government and Social Care Ombudsman

To be responsible for making arrangements concerning the handling of issues relating to the Local Government and Social Care Ombudsman

In the event of the Head of Governance and Corporate Services being absent or otherwise unable to act, the Clerk is authorised to act as the proper officer for all purposes for which the Head of Governance is authorised to act in accordance with this section of the Scheme.

~~Section E – The Clerk~~

~~The Clerk is appointed under section 34(8) of the Local Government Act 1985 which requires a Joint Authority to appoint an individual as Clerk and in doing so have regard to the desirability of that person being a Chief Officer of one of the constituent councils.~~

After due consideration and in light of the evolution of the Authority's governance arrangements over time, the Authority has determined that the role of Clerk shall be carried out by the Authority's Director.

~~Democratic Services~~

~~The Clerk is the Proper Officer of the Authority for all purposes in relation to:~~

~~(d) — The following provisions of the Local Government Act 1972:~~

~~(i) — Schedule 12 (Meetings and proceedings of local authorities)~~

~~• — Signature of summons to meetings of the Authority.~~

~~• — Receipt of notices regarding the address to which a summons to a meeting is to be sent.~~

~~(ii) — Section 100(B)(2) and 100(B)(6) (circulation of reports and agendas).~~

~~(iii) — Section 100(B)(7) (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~~ not open to members).~~

~~(vii) — Section 223(1) (authorisation of officers in proceedings).~~

~~(viii) — Section 224 (custody of documents).~~

~~(ix) — Section 225 (deposit of documents with the 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).~~

~~(e) — 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).~~

As ~~T~~the Clerk functions are fulfilled by the Director, ~~is the Monitoring Officer shall be responsible for making suitable arrangements for exercising the staffing provisions of this scheme of delegation to be exercised by an external Human Resources professional in so far~~

~~as they relate to the Director with the exception of matters reserved to the Authority (appointment, grievance appeals, termination of employment, and terms of any compromise agreement).~~

~~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.~~

Deputies

~~In the event of the Clerk's office being vacant, or if she/he is absent or otherwise unable to act, the Deputy Clerk shall be authorised to act as the Proper Officer for the purposes set out in a. and b. above.~~

Legal Proceedings

~~(f) — To authorise the initiation of legal proceedings on behalf of the Authority, in the case of proceedings concerned with the investment of monies on behalf of the Fund in consultation with the Director, except as otherwise specifically delegated to individual officers.~~

~~(g) — To sign documents in connection with legal proceedings/procedures on behalf of the Authority.~~

Liaison with Constituent Authorities

~~The Clerk is responsible for ensuring effective liaison between the Authority and the constituent authorities.~~

~~In fulfilling the role of Clerk, the Director will arrange for annual attendance by the Director and the Chair at the South Yorkshire Leaders Meeting to present on the work of the Authority.~~

Press and Publicity

~~The Clerk is responsible for making arrangements concerning press and publicity and public relations on matters concerning the Authority.~~

Local Government and Social Care Ombudsman

~~The Clerk is responsible for making arrangements concerning the handling of issues relating to the Local Government and Social Care Ombudsman~~

Freedom of Information Act – Internal Review Procedures

~~The Clerk is authorised to determine appeals under the Freedom of Information Act 2000 in accordance with the Authority's agreed internal review procedure.~~

Conferences

~~The Clerk is authorised to approve members' attendance at conferences in consultation with the Chair of the Authority and the Director, in accordance with the criteria set out below.~~

~~(h) — The conference is relevant to the functions of the Authority and will usually appear on a list of approved events produced by the Director and the Clerk prior to the~~

commencement of each Municipal Year.

- ~~(i) — The number of members to attend would normally be no more than 3 depending upon the importance and cost of the conference.~~
- ~~(j) — Members would be selected from those who express an interest, normally on a first come first served basis, unless the conference is of special interest to particular members because of identified development needs, or specific responsibilities.~~

Sub-Delegation

~~The Clerk may delegate the following functions under this section of the Scheme to the Head of Governance and Corporate Services:~~

- ~~(k) — Democratic Services~~
- ~~(l) — Press and Publicity~~
- ~~(m) — Local Government and Social Care Ombudsman~~
- ~~(n) — Conferences~~

Section F - The Head of Finance and Performance

The Head of Finance and Performance is the Deputy to the Assistant Director - Resources in respect of section 73 of the Local Government Act 1985 and has responsibility for the following:

- (a) Subject to the provisions set out in the Treasury Management Strategy, the Authority's financial regulations and the relevant operational procedures and professional codes to manage the day to day cash balances of the Authority.
- (b) Appointing brokers in relation to the renewal of the Authority's insurance programme.

The powers and duties of the Head of Finance and Performance shall be exercised in accordance with internal control arrangements specified by the Assistant Director - Resources.

Section G – The Assistant Director - Investment Strategy

The Assistant Director – Investment Strategy has responsibility for the following:

- (i) To invest funds available to the Authority in line with the strategic asset allocation set out in the Authority's Investment Strategy Statement.
- (j) Subject to such consultations as they see fit, to carry out rebalancing exercises to align the Authority's actual investment asset allocation with the strategic asset allocation.
- (k) To appoint brokers.
- (l) To execute votes in accordance with the Authority's agreed policy.
- (m) To attend as the Authority's representative at the meeting of any company or limited partnership in which the Authority has a beneficial interest in order to represent the Authority's interests and policies.
- (n) Property Investment

The Assistant Director - Investment Strategy is responsible for the management of the Pension Fund's Property Portfolio in accordance with the strategy agreed by the Authority and subject to the Contract Standing Orders and Financial Regulations of the Authority and to obtaining legal advice from the Authority's solicitors(s). Specific delegated powers are:

- (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 varying or assignment of leases, underleases, tenancies, licenses, and any other interest in the Fund's property.
- (iii) The preparation and implementation of schemes for works of modernisation, improvements, maintenance, and repair of the Fund's 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 advisers (including solicitors) necessary for the effective management of the Pension Fund Property Portfolio.
- (v) The collection of all rents, service charges, insurance premia, and any other monies arising out of the Pension Fund Property Portfolio.
- (vi) The signature of agreements and making of arrangements for the execution of documents under seal (documents under seal are to be executed by one of the officers authorised under Standing Order 31 of the Procedural Standing Orders).
- (vii) Dealing with health and safety matters in association with investment properties.

- (o) The authorisation and execution of documents relating to the exercise of the powers and duties delegated to her/him.

In the event of the Assistant Director – Investment Strategy being absent or otherwise unable to act then the Investment Manager will be able to exercise the functions of the Assistant Director - Investment Strategy in their place.

Section H – Assistant Director - Pensions

The Assistant Director – Pensions has overall responsibility for all benefits and contributions matters in relation to the funds managed by the Authority in line with the relevant regulations in force at the time, with appropriate delegations to the administration team, as recorded below.

(a) Functional Responsibilities

- Receipt of membership and contribution data from employers
- Maintenance of member records
- Calculation and payment of benefits
- Admission and termination of employers to the Fund
- Maintenance of the Funding Strategy Statement and other associated policies
- Liaison with the Pensions Regulator and Pensions Ombudsman
- Payroll – ensuring correct payment of benefits and monitoring entitlements to ensure they are only payable for the required period
- AVCs – liaising with providers regarding payment of AVC contributions and ensuring options implemented on retirement
- Ensure contributions where applicable are deducted by the employer and paid to the Fund on a timely basis.
- The acceptance of transfer values.

(b) General Responsibilities

To deal with Stage 1 appeal decisions under the Internal Dispute Resolution Procedure (appeals against decisions of the Authority as an Administering Authority) and make any compensation payments associated with the results of such appeals.

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.

To deal with matters relating to any Pension Ombudsman complaint, including the handling of findings by the Pensions Ombudsman and the making of any required compensation payments.

Ensure appropriate records kept and maintained

(c) Exercise of Discretions

Where the scheme employer is defunct, to exercise the discretion over early release of benefits and to the release of deferred benefits on medical grounds where there is no cost to the Authority.

To determine how to discharge Pension Credit liability in respect of a divorce or civil partnership dissolution.

The following functions are sub-delegated to the Service Manager – Benefits:

- (i) The exercise of discretion in determining eligibility of a dependent child who

commences full time education or training after the date of the member's death.

- (ii) The exercise of discretion in respect of breaks in education or training for the purposes of deciding if a person can be regarded as a child.
- (iii) The exercise of discretion as to 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.
- (iv) The exercise of discretion regarding the payment of death grants in respect of deceased scheme members.
- (v) The exercise of discretion regarding the payment of AVC funds in respect of deceased scheme members.
- (vi) 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.
- (vii) 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 member's election under the regulations.

(d) Scheme member matters

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.

The approval of applications for the reinstatement of spouse's pensions under the following circumstances:

- (i) If a spouse has remarried and that marriage has ended; or
- (ii) If a spouse has been cohabiting outside marriage and that cohabitation has ended.

The exercise, on behalf of a deceased member, of an election to use pensionable pay determined from an earlier period for calculating scheme benefits.

To decide upon the evidence required to determine eligibility to benefits of a cohabiting partner.

The following function is sub-delegated to the Service Manager – Benefits:

- () The commutation of pensions in exceptional circumstance of ill-health as provided in the relevant regulations.

The following function is sub-delegated to the Team Leaders - Benefits:

- (i) The commutation of certain small pension benefits to single lump sum payments so as to discharge future liability for payments.

(e) Employer Matters

Obtaining revisions to a rates and adjustments certificates where exceptional circumstances as defined in the regulations exist.

The determination of intervals for the payment (inclusive of accompanying information) of employee and employer contributions to the Fund, and costs arising from certain retirement types.

The approval of medical practitioners to be used by Fund employers in making decisions on entitlement to ill-health retirement.

The transfer to an employing authority from the Fund, of sums to compensate for loss caused by a former member's misconduct.

To specify the information to be supplied by employers to enable the Authority to discharge its functions.

To decide whether to recover additional costs incurred as a result of the level of employer performance in meeting their obligations under the Pensions Administration Strategy.

The making, or terminating, of admission agreements with bodies falling within the scope of the relevant regulations. Where admission agreements relate to TAB's and the admission of academies and MAT's, the Assistant Director – Pensions sub-delegates responsibility to the Service Manager – Employer Services, Support and Engagement.

The following function is sub-delegated to the Head of Finance:

- (ii) To determine interest charges under the relevant pension regulations on late payment of sums due to the Fund from employers or other administering Authorities.

The following function is sub-delegated to the Service Manager – Support and Engagement~~Employer Services~~:

- (iii) To determine whether an exit credit is payable to a terminating employer in line with the provisions of the relevant regulations and the policies set out in the Funding Strategy Statement.

(f) Individual Transfers

The following functions are sub-delegated to the Service Manager – Benefits:

- (i) The acceptance of individual transfer values.
- (ii) The payment of individual transfer values.

For the avoidance of doubt, where a transfer is a bulk transfer, this function shall not be sub-delegated to the Service Manager – Benefits.

Scheme of Delegation in relation to Border to Coast Pensions Partnership

March 2025~~June 2023~~

1 Introduction

- 1.1 This document was approved by South Yorkshire Pensions Authority (the "Authority") on the 20th March 2025~~8th June 2023~~. It is a key element of the Authority's internal control arrangements. The Scheme is reviewed annually by the Head of Governance.
- 1.2 This document sets out:
- (a) The arrangements by which the Authority exercises its functions as a shareholder in Border to Coast Pension Partnership Limited ("**BCPP**" or the "**Company**").
 - (b) How the Authority discharges its functions under the Inter-Authority Agreement between the Authority and the other Councils who are parties to the Joint Committee that oversees the operations of BCPP.
- 1.3 The rights and obligations of the Authority as an investor in certain investment products provided by BCPP are governed by the relevant investment documents so they are not dealt with here. However, the Director has delegated specific responsibilities to managers within the Authority in order to facilitate the day-day management of those investments.

2 Rights and Obligations of the Authority as a Shareholder in BCPP

- 2.1 The Authority owns two different classes of shares in BCPP: an A share (which carries the right to vote) and non-voting B shares, which represent regulatory capital as required by the Financial Conduct Authority. Both A and B shares carry equal rights as between Shareholders.
- 2.2 Two constitutional documents govern the corporate operations of BCPP: the Articles of Association and the Shareholders' Agreement. It is in the Shareholders' Agreement that the shareholders exercise control jointly over BCPP. Accordingly, BCPP cannot carry out any actions that are listed as 'Reserved Matters' without the consent of the Shareholders. There are two types of Reserved Matters, those requiring unanimous consent of the Shareholders (the 'A List') and those requiring a two-thirds majority consent of the Shareholders (the B List). The Reserved Matters are set out in full in Schedule 1 to the Shareholders' Agreement.
- 2.3 The A List matters include:
- Extending the activities of the Company, closing down its operations, merging it.
 - Giving guarantees or indemnities outside the ordinary course of business.
 - Entering into any kind of agreement that is likely to result in the Company being managed other than by its directors.
 - Winding up the Company or placing it into administration.
 - Redeeming, buying, reducing or cancelling share capital other than in accordance with the Shareholders' Agreement.
 - Admitting another shareholder into BCPP.
 - Amending the Articles of Association (unless required by the FCA).
 - Entering into litigation other than for debt collection of not more than £500,000 or non-material claims involving losses of less than £1m.
 - Taking out a loan for more than £5m.

- Forming or acquiring a subsidiary.
- Transferring, leasing or selling material assets outside of the ordinary course of business.
- Making a distribution or paying a dividend.

2.4 The B List matters include:

- Appointing or removing the Company's auditors.
- Altering the Company's accounting reference date or making any significant changes to the Company's accounting or reporting practices.
- Approving the remuneration policy for any directors from time to time.
- Incurring capital expenditure of more than £5m (unless permitted by the Strategic Plan).
- Entering into or varying a lease exceeding 5 years or with an annual rent in excess of £500,000.
- Approving a director's actual or potential conflict of interest which would preclude participation in Board meetings.
- Appointing the Chair and any Director.
- Approving BCPP's strategic plan (including its annual budget) and
- Removing any Director or the Chair.

2.5 In addition to the above voting rights, the Shareholders' Agreement and Articles of Association permits shareholders to attend board meetings of the Company as non-voting observers.

2.6 The obligations of the Authority stemming from the Articles of Association and Shareholders' Agreement are principally to:

- Maintain its shareholding (and not seek to transfer the shares other than in accordance with the relevant powers).
- Subscribe for any necessary additional capital required by BCPP.
- Pay an annual operating charge to meet agreed expenses of the company.
- Comply with certain undertakings of the Shareholders, including acting in good faith towards the other Shareholders.
- Refer disputes to the Authority's Chief Finance Officer (known within the Authority as the Assistant Director – Resources).

2.7 The BCPP governance documents do not prescribe who has the right within any Shareholder to vote or attend meetings since these matters are to be dealt with by the respective constitutional documentation of the participating Shareholders. In the case of the Authority as the legal entity, which is the Shareholder, it has determined that the power to exercise voting rights shall be exercised by the Head of Governance and Corporate Services (who is also responsible for recording how he/she has voted on behalf of the Authority).

2.8 However, the Head of Governance and Corporate Services must consult with the Director, the Chair and section 41 members in relation to all A List matters (and, where time allows, all members of the Authority). The same consultation obligations apply in respect of the following B List matters:

- Approval of BCPP's remuneration policy.
- Strategic plan and annual budget.

- Capital expenditure in excess of £5m and appointment and removal of Directors.

In all other cases, the Head of Governance and Corporate Services is required to consult with the Director and the Assistant Director – Resources, copying the Chair on any intended votes.

3 Joint Committee rights and responsibilities

3.1 The Authority's rights and responsibilities as a member of the local government joint committee agreement governing the oversight of BCPP under the Inter-Authority Agreement ("IAA") are also expressed to be equal to that of every other member of that joint committee. The Authority accordingly has a single vote. Any amendments to the IAA (which ~~therefore~~ includes its terms of reference) have to be agreed by all parties.

3.2 The primary purpose of the Joint Committee is to have oversight of the investment performance of the vehicles operated by BCPP and provide effective engagement with the Authorities to encourage best practice, transparency, and accountability. Some of its activities include:

- Considering issues and providing feedback on proposals (from BCPP).
- Reviewing and commenting on requests for the creation of new investment propositions.
- Reviewing and commenting on the range of investment propositions offered.
- Formulating and proposing common policies for voting, ESG and conflicts.

3.3 The constitution of the Joint Committee is set out in Schedule 2 of the Inter Authority Agreement. This includes:

- The Joint Committee consists of one elected member appointed by each Authority, with no prescribed term (the Authority is represented by the Chair).
- Meetings will be held at least once per year, with at least 5 Business Days' notice provided.
- The Chair and Vice Chair are appointed by the members of the Joint Committee for a term of 2 years, with a maximum of 2 terms.
- 60% of members must be in attendance for a meeting to be quorate.
- If there is urgent business, the Host Authority may, in consultation with the Chair and Vice Chair, take decisions on behalf of the Joint Committee. It will, as far as reasonably practicable, communicate the intention to use this power to the other Authorities before it is actually used. Any such decisions will be reported at the next meeting with an explanation of the need for urgency.

3.4 The IAA provides that the Joint Committee designates one of the Authorities to act as the Host Authority for the purpose of entering into contracts and any other BCPP related activity where a legal person is required. Currently the Host Authority is South

Tyneside MBC, as the administering authority of the Tyne and Wear Pension Fund. The Host Authority is indemnified by the other Authorities against any liabilities incurred due to its role.

- 3.5 The Joint Committee also designates an officer to be the Secretary to the Joint Committee. Currently this is SYPA. The person who exercises this function on behalf of SYPA is the Head of Governance and Corporate Services. Additional support to the Joint Committee is provided by the Officer Operations Group, a group of officers appointed by the Authorities to provide a central resource for advice, assistance, guidance, and support. This includes providing technical support at meetings and acting as a conduit for the Joint Committee to communicate with the Authorities generally and BCPP.

Standing Orders

~~June 2023~~ April 2025

Procedural Standing Orders

~~June 2023~~ April 2025

1 MEETINGS OF THE AUTHORITY

- 1.1 The South Yorkshire Pensions Authority ("the Authority") shall hold an annual meeting between 1 March and 30 June each year and at such an hour on the relevant day as the Authority may fix or, if no time is fixed, at 12 noon.
- 1.2 In addition to the annual meeting of the Authority, meetings for the transaction of general business shall be held on such days and at such times as may be determined by the Authority at one of its meetings prior to the end of the preceding municipal year provided that any such date maybe varied or any such meeting cancelled at a subsequent meeting.
- 1.3 The Chair of the Authority, or if the office of Chair is vacant, or the Chair of the Authority is not available, the Vice-Chair of the Authority may call an extraordinary meeting of the Authority at any time.
- 1.4 Any 3 members of the Authority may call an extraordinary meeting of the Authority where the Chair:
 - (a) refuses to call a meeting after a requisition for that purpose specifying the nature of the business, having been signed by 3 members of the Authority, has been presented to him/her; or
 - (b) fails to call a meeting within seven days of such a requisition being presented to him/her.
- 1.5 Any requisition under Standing Order (SO) 1.4 may be presented to the Chair by being left for him/her with the Clerk.
- 1.6 Where any person or person decides to call an extraordinary meeting of the Authority, he/she shall signify to the Clerk that he/she has done so, the business to be transacted and the date and time for which the meeting is called. The Clerk shall thereupon ensure that the notices and summonses required by paragraph 4(1A) of Schedule 12 to the 1972 Act are published and sent.
- 1.7 Meetings of the Authority shall normally be held at Oakwell House, 2 Beavor Court, Pontefract Road, Barnsley S71 1HG.
- 1.8 Subject to the statutory provisions allowing for urgent meetings, at least 5 clear working days before the day of the meeting of the Authority:
 - (a) notice of the time and place of the intended meeting shall be published at the Oakwell House, Barnsley and, where the meeting is called by members, the notice shall be signed by those members and shall specify the business proposed to be transacted; and
 - (b) a summons to attend the meeting specifying the business proposed to be transacted and signed by the Clerk, shall be left at or sent by post to the usual place of residence of every member or, where the member has given consent for the summons to be transmitted in electronic form to a particular electronic address (and such consent has not been withdrawn), shall be sent in electronic form to that address.

Provided that:

- (i) want of service of a summons on any member shall not affect the validity of a meeting;
- (ii) no business shall be transacted at a meeting called by members other than that specified in the notice published under SO 1.8.1(a) above;
- (iii) if a member gives notice in writing to the Clerk that they desire summonses to attend meetings of the Authority to be sent to them at some address other than their usual place of residence, any summons addressed to them and left at or sent by post to that address shall be deemed to be sufficient service of the summons.

1.9 An item of business may not be considered at a meeting of the Authority unless either:

- (a) a copy of the agenda including the item (or a copy of the item) has been open to inspection by members of the public in pursuance of SO 1.8 for at least 5 clear working days before the meeting; or
- (b) by reason of special circumstances, which shall be specified in the minutes, the person chairing the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

1.10 The Chair of the Authority may cancel or rearrange the date of a meeting at any time before the agenda has been published if he/she feels there is insufficient business to justify the meeting or there is some other good reason why it would not be appropriate to hold the meeting on the day originally proposed.

2 APPOINTMENT AND POWERS OF CHAIR AND VICE-CHAIR

2.1 The Authority shall as the first item of business at its annual meeting elect one of its members to be the Chair who shall unless he/she resigns that office or is otherwise disqualified, continue in office until the election of the Chair at the next annual meeting. In the case of an equality of votes in respect of the appointment of a Chair the person presiding at the meeting shall give a casting vote in addition to any other vote he/she may have.

2.2 The Authority shall at its annual meeting following the appointment of the Chair, appoint one of its members to be Vice-Chair who shall, unless he/she resigns that office or is otherwise disqualified continue in office until immediately after the appointment of the Chair at the next annual meeting.

2.3 On a casual vacancy occurring in the office of Chair, an appointment to fill the vacancy shall be made at the next ordinary meeting of the Authority held after the date on which the vacancy occurs or if that meeting is held within fourteen days of after that date, then not later than the next following meeting; and any such meeting may be convened by the Clerk of the Authority.

2.4 On a casual vacancy occurring in the office of Vice-Chair, an appointment to fill the vacancy shall be made at the next ordinary meeting of the Authority held after the date on which the vacancy occurs or if that meeting is held within fourteen days of after that date, then not later than the next following meeting.

- 2.5 The Chair, if present, shall preside over a meeting of the Authority.
- 2.6 If the Chair is absent from a meeting the Vice-Chair, if present, shall preside.
- 2.7 If both the Chair and the Vice-Chair of the Authority are absent, members of the Authority present at the meeting shall choose who shall preside.
- 2.8 Subject to the provisions of paragraph 6 and 45 of Schedule 12 to the Local Government Act 1972, no business shall be transacted at a meeting of the Authority unless at least one quarter of the whole number of members is present.
- 2.9 The names of the members present at a meeting of the Authority shall be recorded.
- 2.10 All matters considered at a meeting shall be decided by a majority of the members present and voting thereon and in the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.
- 2.11 If, during a meeting of the Authority, the Chair declares that there is not a quorum present, the meeting shall be adjourned to a time later on the day or to a date fixed by the Chair at the time the meeting is adjourned. If the Chair does not fix a date, the business remaining to be conducted shall be considered at the next meeting of the Authority. The names of the members present when the meeting is adjourned shall be recorded in the minutes of the meeting.
- 2.12 The ruling of the Chair as to the construction or application of any of these Standing Orders, or any procedural question, at a meeting of the Authority, shall be final and shall not be open to discussion.
- 2.13 The Chair shall have control of the meeting and may take such steps as they consider appropriate to maintain order and the orderly conduct of business.
- 2.14 Without prejudice to SO 2.13 above:
 - (a) if at a meeting any member of the Authority in the opinion of the Chair misconducts him/herself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly or offensively, or by willfully obstructing the business of the Authority, the Chair may move "that the member named be not further heard" and the motion if seconded shall be put and determined without further discussion;
 - (b) if the member named continues his/her misconduct after a motion under the foregoing paragraph has been carried the Chair shall either move, "that the member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion) or adjourn the meeting of the Authority for such period as he/she shall consider expedient.
- 2.15 The Chair may adjourn the Authority in the interest of maintaining order at any time and without prejudice to the right of any member to propose an adjournment under SO 7.1, may adjourn the Authority for refreshment breaks for a period not exceeding one hour and for a single period of not more than 30 minutes for any other reason.
- 2.16 The Chair's powers and responsibilities in relation to the conduct of a meeting may be exercised by the person presiding over the meeting.

3 AGENDA SETTING AND ORDER OF BUSINESS

3.1 The items to be included in the Authority's agenda subject to compliance with these Standing Orders, and any statutory provisions shall be fixed by the Clerk in consultation with the Chair as appropriate.

3.2 Unless otherwise provided in accordance with this Standing Order, the Order of Business at every meeting of the Authority shall be:

- (a) to choose a member of the Authority to preside if the Chair and Vice-Chair are absent;
- (b) at the annual meeting, and at any other meeting (not being an extraordinary meeting) which is the first after the office of Chair shall have become vacant, to appoint a Chair;
- (c) to deal with any business expressly required by statute to be dealt with before any other business;
- (d) to receive apologies;
- (e) to receive announcements from the Chair, ~~the Clerk~~ and the Director;
- (f) to identify whether there are any additional items of business which by reason of special circumstances the Chair is of the opinion should be considered as a matter of urgency at the meeting the reasons for the urgency shall be specified in the minutes;
- (g) to resolve which items of business shall be dealt with in public and which shall be dealt with after the public have been excluded;
- (h) to approve as a correct record the minutes of the last meeting of the Authority and of any earlier meeting of which the minutes have not been approved, and for the Chair to sign them;
- (i) to receive declarations of interest;
- (j) to dispose of business (if any) remaining from the last meeting;
- (k) to receive questions from the public (if any) pursuant to SO 14;
- (l) to receive Petitions (if any) pursuant to SO 13;
- (m) to consider motions in the order in which the Head of Governance and Corporate Services~~Clerk~~ has received notice thereof;
- (n) to receive and consider reports, minutes, recommendations of Committees, Sub-Committees and Working Parties of the Authority in the order set out in the agenda;
- (o) to consider any other business specified in the agenda;
- (p) to consider urgent items of business approved by the Chair.

3.3 The order of business specified in SO 3.2 may be varied:

- (a) by the Chair at his/her discretion;
- (b) by a resolution passed on a motion duly moved and seconded.

4 MINUTES OF THE AUTHORITY

- 4.1 Minutes of the proceedings of meetings of the Authority shall be drawn up and recorded in writing.
- 4.2 At a meeting of the Authority at which minutes of a previous meeting are submitted for approval as a correct record, the Chair shall move that those minutes be so approved.
- 4.3 No motion or discussion shall take place upon the minutes, except upon their accuracy, and any question concerning their accuracy shall be raised by amendment.
- 4.4 If no such matter is raised, or if it is raised then as soon as it has been disposed of, the Chair shall sign the minutes.
- 4.5 Where, in relation to any meeting of the Authority, the next such meeting is an extraordinary meeting, the next following meeting (not being an extraordinary meeting) shall be treated as a suitable meeting for the signing of minutes.

5 QUORUM AND VOTING

- 5.1 The quorum of the Authority shall be ~~34~~, unless more than one third of the members become disqualified when the quorum shall be determined in accordance with paragraph 45 of Schedule 12 of the Local Government Act 1972.
- 5.2 The quorum of a committee of the Authority shall be 3.
- 5.3 The co-opted members appointed under Article 2.1(b) of the Constitution shall not be counted for the purposes of calculating the quorum of any meeting.

6 NOTICE OF A MOTION

- 6.1 Notice of every motion, other than a motion which under SO 7 may be moved without notice, shall be given in writing, and be signed by the member or members of the Authority giving the notice. The notice shall state for which meeting of the Authority the notice is given.
- 6.2 Unless the Chair is of the opinion that a motion should be considered as a matter of urgency, notice of every motion of which notice is required shall be delivered to the Clerk at least seven clear days before the day of the meeting for which the notice is given.
- 6.3 The Clerk shall record the time and date at which every such notice is delivered to him/her, and the record shall be open to the inspection of every member of the Authority.
- 6.4 The Clerk shall set out in the summons for every meeting of the Authority all motions of which notice has been duly given in the order in which they have been received,

unless the member giving such notice intimated in writing, when giving it, that he/she proposed to move it at some later meeting or has since withdrawn it in writing.

- 6.5 Every motion shall be relevant to some matter in relation to which the Authority has powers or duties.
- 6.6 If a motion set out in the summons is not moved either by a member who gave notice thereof or by some other member on his/her behalf, it shall, unless postponed by the Authority, be treated as withdrawn and shall not be moved without further notice.
- 6.7 No motion to rescind a resolution passed within the preceding 6 months, and no motion or amendment to the same effect as one which has been rejected within the preceding 6 months, shall be proposed unless the notice thereof given in pursuance of SO 6.1 bears the names of at least 5 members of the Authority. When any such motion or amendment has been disposed of by the Authority it shall not be open to any member to propose a similar motion within a further period of 6 months. Provided that this Standing Order shall not apply to motions in pursuance of a recommendation of a Committee.

7 MOTIONS WHICH MAY BE MOVED WITHOUT NOTICE

- 7.1 The following motions may be moved without notice:
 - (a) to elect a Chair of the Authority or to appoint a member to preside at a meeting at which the Chair and Vice-Chair are absent;
 - (b) that leave be given to withdraw in whole or in part or amend the minutes or proceedings of the Authority;
 - (c) motions relating to the accuracy of the minutes;
 - (d) motions under SO 3.3 (change in order of business);
 - (e) remission to a committee;
 - (f) appointment of a committee or members thereof, occasioned by an item mentioned in the agenda for a meeting;
 - (g) adoption of reports and recommendations of committees and any consequent resolutions;
 - (h) approval or amendment of recommendations by the Clerk and any consequential resolutions;
 - (i) that leave be given to withdraw a motion;
 - (j) that the Authority proceed to next business;
 - (k) that the question be now put;
 - (l) that the debate be now adjourned;
 - (m) that the Authority do now adjourn;

- (n) authorising the sealing of documents;
- (o) motions under SO 9 to suspend a Standing Order;
- (p) motions in accordance with Section 100A (2) or (4) of the Local Government Act 1972 to exclude the public from a meeting where there is likely otherwise to be disclosure of exempt or confidential information;
- (q) that a member named under SO 2.14(b) be not further heard or do leave the meeting;
- (r) inviting a member to remain under SO 18 (interests in contracts and other matters);
- (s) motions to refer a petition which has been presented to the Authority to the next ordinary meeting of the Authority or appropriate committee for consideration;
- (t) motions to refer a matter raised by a question received under SO 14 to the next ordinary meeting of the Authority or appropriate committee;
- (u) motions arising from the consideration of such communications as the Chair and the Clerk shall present to the Authority;
- (v) giving consent of the Authority where the consent of the Authority is required under these Standing Orders.

7.2 An amendment to a motion may be moved without notice but shall be relevant to the motion. No amendment shall be moved to an amendment.

8 RULES OF DEBATE

8.1 A motion or amendment shall not be discussed unless it has been moved or seconded.

8.2 An amendment shall be relevant to the motion and shall be either:

- (a) to refer a subject of debate to the next meeting of the Authority or appropriate committee for consideration or reconsideration; or
- (b) to leave out words; or
- (c) to leave out words and insert or add others; or
- (d) to insert or add words,

but such omission, insertion or addition of words shall not have the effect of negating the motion before the Authority.

8.3 Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of provided that the Chair may permit two or more amendments to be discussed (but not voted on) together if the circumstances suggest that this course would facilitate the proper conduct of the Authority's business. Where two or more amendments are discussed together, they shall be voted upon in the order in which they were moved.

- 8.4 When an amendment has been lost, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion upon which any further amendment may be moved.
- 8.5 When a motion is under debate no other motion shall be moved except the following:
- (a) to amend or withdraw the motion;
 - (b) to adjourn the meeting;
 - (c) to proceed to next business;
 - (d) that the question be now put;
 - (e) that a member be not further heard.

9 SUSPENSION OF STANDING ORDERS

- 9.1 Any Standing Order (not being one which reflects a statutory requirement) may be suspended so far as regards any specified business at the meeting where its suspension is moved. The motion to suspend must identify the specific Standing Order concerned.
- 9.2 The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

10 QUESTIONS WITHIN THE RELEVANT COUNCILS

The Authority shall nominate a member of each constituent Council on the Authority to answer questions within the Council on the discharge of the Authority's functions.

11 APPOINTMENTS BY THE AUTHORITY

If any member of the Authority is appointed by or on behalf of the Authority as a member of any other body or is nominated by or on behalf of the Authority for appointment to such body and is duly appointed, then unless the constitution of that body provides for earlier termination or the Authority otherwise resolves, the appointment shall remain in force until the next annual meeting of the Authority or such earlier time as the person ceases to be a member of the Authority.

12 VOTING

- 12.1 Every proposition shall, unless otherwise required by these Standing Orders or Statute, be determined by a majority of the members of the Authority present and voting thereon by a show of hands.
- 12.2 In taking the votes on any proposition, those Members only shall be entitled to vote for those who are present in the room when the proposition is put from the Chair.
- 12.3 After a proposition is put from the Chair but before the vote is taken, any three members by show of hands may require that the voting shall be recorded in the minutes of the meeting so as to show whether each member present gave his/her vote for or against that proposition or abstained from voting. Except that a recorded vote shall

always be taken in relation to the setting of the Authority's operating budget and the levy on the District Councils.

- 12.4 Except where a recorded vote has been taken, any member of the Authority who is present when the vote was taken may require his/her vote for or against the question or abstention shall be recorded in the minutes by notifying forthwith the Clerk (or if not present his/her representative attending the meeting).
- 12.5 Where there are more than two persons nominated for any position to be filled by the Authority and of the votes given there is not a majority in favour of one person, the one having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on, until a majority of votes is given in favour of one person.

13 PETITIONS

Any member of the Authority may present a petition received by any of the constituent councils. Any member of the Authority shall be at liberty to move a motion that the petition be referred to the next ordinary meeting of the Authority or the appropriate committee for consideration and report and such motion on being seconded, shall be at once put to the vote.

14 QUESTIONS FROM THE PUBLIC

- 14.1 At the discretion of the Authority, questions from members of the public may be received at any meeting of the Authority, provided that if members of the public are to attend in person seven clear days' notice in writing has been given to the Clerk of the proposed attendees and the object of their question(s).
- 14.2 If members of the public are to attend:
- (a) they shall not exceed ~~seven~~four persons in number, only one of whom shall speak and the speech, inclusive of the reading of a memorial or petition, if one is to be presented, shall not exceed ~~five~~three minutes;
 - (b) The Chair shall put a motion that they be received which motion shall be put and moved without discussion. On the motion being approved, they shall be admitted.
- 14.3 No discussion shall take place on any matter raised by a question from the public, but any member of the Authority shall be at liberty to move a motion, without notice, that the subject matter be referred to the next ordinary meeting of the Authority or the appropriate committee and such motion, on being seconded, shall be at once put to the vote.

15 GENERAL DISTURBANCES

- 15.1 If a member of the public interrupts the proceedings at any meeting the Chair shall warn him/her. If he/she continues the interruption the Chair shall order his/her removal from the room. In case of general disturbance in any part of the room open to the public the Chair shall order that part to be cleared.
- 15.2 If, in the opinion of the Chair, the misconduct or obstruction renders the due and orderly dispatch of business impossible, the Chair, in addition to any other power vested in

him/her, may without question being put, suspend the meeting for a period not exceeding 30 minutes.

16 RECORDINGS AT MEETINGS

- 16.1 Any person who attends a public meeting for the purpose of reporting on the meeting may use any communication method, including the internet, to publish, post or otherwise share the results of a person's recording activities. Reporting means:
- (a) Filming, photographing or making an audio recording of the proceedings at a meeting.
 - (b) Using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
 - (c) Reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later to persons not present.
- 16.2 Oral reporting or oral commentary on a meeting is not permitted if the person reporting or providing the commentary is present at the meeting.
- 16.3 Any photography or audio/visual recording must take place from a fixed position in the meeting room approved by the Chair so as to minimise disruption.
- 16.4 The use of flash photography or additional lighting will only be permitted for a limited period during the meeting at a point in the proceedings agreed in advance with the Chair.
- 16.5 If the Chair feels that any photography, audio, or visual equipment is disrupting the meeting in any way, or any pre-meeting agreement has been breached then the operator of the equipment will be required to stop.
- 16.6 If, during a meeting, a motion is passed to exclude the public and press because confidential information is likely to be disclosed, then all rights to record the meeting are removed and the operator of the equipment will be required to stop recording/photography.
- 16.7 The Authority may webcast meetings of the Authority and its sub-committees.

17 RECORD OF ATTENDANCES

The name of every member attending a meeting of the Authority or any of its committees, subcommittees or other meeting arranged by the Authority of which he/she is a member shall be recorded

18 INTERESTS OF MEMBERS IN CONTRACTS AND OTHER MATTERS

- 18.1 A member conducting the business of the Authority is subject to the Member Code of Conduct adopted by his/her Council, and the policies of the Authority in relation to conflicts of interest.

- 18.2 Where any member has a personal or prejudicial interest in any business of the Authority and he/she attends a meeting at which the business is considered, he/she must disclose to that meeting the existence and the nature of the interest before the matter is discussed, or when the interest becomes apparent.
- 18.3 Where any member has a prejudicial interest in any business of the Authority, and he/she attends a meeting at which the business is considered he/she must withdraw from the room when the matter is considered.
- 18.4 Members of the Authority shall disclose annually to the Monitoring Officer Clerk any shareholdings which they hold in any quoted company where the market value exceeds £5,000. The Clerk shall record in a register to be kept for the purposes of particulars of any disclosure made under this SO 18.4, and the register shall be open to the inspection of any member of the Authority. For the avoidance of doubt this excludes investments in pooled funds such as Unit Trusts and applies only to the direct holding of financial instruments (shares or bonds) issued by any company or other organisation.

19 CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

- 19.1 Canvassing of members of the Authority, directly or indirectly for any appointment with the Authority, shall disqualify the candidate concerned for that appointment. The purport of this Standing Order shall be included in any form of application.
- 19.2 A member of the Authority shall not solicit for any person any appointment with the Authority, but this shall not preclude a member from giving a written testimonial of a candidate's ability, experience, or character for submission to the Authority with an application for appointment.

20 STAFF APPOINTMENTS

- 20.1 In accordance with section 7 of the Local Government and Housing Act 1987 all staff must be appointed on merit.
- 20.2 A candidate for any appointment with the Authority who knows that he/she is related to any member or employee of the Authority shall disclose that relationship in his/her application. A candidate who fails to disclose such a relationship shall be liable to be disqualified for the appointment and, if appointed, shall be liable to dismissal without notice. The purport of SO 20 shall be included in any form of application.
- 20.3 Every member and senior officer of the Authority shall disclose to the Monitoring Officer Clerk any relationship known to him/her to exist between the member or officer and any person who they know to be a candidate for an appointment with the Authority.

21 GIFTS AND HOSPITALITY

- 21.1 A member of the Authority who receives a gift of hospitality with an estimated value of at least £25 shall inform the Monitoring Officer. The Monitoring Officer will record the declaration made in the Members Gifts/Hospitality register maintained by the Monitoring Officer. This register shall be open to inspection by members of the Authority.

21.2 The offer to or receipt of gifts or hospitality by an officer of the Authority shall be reported as required by the Code of Conduct applying to officers to the ClerkMonitoring Officer who shall make a record in a register maintained for this purpose. The register maintained by the ClerkMonitoring Officer shall be open to inspection by members of the Authority.

22 INSPECTION OF LAND, PREMISES ETC.

A member of the Authority shall not issue any order respecting any works which are being carried out by or on behalf of the Authority or claim by virtue of their membership of the Authority any right to inspect or to enter upon any lands or premises which the Authority has the power or duty to inspect or enter.

23 COMMITTEES

23.1 The Authority at the Annual Meeting:

- (a) shall resolve which committees, including any required by or under any statute, shall be appointed and what shall be the terms of reference of each of these committees and of how many voting members each committee shall consist of;
- (b) may resolve that non-voting members shall also be appointed to any such committee, and if any such appointments are made the numbers shall be specified together with the functions to be exercised by the members appointed;
- (c) may resolve what limitations should be placed on the powers of any such committee to arrange for the discharge by a sub-committee of any of their functions.

23.2 The Authority may at any other time resolve to appoint a committee, and if so, shall decide on the terms of reference, and the number of voting members and may decide on the appointment and functions of non-voting members and on the limitation of the powers of any such committee to appoint sub-committees in accordance with SO 23.1 above.

23.3 The Authority may, subject to any statutory provision, at any time resolve to dissolve a committee or may amend regulations made under SO 23.1 and 23.2.

23.4 Every committee shall continue to discharge the functions committed to them until the Authority resolve otherwise.

23.5 Subject to s102(5) of the 1972 Act (member ceasing to be a member of the Authority shall cease to be a member of a committee) and SO 23.8 below, every person appointed as a voting member of a committee (and every person appointed to exercise other functions in relation to a committee) shall continue as such until the appointment is terminated by the Authority.

23.6 A member of the Authority who is not otherwise entitled to attend and speak at a committee shall be entitled to do so, but not to vote:

- (a) during the consideration of any motion of which notice has been given under SO 6.1 which he/she has moved or seconded at a meeting of the Authority,

and which has been referred to that committee, or

- (b) with the agreement of the Chair.

The foregoing provisions of this Standing Order shall not apply to an Appeals Committee.

Where a resolution is passed excluding the public from a meeting, that exclusion shall not be deemed to apply to any member of the Authority, but all members will be expected to observe the confidentiality conventions.

23.7 Whenever:

- (a) the Authority is required to review the allocation of seats on committees between political groups, or
- (b) the Authority resolves to carry out such a review, or
- (c) a committee is required to review the allocation of seats on a sub-committee between political groups, or
- (d) a committee resolves to carry out such a review,

the Clerk shall submit a report to the Authority or committee as the case may be showing what allocation of seats would be in his/her opinion, best meet the requirements of section 15(4) of the Local Government and Housing Act 1989.

23.8 In the light of such a report as is mentioned in SO 23.7 the Authority or committee shall determine the allocation of seats to political groups.

23.9 Whenever an appointment of a voting member of a committee fails to be made in accordance with the wishes of a political group to whom the seat has been allocated, and whenever such an appointment fails to be terminated in accordance with such wishes then the Authority or the committee, as the case maybe, at a meeting at which the wishes of the political group are expressed, or at the next meeting after those wishes are expressed, or where there is a failure to express such wishes shall make or terminate the appointment accordingly.

23.10 Subject to the approval of the Authority and to any resolutions by the Authority under this SO 23 every committee may appoint sub-committees for such purposes as they think fit and may decide for a sub-committee to discharge any of the functions of the Authority which the committee may discharge.

24 MEETINGS OF COMMITTEES

24.1 The Authority at a meeting prior to the end of the preceding municipal year shall fix the date, time and place of Ordinary Meetings of committees.

24.2 If the Authority do not fix the date, time, or place of an Ordinary Meeting of a subcommittee then the relevant committee may do so.

24.3 The Chair of a committee or sub-committee may call an Extraordinary Meeting of a committee or sub-committee at any time.

- 24.4 The Chair of a committee or sub-committee may if he/she considers it necessary (and after consultation so far as practicable with such persons as appear to him/her to be representative of the political groups to which seats on the committee or subcommittee have been allocated) cancel a meeting of the committee or sub-committee or may change any of the details of place, date or time already fixed for the meeting.
- 24.5 If:
- (a) a requisition for an Extraordinary Meeting of a committee or sub-committee signed by at least 2 or one quarter of the total number of the voting members of the committee or sub-committee, whichever is greater, has been presented to the Chair, and
 - (b) either the Chair has refused to call a meeting or without the Chair so refusing, within 7 days of presentation of the requisition no Extraordinary Meeting has been called, then any 2 or one quarter of the total number of the voting members of the committee or sub-committee whichever is the greater, may forthwith call an Extraordinary Meeting of the committee or sub-committee.
- 24.6 Where it is decided to call an Extraordinary Meeting of a committee or sub-committee under SO 24.5 above, the members calling the meeting shall tell the Proper Officer they have done so, the business to be transacted and the date, time and place for which the meeting is called. The Proper Officer shall then ensure that the necessary notices and summonses are sent out.
- 24.7 Any requisition under SO 24.5 may be presented by being left with the Clerk.
- 24.8 All meetings of committees and sub-committees shall be held, unless the relevant committee or sub-committee directs at Oakwell House, 2 Beevor Court, Pontefract Road, Barnsley S71 1HG.

25 NOTICE OF COMMITTEE AND SUB-COMMITTEE MEETINGS

- 25.1 At least 5 clear days before a committee or sub-committee meeting the Clerk shall publish a notice of the date, time, and place of the meeting at the offices of each of the constituent district councils represented on the committee or sub-committee and, if the meeting is to be held at premises other than one of those offices, at those premises. The notice shall be signed by the Clerk or the Chair or, in the case of an Extraordinary Meeting called under SO 24.5 by the members of the committee or subcommittee calling the meeting.
- 25.2 At least 5 clear days before a committee or sub-committee meeting a summons giving the date, time, and place, signed by the Clerk and specifying the business to be transacted at the meeting shall be left at or sent by post to the usual place of residence of each member of the Authority or, where the member has given consent for the summons to be transmitted in electronic form to a particular electronic address (and such consent has not been withdrawn), shall be sent in electronic form to that address.

26 COMMITTEE AGENDAS

- 26.1 The agenda for every committee and sub-committee meeting shall include:
- (a) all items of business which are referred to the committee or sub-committee by

the Authority or by another committee or sub-committee;

- (b) all reports submitted to the committee or sub-committee by the officers of the Authority;
- (c) any item of business directed to be included by the Chair.

27 QUORUM FOR COMMITTEES AND SUB-COMMITTEES

- 27.1 The quorum of a committee shall be 3 voting members.
- 27.2 The quorum of a sub-committee shall be 3 voting members, except where membership of the sub-committee is 3 or fewer, in which case the quorum shall be 2 members.
- 27.3 At any meeting of a committee or sub-committee the chair shall be taken at the time specified in the summons convening the meeting and business shall commence as soon as a quorum is present.
- 27.4 If at the expiration of 15 minutes after the specified time of the meeting a quorum is not present, no meeting shall take place and the business shall be postponed to the next meeting Ordinary Meeting of the committee or sub-committee unless an Extraordinary Meeting is convened in the meantime for the purpose of dealing with such business.
- 27.5 If during any meeting of a committee or sub-committee, the Chair declares that there is not a quorum present, the meeting shall stand adjourned for 15 minutes.
- 27.6 If, after 15 minutes, there is still no quorum present, the Chair shall declare the meeting at an end and the business shall be postponed to the next meeting Ordinary Meeting of the committee or sub-committee unless an Extraordinary Meeting is convened in the meantime for the purpose of dealing with such business.

28 APPOINTMENT OF CHAIR AND VICE-CHAIR OF COMMITTEES AND SUB-COMMITTEES

- 28.1 Appointments of the Chair and Vice-Chair of a committee shall be made by the Authority.
- 28.2 The Chair and Vice-Chair of a sub-committee shall be appointed at the first meeting of the sub-committee after the Annual Meeting of the Authority, by the subcommittee.
- 28.3 The Chair, if present, shall preside at every meeting. In the absence of the Chair the Vice-Chair, if present, shall preside. If both the Chair and the Vice-Chair are absent members present at the meeting shall choose who shall preside.

29 URGENT ACTION

- 29.1 The Director shall be empowered to act on behalf of and within the powers and duties of the Authority in cases of urgency after consultation, where practicable, with the Chair or Vice-Chair of the Authority.
- 29.2 In all cases a written record shall be made of the action taken, the reason for the urgency, and the member consulted.

29.3 The Clerk shall report action taken under this SO 29 to the first available meeting of the Authority.

30 LEGAL PROCEEDINGS

30.1 Where any document will be a necessary step in any legal procedure or legal proceedings on behalf of the Authority it shall be signed by the ~~Clerk~~Monitoring Officer unless any enactment otherwise requires or authorises, or the Authority gives the necessary authority to some other person for the purpose of such procedure or proceedings.

30.2 The Monitoring Officer~~Clerk~~ is authorised 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 the decisions of the Authority or of any committee, sub-committee or officer acting under delegated powers or in any case where the Clerk considers that the institution of defence of any proceedings is necessary to protect the Authority's interests.

30.3 The Chief Finance Officer (known within the Authority as the Assistant Director – Resources) is authorised to settle claims not exceeding £100,000, and in urgent circumstances claims exceeding £100,000. Details of settlements exceeding £100,000 which are approved by the Assistant Director – Resources in urgent circumstances shall be reported to the Authority as soon as possible. In all other circumstances, settlements exceeding £100,000 must be approved by the Authority in advance.

31 COMMON SEAL OF THE AUTHORITY

31.1 The Common Seal of the Authority shall be kept in a safe place in the custody of the Monitoring Officer.

31.2 A decision of the Authority or of a committee, sub-committee or officer acting under delegated powers shall be sufficient authority for sealing any document necessary to give effect to the decision.

31.3 The Common Seal shall be affixed to those documents which, in the opinion of the Monitoring Officer ~~Clerk~~, should be sealed.

31.4 The affixing of the Common Seal shall be attested by the Monitoring Officer ~~Clerk~~ or a duly authorised officer.

31.5 The officers authorised for the purposes of SO 31.4 are:

(a) the Head of Governance and Corporate Services (Monitoring Officer)

(b) the Assistant Director – Resources (Chief Finance Officer)

~~(c) — the Deputy Clerk~~

~~(d)~~(c) the Head of Finance and Performance

31.6 The Monitoring Officer ~~Clerk~~ shall maintain a register of documents to which the Common Seal shall have been affixed. The person attesting to the sealing of a document shall sign the register.

32 SIGNING OF AGREEMENTS AND CONTRACTS

- 32.1 The Authority shall be the contracting party for the purposes of entering into contracts.
- 32.2 The ~~Clerk, the~~ Director, the Assistant Director – Resources (Chief Finance Officer), the Head of Governance and Corporate Services (Monitoring Officer), the Assistant Director – Investment Strategy and the ~~Deputy Clerk~~Assistant Director - Pensions shall each of them be the agent of the Authority to sign all contracts agreed to be entered into by the Authority, or by any committee, sub-committee or officer acting under delegated powers. Arrangements made by the Authority for the discharge of its functions may provide for additional officers to be the Agent of the Authority for the purposes of signing contracts.

33 INTERPRETATION AND APPLICATION

- 33.1 The decision of the Chair of the meeting on the question of the construction of these Standing Orders and on any question not provided for in Standing Orders shall not be challenged at any meeting of the Authority.
- 33.2 The inclusion or exclusion of any specific matters in any other regulation or resolution shall not be construed as limiting in any way the scope of these Standing Orders.
- 33.3 In these Standing Orders, unless the context otherwise requires, the singular includes the plural.
- 33.4 Standing Orders 8 (Rules of Debate), 11 (Appointments), 12 (Voting), 13 (Petitions), 14 (Questions from the public), 15 (General disturbances), 16 (Recordings at Meetings) and 18 (Interests of Members in contracts and other matters) shall apply to meetings of committees and subcommittees.
- 33.5 Reference to any statute enactment, order regulation or other similar instrument shall be construed as a reference to the statute, enactment, order regulation or instrument as amended by any subsequent statute, enactment, order regulation or instructions as contained in any subsequent re-enactment thereof.

34 STANDING ORDERS TO BE GIVEN TO MEMBERS

Every member of the Authority will be provided with access to an electronic copy of the Authority's Standing Orders and Financial Regulations by the ~~Clerk~~Monitoring Officer his/her first being appointed to the Authority.

35 AMENDMENT

These Standing Orders were approved by the Authority on the 8th June 2023 and are reviewed every three years by the ~~Monitoring Officer~~Deputy Clerk. Any amendments must be approved by the Authority.

Access to Information Procedure Rules

~~June 2023~~ April 2025

The Authority is required by section 100G (3) of the Local Government Act 1972, as amended to keep at its principal office a summary of various rights to attend meetings and to inspect documents in the Authority's possession, conferred by that Act and by some other legislation.

Access to Meetings

- 1 A meeting of the Authority (including meetings of its committees or sub-committees) is open to the public, except as stated in rules 2 & 3 below.
- 2 The public must be excluded from a meeting during any item of business whenever it is likely that, if they were present, confidential information would be disclosed in breach of the obligation of confidence. Confidential information means information provided on a confidential basis by a government department, and information the disclosure of which is prohibited by statute or by Court order.
- 3 The public may be excluded by resolution during an item of business whenever it is likely that there would be disclosure to them of "exempt information". Exempt information is defined to cover such matters as personal information, financial and business affairs of people or companies with whom the Authority has dealings, action likely to lead to criminal proceedings, matters relating to industrial relations consultations and negotiations and matters relating to legal proceedings. A full description of "exempt information" is set out in Schedule 12A to the Local Government Act 1972, as amended.

Access to Agenda and Connected Papers

- 4 Copies of the agenda and reports for a meeting of the Authority or of any of its committees or sub-committees must be open for inspection by the public, except for any report on an item during the consideration of which the meeting is not likely to be open to the public. Documents must be available at least five clear working days before the meeting, or as soon as the meeting is convened, or the item added to the agenda, if that is less than five clear days before the meeting. The papers will be available for inspection at the offices of the Authority located at Oakwell House, 2 Beever Court, Pontefract Road, Barnsley S71 1HG, between the hours of 10.00 am and 4.00 pm on working days and may also be published by the Authority on its website.
- 5 A reasonable number of copies of the agenda and reports must be available for members of the public to present at a meeting. The agenda and reports must also be made available to the media on request
- 6 After a meeting and once the minutes have been signed, a copy of the minutes (or, if any of the meeting was held in private, or a summary of what took place in private where the minutes do not provide a reasonably fair and coherent record of the whole or part of the proceedings), together with the documents made available for public inspection under rule 4 above, will be available for public inspection at the offices of the Authority located at Oakwell House, 2 Beever Court, Pontefract Road, Barnsley S71 1HG, between the hours of 10.00 am and 4.00 pm on working days. This right of inspection exists for six years from the date of the meeting concerned. The Authority may also publish a copy of the minutes of the meeting on its website.

Inspection of Background Papers

- 7 Members of the public may also inspect a list of background papers for any report

(except those reports containing “confidential” or “exempt” information) and a copy of each of the documents included in that list. This right is available as soon as the report to which the list relates is published and continues for four years from the date of the meeting. (In the case of the public right to inspect background papers, the right is subject to their production as soon as is reasonably practicable after the request is made). Background papers disclosing confidential or exempt information are not required to be listed, unless they are listed, they will not be open to inspection.

- 8 Background papers are documents which relate to the subject matter of a report, disclose any fact or matter on which the report is based, and have been relied on to a material extent in preparing the report – but exclude any published work. Requests for inspection of such documents should be made to the Deputy Clerk who will arrange to produce such documents as soon as reasonably practicable after the request.

Additional Access for Members of the Authority (including co-opted Members) and Members of the Local Pension Board

- 9 Any document in the possession or under the control of the Authority which contains material relating to any business to be transacted at a meeting is open to inspection by a member of the Authority or the Local Pension Board (subject to rule 10 below).
- 10 Where a document discloses certain specified categories of exempt information (as defined by section 100K of the Local Government Act 1972) it need not be open to inspection by a member, for example personal information.
- 11 The Authority must maintain a register stating the name of every member of the Authority and their appointing council and, in respect of every committee or sub-committee of the Authority, the information required to be recorded by virtue of section 100G(1)(b) of the Local Government Act 1972.
- 12 The register under rule 11 is open to inspection by the public at Oakwell House, 2 Beever Court, Pontefract Road, Barnsley S71 1HG between the hours of 10.00 am and 4.00 pm on working days.
- 13 The Authority must maintain a list specifying the powers delegated to its officers and stating the title of the officer by whom each of those powers is exercisable. The list is open to public inspection but excludes delegations of less than six months duration.

Financial Documents

- 14 A member of the Authority has a right to inspect its accounts.
- 15 Any local government elector for a district within the South Yorkshire area has the right to inspect an order for the payment of money made by the Authority, and the right to inspect the statement of accounts prepared by the Authority under the Accounts and Audit Regulations 2015 (as amended).
- 16 At the audit of the Authority’s accounts by the external auditor, any persons interested may inspect the accounts to be audited and all books, deeds, contracts, bills, vouchers and receipts relating to them – except that no personal information about a member of the Authority’s staff is required to be disclosed.
- 17 Documents may be required to be deposited with a proper officer of the Authority,

either under an Act of Parliament or statutory instrument, or pursuant to the Standing Orders of either House of Parliament. A person interested in any such document may inspect it. Requests should be made to the Assistant Director - Resources.

Fees

- 18 No fee will be charged for providing the facility of inspecting background papers (rule 7 above).
- 19 A person who is entitled to inspect a document may (unless copyright law forbids it) make copies of, or extracts from it, or require a photographic copy of, or extract from, the document. The Authority reserves the right to make a charge for providing copies of documents.

Head of Governance and Corporate Services – South Yorkshire Pensions Authority
Oakwell House
Beevor Court
Pontefract Road, Barnsley
S71 1HG

Amendment

These rules were approved by the Authority on the ~~8th June 2023~~ 13 March 2025 and are reviewed every three years by the Head of Governance and Corporate Services. Any amendments must be approved by the Authority.

Financial Regulations

~~June 2023~~ April 2025

1 INTRODUCTION

- (a) These Financial Regulations are the responsibility of the Assistant Director – Resources (Chief Finance Officer) as the officer responsible for the proper administration of the Authority’s financial affairs under section 73 of the Local Government Act 1985.
- (b) References in these Regulations to "the Authority" shall include any Committee, Sub-Committee, or officer if the power to act is so delegated and references to him or her will be construed as appropriate.
- (c) The Regulations form the major part of the Authority’s financial control framework which comprises:
 - (i) Standing Orders - Approved by the Authority
 - (ii) Financial Regulations - Approved by the Authority
 - (iii) Scheme of Delegation to Officers – Approved by the Authority
 - (iv) Financial Instructions - Issued by the Assistant Director – Resources in conjunction with the Director to specify the detailed control arrangements required under specific Regulations
 - (v) Procedure Manuals - Issued by Senior Management to specify how systems should operate
- (d) The main aims of the Regulations are to:
 - (i) provide sufficient safeguards for the Assistant Director – Resources to discharge his/her statutory duties.
 - (ii) ensure that the financial dealings of the Authority are conducted properly and in accordance with best practice.
 - (iii) provide adequate safeguards to officers of the Authority who are individually responsible for ensuring that their actions comply with the Regulations.
- (e) The Assistant Director – Resources is responsible for ensuring that arrangements are in place to provide a continuous, adequate, and effective internal audit of the Authority’s accounting records and its system of internal control (see Regulation 6.7). In order to ensure consistency in the application of these Regulations, advice on their interpretation should be directed through the Assistant Director – Resources.
- (f) The Regulations, and in particular those imposing financial limits, will be kept under review by the Assistant Director – Resources to ensure that they remain consistent with best practice.
- (g) Any changes to the Regulations can only be made with the approval of the Authority, unless otherwise specified in the Regulations.

2 ROLES AND RESPONSIBILITIES

2.1 General

- (a) In applying these Regulations, the Assistant Director – Resources and the Director will in certain instances, delegate their individual responsibilities to nominated officers who will undertake the duties on their behalf.
- (b) The Assistant Director – Resources and the Director shall ensure that all staff and third parties where appropriate, comply with the requirements contained in these Regulations.

2.2 The Authority

- (a) The Authority is ultimately responsible for ensuring that the financial management arrangements are adequate and effective and that the internal control system is effective and will, amongst other things:
 - (i) appoint a responsible financial officer (the Assistant Director – Resources as Chief Finance Officer).
 - (ii) approve the financial control framework, including Financial Regulations.
 - (iii) set a budget and agree a levy.
 - (iv) monitor actual expenditure against budget.
 - (v) approve the annual report and statement of accounts and publish with it an annual governance statement.
 - (vi) maintain an adequate and effective system of internal audit of its accounting records and its system of internal control.
- (b) The Authority will delegate to the Assistant Director – Resources aspects of the financial control arrangements to act on its behalf.

2.3 The Assistant Director – Resources

- (a) The Assistant Director – Resources is responsible for the proper administration of the Authority's financial affairs in accordance with the provisions of section 73 of the Local Government Act 1985 and the Accounts and Audit Regulations 2015 ("the Accounts and Audit Regulations").
- (b) In fulfilling both his/her statutory and professional duties the Assistant Director – Resources will:
 - (i) provide financial advice to the Authority on all aspects of its activity, including the budget, strategic planning and policy making process to ensure efficient, effective and economic use of resources.
 - (ii) produce the Statement of Accounts in accordance with the appropriate Codes of Accounting Practice and reporting standards issued from time

to time.

- (iii) prepare draft revenue estimates each year for approval by the Authority.
- (iv) ensure that no expenditure is incurred unless it is included in the annual revenue estimate or estimates of capital expenditure approved by the Authority.
- (v) report to the Authority on the robustness of the estimates for the purposes of the budget calculations and the adequacy of reserves.
- (vi) report to the Authority where reserves are likely to be inadequate, outlining the reasons for the actions taken.
- (vii) ensure that all matters required to be taken into account in respect of the Prudential Code for Capital Finance in Local Authorities are reported to the Authority for consideration.
- (viii) establish procedures to monitor and report performance against all prudential indicators if required.
- (ix) satisfy himself/herself that adequate arrangements are in place for all aspects of tax management.
- (x) report to the Authority and/or the external auditor if it appears that the Authority's expenditure is likely to exceed the resources available to meet that expenditure.
- (xi) report to the Authority and/or the external auditor any decisions or actions taken (or about to be made or taken) which involve unlawful expenditure.
- (xii) ensure that the financial administration procedures comply with these Regulations and any Financial Instructions.
- (xiii) issue and maintain Procedure Manuals (as instructions to staff) to supplement as necessary, both these Regulations and any Financial Instructions.
- (xiv) ensure that adequate systems and procedures exist to account for all income due and expenditure disbursements made on behalf of the Authority and that controls operate to protect the Authority's assets from loss, waste, fraud or other impropriety.
- (xv) advise on the security of assets, including risk management and insurance.
- (xvi) secure the Authority's banking arrangements.
- (xvii) provide a treasury management function, including loans and investments, in accordance with the Authority's policy.
- (xviii) nominate a properly qualified member of the Authority's staff to deputise

should he or she be unable to perform his/her duties.

- (c) In addition, in accordance with the delegated arrangements agreed by the Authority under the provisions of the Accounts and Audit Regulations, the Assistant Director – Resources will ensure that arrangements are in place to maintain an adequate and effective internal audit of the Authority’s accounting, financial and other processes, including the approval of the strategic and annual audit plans.

2.4 The Monitoring Officer

- (a) The Monitoring Officer is responsible for reporting any actual or potential breaches of the law or maladministration to the Authority and for ensuring that procedures for recording and reporting key decisions are operating effectively.
- (b) The Monitoring Officer in performing his or her duties is authorised to incur expenditure within his/her delegated budgetary limits, where this is necessary in seeking advice outside the Authority.

3 ACCOUNTING ARRANGEMENTS

- (a) The Assistant Director – Resources is responsible for keeping the principal accounting and costing records of the Authority.
- (b) The following principles must be observed in the allocation of accounting duties in order to maintain division of duties:
 - (i) the duties of providing information regarding sums due to or from the Authority and of calculating, checking and recording of these sums, must be separated as completely as possible from the duty of collecting or disbursing them.
 - (ii) officers charged with the duty of examining and checking the accounts of cash transactions must not themselves be engaged in any of these transactions.
- (c) The Assistant Director – Resources is responsible for producing the Statement of Accounts and shall submit these to the Authority in accordance with the deadlines required by the Accounts and Audit Regulations.
- (d) The Assistant Director – Resources is responsible for ensuring compliance with the Codes of Practice with which the Authority is required to comply and/or may adopt from time to time. Copies of the Codes of Practice and any supporting guidance notes will be available to relevant officers. The details of how such codes are implemented will be included in relevant financial procedure manuals to supplement these Regulations.

4 FINANCIAL PLANS AND BUDGETS

4.1 General

The detailed format of and timetable for financial plans, the maintenance and creation of reserves, the capital programme and revenue estimates will be determined by the

Assistant Director – Resources in accordance with the general directions of the Authority and professional Codes of Practice.

4.2 Revenue Expenditure and Income

- (a) The revenue estimates for the next financial year will be prepared by the Assistant Director – Resources in accordance with the general directions of the Authority. They will be presented to the Authority for approval accompanied by a report from the Assistant Director – Resources which will specify any variations to the existing budget and policies together with implications for future years.
- (b) The Assistant Director – Resources, the Director and any other manager to whom the authority to incur expenditure has been delegated in writing by the Assistant Director – Resources or the Director may incur expenditure for the supply of goods or materials or the execution of any work or services (excluding grants to voluntary bodies/outside organisations) without reference to the Authority or appropriate Committee provided that it is within the framework of the Authority's policy, included in approved revenue estimates as set out in these Regulations, and subject to compliance with the Authority's Contract Standing Orders.
- (c) Expenditure not covered by Regulation 4.2(b) must be submitted by the Assistant Director – Resources to the Authority for approval. The report will include details of the financial implications for both the current financial year and 2 subsequent years.
- (d) The Assistant Director – Resources (or officers nominated by him/her) shall ensure that the approved estimates are not overspent and shall provide information on the forecast outturn for the year to the Authority on a quarterly basis.
- (e) The Assistant Director – Resources shall report on the outturn of income and expenditure to the Authority as soon as possible after the end of each financial year. The report will include details of any diversion of funds. (See virement - Regulation 4.3).

4.3 Virement and use of Reserves

- (a) The Director, the Assistant Directors (being the Assistant Director – Investment Strategy, the Assistant Director – Pensions and the Assistant Director - Resources) or the Heads of Function (being the Head of Finance, Head of Governance and Head of ICT) may approve a revenue budget virement within their delegated budget for any lawful purpose relating to the department or function for which they are responsible providing that:
 - (i) prior approval of the Assistant Director - Resources is obtained.
 - (ii) the virement is within the total budget approved by the Authority for the relevant department or function.
 - (iii) the budget head from which the virement is to be transferred shall not then be overspent.

- (iv) no commitment to a higher overall level of expenditure in future financial years is entered into.
 - (v) the amount of the virement does not exceed £20,000; and
 - (vi) where a virement is between budgets controlled by more than one Assistant Director, the transfer must be agreed by all of the Assistant Directors concerned.
- (b) In addition to the circumstances described in Regulation 4.3(a), the Assistant Director - Resources may approve a revenue or capital budget virement within the overall operating budget of the Authority provided that:
- (i) the virement is within the total budget approved by the Authority; and
 - (ii) the amount of the virement does not exceed £75,000.
- (c) Where the virement does exceed the amount described in Regulation 4.3(b), it must be approved by the Authority in advance.
- (d) Following any approval described in Regulations 4.3(a)-(c) above, revenue budget transfers will be recorded in the Authority's corporate financial systems.
- (e) If diversion of funds is not possible to meet an unavoidable overspending, the Assistant Director - Resources shall submit a report to the Authority seeking approval to a supplementary estimate. The Assistant Director - Resources is responsible for advising the Authority on the financial implications of this course of action in the next quarterly budget monitoring report or using the Urgent Business Procedure as set out in the Authority's constitution.
- (f) The Assistant Director - Resources can approve any additional expenditure where the costs are fully reimbursable from other authorities or bodies.
- (g) Income received in excess of the overall total income budgeted amount may be used to finance additional expenditure subject to the above limits in Regulations 4.3(a) and 4.3(b), and provided that there are no implications in future years, unless any such income is guaranteed over multiple years.
- (h) Transfers to and from Reserves will be the responsibility of the Assistant Director - Resources and subject to the approval limitations shown in Regulations 4.3(a) and 4.3(b) and will be governed by policies approved by the Authority.

5 FINANCIAL SYSTEMS AND PROCEDURES

5.1 Banking Arrangements

General

- (a) The Assistant Director - Resources is responsible for making the Authority's banking arrangements and is authorised to operate such bank accounts as are considered appropriate.

- (b) The arrangements shall be reviewed on a regular basis and the Assistant Director - Resources or an authorised officer will undertake all negotiations with the Authority's banker(s) regarding banking terms and overdraft facilities.

Payments

- (c) The Assistant Director - Resources is responsible for paying all properly certified accounts submitted for payment. Apart from the use of corporate purchasing cards, the normal methods of payment of money due from the Authority is by direct credit transfer via BACS, Faster Payments, or CHAPS. Arrangements for the authorisation of payments from the Authority's bank accounts must be in a form agreed by the Assistant Director - Resources.
- (d) All corporate purchasing cards and similar payment media, instruments or mechanisms are to be ordered and managed only in accordance with arrangements approved by the Assistant Director - Resources, who is to ensure their safe custody, issue and control.

5.2 Income

- (a) The Assistant Director - Resources must ensure that adequate arrangements are made for the financial organisation and accounting to ensure the proper recording, collection and prompt and proper accounting of all sums due to the Authority.
- (b) Save where the charges are fixed by statute, the Authority shall be responsible for determining whether a charge is to be made for any service provided by the Authority. The Assistant Director - Resources, in consultation with the relevant Assistant Director shall be responsible for determining the level of charge to be fixed for any service, in accordance with the Authority's policies.
- (a) The Assistant Director - Resources shall publish alongside the budget a schedule of the Authority's fees and charges for the forthcoming year.
- (b) Employees of the Authority must not give receipts for monies received on behalf of the Authority on any form other than an official receipt form.
- (c) The procedures for dealing with the raising and despatch of accounts, receipt of payments and cash discrepancies will be specified by the Assistant Director - Resources and issued in the form of a Financial Instruction under the authority of this Regulation.

5.3 Write Offs

- (a) Provided that appropriate steps have been taken to recover monies due to the Authority:
 - (i) The Assistant Director – Pensions may approve the write-off of individual debts relating to pension overpayments not exceeding £500.
 - (ii) The Head of Finance may approve the write-off of individual debts not exceeding £2,500.

- (iii) The Assistant Director - Resources may approve the write-off of individual debts not exceeding £10,000. The relevant Assistant Director and/or Head of Finance will be responsible for providing all supporting information and documentation relating to the write-off request.
- (b) Any write-off of individual debts exceeding £10,000 shall require the prior approval of the Authority, following a report from the Assistant Director - Resources.
- (c) All sums written off shall be recorded in a central register maintained by the Assistant Director - Resources. An annual report shall be submitted to the Audit and Governance Committee and to the Authority summarising the sums written off and detailing those individual write-offs that exceeded £10,000.

5.4 Insurance

- (a) The Assistant Director - Resources is responsible for arranging all insurances and the administration and negotiation of claims.

5.5 Investments, Loans and Cash Flow

- (a) The Assistant Director - Resources is responsible for securing the arrangements for the Authority's cash flow, borrowing activities and lending activities, in accordance with the Local Government Act 2003 and the CIPFA Code of Practice on Treasury Management as applicable and the policies agreed by the Authority as amended from time to time.
- (b) All investments will be held in the name of the Authority or the Authority's authorised custodian bank nominee or equivalent or its agents. All securities in respect of loans raised will be issued in the name of the Authority.
- (c) The Assistant Director - Resources shall prepare a policy document outlining the procedures to be adopted each year for cash flow (treasury management) for approval by the Authority. The Head of Finance has day to day responsibility for administering the treasury management function in accordance with the Authority's strategy.
- (d) Any losses incurred as a consequence of the investment activity in accordance with the Local Government Pension Scheme Investment Regulations in force at the time are reported to the Authority and save as specified in Regulation 5.3 above are not subject to the normal debt write off procedure.

5.6 Negotiated Settlements

The Assistant Director - Resources is authorised to negotiate the settlement of claims not exceeding £100,000 and, in urgent circumstances claims exceeding £100,000. Details of settlements exceeding £100,000 which are approved by the Assistant Director - Resources in urgent circumstances shall be reported to the Authority as soon as possible. In all other circumstances, settlements exceeding £100,000 must be approved by the Authority.

5.7 Orders for Work, Goods and Services

- (a) Orders must be in a form approved by the Assistant Director - Resources and before any order is issued, the authorising officer must ensure:
 - (i) that the cost is within an approved estimate or other financial provision.
 - (ii) compliance with UK legislation.
 - (iii) compliance with the Authority's Standing Orders relating to Contracts i.e., quotations and formal tenders.
- (b) Orders must not be split or issued for a value less than known requirements as a means of avoiding compliance with the Authority's Standing Orders and these Regulations.
- (c) The control arrangements and administration of the ordering system will be in accordance with the Financial Instruction issued by the Assistant Director - Resources under the authority of this regulation.

5.8 Payment of Accounts

- (a) The Assistant Director - Resources is responsible for ensuring adequate systems of internal control for the examination, verification and certification of invoices and any other payment vouchers.
- (b) The control arrangements and administration of the payment process will be in accordance with the Financial Instruction issued by the Assistant Director - Resources under the authority of this Regulation.
- (c) Officers must not authorise any payment or benefit to themselves.

5.9 Salaries, Wages, Pensions, Gratuities and Allowances

- (a) The payment of salaries, wages, pensions, gratuities, and allowances to all current and former employees of the Authority, and pensioners of the Fund shall be made by the Assistant Director - Resources under arrangements approved and controlled by him/her.
- (b) Appointments of all employees must be made in accordance with the regulations of the Authority and the approved establishments, grades, and rates of pay and within the budgetary provision.
- (c) Time sheets and other records in a form and containing information required by the Assistant Director - Resources for the recording and payment of salaries and wages must be signed in manuscript, or electronically authorised by officers authorised by the Assistant Director - Resources. Officers must not authorise their own payment documents.
- (d) The writing-off of an overpayment of salary to an employee or the overpayment of retirement or death benefits to a pensioner may be approved as set out in Regulation 5.3

- (e) The control arrangements and administration of the payment process will be in accordance with the Financial Instruction issued by the Assistant Director - Resources under the authority of this Regulation.

5.10 Travelling, Subsistence and Other Allowances

- (a) All claims for payment of car allowances, subsistence allowances, travelling and incidental expenses shall be prepared by the claimant personally in a form approved by the Assistant Director - Resources and in accordance with any Schemes of Conditions of Service adopted.
- (b) Officers must sign or electronically endorse their claims as correct and confirm that they comply with the approved Schemes. Officers must not authorise their own claims for payment.
- (c) The control arrangements and administration of the payment process will be in accordance with the Financial Instruction issued by the Assistant Director - Resources under the authority of this Regulation.

6 RISK MANAGEMENT AND CONTROL OF RESOURCES

6.1 General

It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant risks to the Authority.

6.2 Risk Management

- (a) The Authority is responsible for approving the risk management policy statement and strategy and for reviewing the effectiveness of risk management.
- (b) The Director is responsible for preparing the Authority's risk management policy statement and strategy and promoting it throughout the Authority. The Director is responsible for advising the Authority on corporate risks facing the Authority.
- (c) The Director must ensure that they regularly review risks, develop appropriate risk management controls, and ensure that risk registers are maintained.

6.3 Internal Control

- (a) The Assistant Director - Resources is responsible for advising the Authority on effective systems of internal control. Internal control refers to the systems of control devised by management to help ensure the Authority's objectives are achieved in a manner that promotes economical, efficient, and effective use of resources and that the Authority's assets are safeguarded. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.
- (b) It is the responsibility of Assistant Directors to establish sound arrangements for planning, appraising, authorising, and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and

for achieving their performance targets. Assistant Directors should also ensure that such internal control arrangements are regularly reviewed for adequacy and effectiveness.

- (c) The Assistant Director - Resources must ensure that the system of internal control is reviewed at least annually.
- (d) The Director is responsible for ensuring that an Annual Governance Statement is submitted to the Authority for approval and inclusion in the Statement of Accounts.

6.4 Asset Security

- (a) The Assistant Director - Resources is responsible for the accountability and control of staff and for maintaining proper security at all times for all stocks, stores, furniture, equipment, cash etc. under his/her control.
- (b) Keys to safes and similar receptacles containing cash and valuable property must be securely held at all times. A register of keys and their holders shall be maintained by the Assistant Director - Resources. The loss of any such keys must be reported to the Assistant Director - Resources immediately.

6.5 Data Security

- (a) In accordance with the provisions of the various legislation relating to Data Protection, the Head of Governance and Corporate Services (Monitoring Officer) shall maintain up to date registrations on behalf of the Authority,
- (b) The ~~Head of Internal Audit~~ Barnsley MBC Service Director for Customer, Information and Digital Services will act as Data Protection Officer for the Authority.

6.6 Gifts, Hospitality, Secondary Employment

Further information about gifts, hospitality and relationships with clients and contractors is contained in the code of conduct.

Gifts

- (a) The receipt of personal gifts should be discouraged. If an officer, during the course of, or as a result of, official duties, receives any personal gift, other than one of only token value, the matter must be reported to the Head of Governance who will:
 - (i) decide if the item is to be returned or forwarded to some charitable cause;
 - (ii) notify the donor what has happened to the gift and explain the reason why gifts should not be offered or sent in the future.
- (b) A central record must be maintained by the Head of Governance and Corporate Services of all gifts (other than those of a token value) received by and offered to staff and the action taken.

Hospitality

- (c) Hospitality must only be given or accepted where it is on a scale appropriate to the circumstances, not extravagant and justifiable as in the public interest. It must be apparent that no cause could reasonably arise for adverse criticism or suggestion of improper influence about the acceptance of the hospitality.
- (d) The circumstances and the type of hospitality is to be recorded in a central record maintained by the Head of Governance.

Secondary Employment

- (e) Officers who are, in accordance with their conditions of service, permitted to carry out private or other paid work must not do so during the Authority's time, nor must they use the Authority's premises, resources or facilities for the execution of such work without the prior approval of the Director (or the Clerk Monitoring Officer in consultation with the Chair where the officer is the Director).
- (f) Officers must declare to the Director in writing the nature and duration of such private work (or the Clerk Monitoring Officer and the Chair where the officer is the Director).
- (g) No stationery or publicity material is to indicate that the officer is an Authority employee, nor should the address, email address or telephone number of the Authority be stated.
- (h) Officers must not work for any current or prospective supplier or contractor to the Authority.
- (i) In cases where an officer's duties involve contractual arrangements with any prospective supplier or contractor who employs a close relative or friend of the officer, the officer must notify ~~the Clerk or~~ the Director of the details and preclude himself/herself from the arrangements.

6.7 Internal Audit

- (a) Internal Audit is an independent, objective assurance and consulting function designed to add value to and improve the Authority's operations. It helps the Authority accomplish its objectives by bringing a systematic, and disciplined approach to the evaluation and improvement of the effectiveness of risk management, control, and governance processes. As such Internal Audit provides a significant source of assurance in relation to the effective operation of both the Authority's governance arrangements and its system of internal control. The provision of internal audit services is an outsourced function.
- (b) The Assistant Director - Resources has delegated responsibility for ensuring arrangements are in place to provide a continuous, adequate, and effective internal audit of the Authority's accounting records and its system of internal control in accordance with the Accounts and Audit Regulations.
- (c) Due to the scope of internal audit work, the Director has a direct interest and will be consulted on planned work and will be able to request specific systems

audits and value for money audits.

- (d) The Assistant Director - Resources will advise the Audit and Governance Committee as to the appropriate level of internal audit resource and plan required in any year and will have the authority to approve variations to the plan and level of resource in the light of changed circumstances.
- (e) The key conditions for Internal Audit are that:
 - (i) It is independent in its planning, operation and reporting.
 - (ii) It supports the Director and the Assistant Director - Resources in fulfilling their statutory responsibilities.
 - (iii) The Head of Internal Audit has direct access to the Assistant Director - Resources, the Director, the Head of Governance and Corporate Services (Monitoring Officer) and members of the Authority.
 - (iv) The service is provided in accordance with the Public Sector Internal Audit Standards (PSIAS).
- (f) The functions of Internal Audit are to:
 - (i) Review and appraise the systems of financial and management control and the corporate governance arrangements, including the management of risks and safeguarding of assets.
 - (ii) Assess the accuracy of financial and other published information.
 - (iii) Ascertain the extent of compliance with procedures, policies, regulations and legislation.
 - (iv) Review whether functions are being carried out as planned and that objectives and goals are being met.
 - (v) Undertake value for money reviews to assess the economy, efficiency and effectiveness with which resources are employed.
- (g) In fulfilling these functions Internal Audit will:
 - (i) Work in partnership with Senior Officers, particularly in relation to value for money projects and other review functions.
 - (ii) Work in partnership with the Authority's appointed external auditors, and any other relevant external review agencies in providing a comprehensive audit function.
 - (iii) Develop and maintain a quality assurance improvement programme (QAIP).
- (h) Internal Audit staff as authorised representatives of the Assistant Director - Resources will, subject to satisfactory proof of identity, have authority to:

- (i) Enter at all reasonable times any premises or land occupied or controlled by the Authority (excluding investment properties).
 - (ii) Have access to all property, records, documents and correspondence relating to any financial and other activities of the Authority.
 - (iii) Require and receive such explanations as are necessary concerning any matters under examination.
 - (iv) Require any employee or agent of the Authority to produce cash, stores, or any other Authority property under his/her control.
- (i) The Assistant Director - Resources shall make arrangements to ensure that he/she is informed, via the Head of Internal Audit, as soon as is practicable whenever any matter arises which involves, or is thought to involve, irregularities concerning financial assets, stores or other property of the Authority or any suspected irregularity in the exercise of the functions of the Authority, irrespective of whether the matter is the subject of criminal investigation.
 - (j) The Assistant Director - Resources shall ensure that a reply is made to any audit report within a reasonable period of time, but in any case within 6 weeks of the date of its issue by the Head of Internal Audit.

6.8 Inventories

- (a) The Assistant Director - Resources shall ensure that an inventory is maintained of furniture, fittings, equipment, plant and machinery and he/she shall be responsible for ensuring that at least an annual check of all such items against the inventory is undertaken and for taking action in relation to surpluses and deficiencies and noting the inventory accordingly.
- (b) The writing-off of items may be approved by the following officers:
 - (i) not exceeding £2,500 Head of Finance
 - (ii) not exceeding £10,000 Assistant Director - Resources
 - (iii) The writing-off of items in excess of these limits shall be referred to the Authority for approval.
- (c) The Assistant Director - Resources is responsible for ensuring that the Authority's property is not removed otherwise than in accordance with the ordinary course of the Authority's business or used otherwise than for the Authority's purposes.
- (d) Surplus or obsolete inventory items shall be disposed of as economically advantageously as possible.

6.9 Property

- (a) Operational Property

- (i) The Head of ICT is responsible for securing the arrangements for management of properties occupied by the Authority for operational purposes, including maintenance.
 - (ii) The arrangements will include the maintenance of appropriate records which will include:
 - (A) locations and plan references.
 - (B) the purpose for which held.
 - (C) purchase/lease details.
 - (D) rents payable and particulars of tenancies granted.
- (b) Investment Properties
- (i) The Assistant Director - Investment Strategy is responsible for securing the arrangements for management of the Authority's investment properties, including maintenance.
 - (ii) The arrangements will include the maintenance of property registers by agents on behalf of the Authority which will record:
 - (A) locations and plan references.
 - (B) the purpose for which held.
 - (C) purchase/lease details.
 - (D) rents payable and particulars of tenancies granted.

6.10 Theft and Burglary

The Assistant Director – Resources shall arrange for all cases of theft or burglary arising in any part of the Authority's operations to be notified to him/her via the Head of Internal Audit, including those where criminal investigations are being undertaken.

6.11 Preventing Fraud and Corruption

- (a) The Assistant Director – Resources is responsible for the development and maintenance of an anti-fraud and corruption strategy.
- (b) The Head of Paid Service is responsible for:
 - (i) Ensuring that staff are aware of the requirements of the Bribery Act 2010; and
 - (ii) That sound internal controls are maintained to prevent bribery occurring in connection with the conduct of the Authority's business affairs.

Contract Standing Orders

~~June 2023~~ February 2025

1 INTRODUCTION

- 1.1 These Contract Standing Orders (CSOs) are made by the Authority in accordance with Section 135 of the Local Government Act 1972. The CSOs set out the responsibilities of Officers and the procedures to be followed when conducting the procurement of goods, works or services on behalf of South Yorkshire Pensions Authority (SYPA).
- 1.2 Any Officer conducting a procurement exercise on behalf of SYPA must familiarise themselves with these CSOs, which must be read and acted upon in conjunction with the Authority's constitution and in particular the financial regulations and scheme of delegation.
- 1.1 By following the requirements of these CSOs Officers will be supported to conduct procurement exercises that:
 - (a) comply with the Authority's strategic objectives, procurement strategies, policies and statutory legal obligations
 - (b) promote the fundamental principles of public sector procurement, i.e. being to treat economic operators equally and without discrimination and for the Authority to act in a transparent and proportionate manner; and
 - (c) are capable of withstanding challenge by being effective, efficient and robust.
- 1.2 A Gateway Approval form (available on the procurement area of SharePoint) should be used for all procurement exercises, and this will assist officers in complying with these contract standing orders and documenting the required approvals and decisions at each stage of the procurement.

2 SCOPE AND COMPLIANCE

- 2.1 All of the Authority's contracts for works, supplies or services as defined in the Procurement Act 2023 (or, for contracts entered into prior to 28 October 2024, the Public Contracts Regulations 2015) must be entered into in accordance with these CSOs.
- 2.2 In the event that there is any doubt regarding the scope or application of these CSOs this should be referred to an authorised Officer listed at 4.4 for further guidance and instruction.
- 2.3 Where the estimated value of a contract:
 - (a) exceeds the Procurement Act 2023 (PA2023) Threshold Amounts set out in Schedule 1 to the Act, and PA2023 applies to the procurement of the contract, the contract must be tendered in accordance with PA2023;
 - (b) is below the PA2023 Threshold Amounts set out in Schedule 1 to the Act but exceeds the relevant threshold prescribed by regulation 87 of the Act, and PA2023 applies to the procurement of the contract, then the contract **must** be tendered in accordance with the rules in Part 6 of the Act (Below Threshold Contracts).

and in all cases, where possible, these CSOs.

- 2.4 In the event that these CSOs are not compatible with:
- (a) the requirements of the Procurement Act 2023 then the requirements of the Act shall take precedence and apply; and/or
 - (b) the requirements of other applicable government guidance (including, but not limited to, the National Procurement Policy Statement), then the requirements of the government guidance shall take precedence and apply.
- 2.5 Officers and Members must exercise the highest standards of conduct, integrity and impartiality when involved in the procurement, award and management of contracts and have particular regard to the requirements of the code of conduct regarding relationships with suppliers.

3 EXEMPTION TO COMPETITION REQUIREMENTS

- 3.1 The contracts contained in Schedule 2 (Exempted Contracts) of the Procurement Act 2023 (without limitation) are exempt from the requirement for competitive tendering. Exemptions that may be relevant to the Authority are covered below.
- 3.2 Contracts of employment that make the individual a direct employee of the Authority. For the avoidance of doubt, these CSOs do apply to the procurement of agency/recruitment services, the appointment of interim Consultants/Contractors and the provision of short-term agency workers.
- 3.3 Additional works, supplies or services that are required under an existing contract are permitted where Schedule 8 (permitted Contract Modifications) of the Procurement Act 2023 applies:
- (a) the modification provides for the supply of goods, services or works in addition to the goods, services or works already provided for in the contract or
 - (b) if using a different supplier would result in the supply of goods, services or works that are different from, or incompatible with, those already provided for in the contract
 - (c) the contracting authority considers that the difference or incompatibility would result in (i) disproportionate technical difficulties in operation or maintenance or other significant inconvenience, and (ii) the substantial duplication of costs for the authority, and
 - (d) the modification would not increase the estimated value of the contract by more than 50%.

Where a contract variation is required, this must be executed in accordance with CSO 23.1. Approval to use this exemption must be supported by the submission of a business case as part of the Procurement Gateway Approval documents to the Authorised Officer listed at 4.4.

- 3.4 Contracts for financial services set out in Schedule 2 (Exempted Contracts) of the Procurement Act 2023.

- 3.5 Legal services contracts and arbitration services that fall within the exemptions set out in Schedule 2 (Exempted Contracts) of the Procurement Act 2023.
- 3.6 Contracts for supplies or services acquired from a central purchasing body or for works, supplies or services acquired by using contracts awarded by a central purchasing body, using a dynamic purchasing system operated by a central purchasing body or using a framework agreement concluded by a central purchasing body, providing in each case, this complies with the requirements of Schedule 2 (Exempted Contracts) of the Procurement Act 2023.

4 DELEGATED AUTHORITY

- 4.1 Procurement exercises carried out on behalf of the Authority may only be undertaken by officers with the appropriate delegated authority to carry out such tasks as set out in the Authority’s scheme of delegation. Officers with delegated authority may only delegate to other officers who have the appropriate skills and knowledge appropriate to the task.
- 4.2 Within approved budgets and in accordance with the Annual Procurement Plan where applicable, Authorised Officers may enable members of their staff to place orders against Framework Agreements.
- 4.3 The decision to award any contract which falls above the Procurement Act 2023 Threshold, or which involves any potential TUPE transfer of the Authority’s employees to a Supplier shall be made by the Authority.
- 4.4 The Director, the Assistant Director - Resources, the Assistant Director - Investment Strategy, the Assistant Director - Pensions, Head of Finance and Performance, Head of Governance and Corporate Services and Head of ICT are empowered to seek offers for and award contracts for works, supplies, services or concessions on behalf of the Authority in accordance with these Standing Orders. These officers are empowered to authorise any other suitable officer to lead a procurement process on their behalf, such must be in writing and refer to one or more specific procurement process(es).
- 4.5 Whenever one of the offices specified above is vacant, or he/she is for any reason unable to act, the person(s) specified below shall be authorised to act on his/her behalf for the purposes of these Standing Orders.

Office	Alternate Authority During Vacancy or Inability to Act
Director	Any Assistant Director
Assistant Director – Resources	Director or Any Assistant Director or Head of Finance and Performance
Assistant Director – Investment Strategy	Director or Any Assistant Director or Head of Finance and Performance
Assistant Director – Pensions	Director or Any Assistant Director or Head of Finance and Performance

Head of Finance and Performance	Director or Assistant Director – Resources
Head of Governance and Corporate Services	Director or Assistant Director – Resources or Head of Finance and Performance
Head of ICT	Director or Assistant Director – Resources of Head of Finance and Performance

5 CONFLICTS OF INTERESTS

- 5.1 Under Legislation, Contracting Authorities have a duty to both identify and mitigate any conflicts of interest, or potential conflict of interest.
- 5.2 An “interest” includes a personal, professional or financial interest and may be direct or in-direct. A conflict of interest arises where a person acting on behalf of the Authority in relation to the procurement has a conflict of interest.
- 5.3 Where a conflict of Interest is identified the Authority must undertake all reasonable steps to ensure that a conflict of interest does not put a supplier at an unfair advantage or disadvantage in relation to the procurement. A mitigation may include the removal of the individual(s) identified as having the conflict of interest being removed from the process, or potentially may result in a supplier being removed from the process.
- 5.4 For all Above Threshold procurement processes a Conflicts Assessment must be undertaken in accordance with section 83 of the Procurement Act 2023 prior to a tender or transparency notice being published. The assessment must be reviewed and updated at each stage of the procurement, including the contract management stage.

6 PRE-PROCUREMENT REQUIREMENTS

- 6.1 Prior to undertaking a procurement exercise, Officers must ensure that:
- 6.2 They have ruled out the possibility of the service being provided in-house.
- 6.3 All appropriate advice has been obtained including legal, financial, insurance and other professional advice such as procurement, health and safety and risk management.
- 6.4 Key stakeholders including elected members and Trade Unions if TUPE might apply have been identified and consulted.
- 6.5 The contract value is calculated in accordance with Procurement Act 2023 including whole life costs for the duration of the contract and any period of extension and/or continuing costs.
- 6.6 The proposed expenditure is contained within an approved budget in accordance with the Authority’s Financial Regulations.

- 6.7 Contracts are not disaggregated into 2 or more separate contracts in an attempt to avoid the Procurement Act 2023, or to avoid competition.
- 6.8 Where the procurement is subject to Part 3 (Award of Public Contracts and Procedures) of the Procurement Act 2023, consideration must be given to dividing the contract into smaller lots. Where this is not possible the main reasons for the decision not to subdivide into lots shall be included in the procurement documents or post evaluation report.
- 6.9 Any risks associated with the procurement are identified, assessed, and recorded together with the actions required to manage them.
- 6.10 An initial equality impact assessment is carried out to ascertain whether a more detailed Equality Impact Assessment (EIA) is required to inform the procurement process and subsequent contract management.
- 6.11 The Authority also has an obligation under Legislation, for both Above and Below Threshold procurement processes, to have regard to the fact that small or medium sized enterprises (SME's) may face particular barriers to participation and therefore the Authority must consider whether such barriers can be removed or reduced.
- 6.12 Taking advice where necessary, the procurement is properly categorised for the purpose of the Procurement Act 2023 as being works, supplies, or services, and that any Light Touch Services are correctly identified.

7 EXISTING ARRANGEMENTS & FRAMEWORKS

- 7.1 Where an existing corporate contract is in place with a Supplier for specific goods or services, then these should be used unless there are exceptional reasons why this would not be the best course of action.
- 7.2 In all cases, where no existing corporate contract is in place, consideration should be given to whether existing external arrangements would be appropriate such as the use of public service purchasing consortia (e.g. YPO, ESPO, NEPO, national LGPS frameworks) or existing frameworks in order to benefit from the advantages listed below.
- 7.3 The use of frameworks can save significant time and money, whilst still meeting the Authorities specific requirements. The benefits for the Authority include:
 - (a) Fast, efficient, easy to use legally compliant frameworks that can reduce the cost and time associated with procurement processes
 - (b) Significant reduction in procurement timescales
 - (c) Reduced procurement costs
 - (d) Pre-agreed terms and conditions
 - (e) Ceiling prices that can be further reduced by competition at call off.

7.4 The framework may include a requirement for a mini competition exercise and this shall be tendered in accordance with the framework agreement and where possible these CSOs.

7.5 Due diligence must be carried out to ensure it is legally viable for the Authority to make use of any such consortia arrangement or framework.

8 NOMINATED SUB CONTRACTORS

8.1 If a sub-Contractor or sub-Consultant is to be nominated or named to a main Contractor, they must be procured in accordance with these Contracts Standing Orders and under terms that are compatible with the main contract. The procurement documents should require that the nominated Contractor or Consultant must also be willing to enter into:

(a) a contract with the main contractor on terms which indemnify the main contractor against the main contractor's own obligations under the main contract in relation to the work or goods or materials included in the sub-contract.

OR

(b) an agreement to indemnify the Authority in such terms as may be prescribed.

9 MANAGING SUPPLIER RISK

9.1 Officers must consider any steps necessary to protect the Authority's interests in the event of contractor default. Officers should assess whether additional security is required in the form of a bond, guarantee and retention or, where performance is required by a particular date and where delay would have financial consequences for the Authority, provision for liquidated damages. This consideration should be based on risk to the Authority taking account of the circumstances, including:

- (a) value of the Contract
- (b) impact on business operations
- (c) type of Goods, Services or Works being procured
- (d) payment profile of the Contract
- (e) financial strength of the Suppliers in the market
- (f) affordability and proportionality.

9.2 Under the Procurement Act 2023, a debarment list of "excluded suppliers" will be maintained by central Government. The Authority must review those suppliers bidding for tenders or being awarded contracts by other means, to ensure that the supplier is not on the debarment list. Any supplier on the debarment list must be treated as an excluded supplier and removed from the procurement process and / or not be awarded a contract.

- 9.3 An “excludable supplier” is any supplier that a discretionary exclusion ground (as set out in the Procurement Act 2023) applies to. These are typically related to companies being prosecuted (e.g., for environmental breaches), on financial grounds or for any other permissible discretionary criteria specified by the Authority in the tender.
- 9.4 The Authority may choose to exclude an excludable supplier from a procurement process if it has notified the supplier of the reason why it is being proposed to exclude them and the supplier has been given the opportunity to satisfactorily explain or mitigate the reasons for the exclusion to the Authority.
- 9.5 Where the Authority is potentially excluding a supplier on the grounds of an associated person (e.g. a sub-contractor), the supplier must first be given the opportunity to replace that person.

10 CONTRACT VALUES

All values stated in these CSOs are inclusive of VAT.

- 10.1 Low Value Procurement: Purchasing up to £30,000
- (a) Where no existing contract provider or framework is available, variations in quality are minimal or there is no requirement to evaluate the quality of the goods, services or works, formal issue of a tender/quotation document is not required. Officers should satisfy themselves that they have obtained, and kept a record of, an adequate amount of comparative pricing information to ensure that the best value in terms of economy, efficiency and effectiveness is obtained. The purchase order form shall specify the services, supplies or works to be provided and set out the price and payment terms.
 - (b) Any awarded contract with a value greater than £5,000 shall be recorded on the Contract Register on SYPA tender.
- 10.2 Intermediate Value Procurement £30,000 - £75,000
- (a) In all cases the procurement opportunity and subsequent contract award must be published on SYPA tender (or other equivalent electronic procurement system used by the Authority). A Gateway Approval document must also be completed, and each procurement stage approved and signed.
 - (b) Where no existing contract provider or framework is available, formal competition is required. Where there are a sufficient number of providers in the market, the contract opportunity should be openly advertised or at least three written quotes invited via SYPA tender (or other equivalent electronic procurement system used by the Authority).
 - (c) In exceptional circumstances and considering all the information available an Officer may decide that it is justified to invite less than 3 quotations. In this situation a waiver form (Appendix 1) must be completed and approved before proceeding.
 - (d) The quotation template document shall be used by the Officer which describes as a minimum the services/goods/works to be provided and/or an explanation of the outcomes to be met. The methodology that the Authority will use to

evaluate the quotes must be clearly explained and the quotation document must be made available electronically via SYPA tender (or other equivalent electronic procurement system used by the Authority). This is to ensure that all bidders shall be provided with exactly the same information and to ensure equal treatment.

- (e) The Officer should consider whether the procurement would be of interest to local Suppliers with their headquarters in South Yorkshire and, if it would, at least 2 quotations should be invited from these organisations.
- (f) The use of a pre-qualification stage in procurements which are below the relevant Procurement Act 2023 Threshold for supplies and services is not permitted. Although the use of the Crown Commercial Service (CCS) Standard Selection Questionnaire is not permitted, the exclusion questions and standard selection questions may be used as a guide in developing appropriate and proportionate questions to be used in a one-stage procurement process. Those questions may be used to assess the suitability, capability, legal status, and financial standing of a potential Supplier, provided that the questions are relevant and proportionate to the contract.
- (g) All bids received shall be treated as confidential and will not be used for any other purposes other than that for which they were sought.
- (h) Negotiation should only take place if the quotation documents state that it may take place. Negotiations must be conducted by at least two appropriately authorised Officers and full written records of negotiations must be kept.
- (i) The awarded contract shall be recorded on the Contract Register on SYPA tender and, where the contract value is over £30,000, on the Central Digital Platform.

10.3 High Value Procurement £75,000 to Procurement Act 2023 Threshold

- (a) In addition to the requirements of CSO 10.2 the Officer conducting the procurement should comply with the following.
- (b) Where no existing contract provider or framework is available, formal competition is required. Where there are a sufficient number of providers in the market the contract opportunity should be openly advertised on SYPA tender (or other equivalent electronic procurement system used by the Authority) and the Central Digital Platform or at least four written tenders invited via SYPA tender (or other equivalent electronic procurement system used by the Authority).

10.4 Use of Conditions of Participation

- (a) In procurements for goods and services which are valued below the Procurement Act 2023 Threshold for goods and services, Officers need to decide whether it is necessary to assess a Supplier's eligibility, financial standing and technical capacity. If the Authorised Officer decides that this assessment is necessary, it must be carried out in compliance with the Procurement Act 2023, within a one stage procurement exercise and the Standard Selection Questionnaire may not be used.

- (b) In procurements that exceed the Procurement Act 2023 Threshold for goods, services or works, the Authority shall only enter into a contract if it is satisfied as to the Supplier's eligibility, financial standing, and technical capacity.
- (c) Potential Suppliers should be permitted to self-declare that they meet the relevant criteria in the Supplier selection stage. Only the winning Supplier (and any organisations relied upon to meet the winning Supplier's selection criteria) should submit evidence. This reduces the need for potential Suppliers to submit supporting documents every time they wish to bid for a public contract.
- (d) If the winning Supplier fails to provide the required evidence within set timeframes, or the evidence proves unsatisfactory, the award of the contract should not proceed. Officers may then choose to amend the contract award decision and award to the second-placed Supplier, provided that they have submitted a satisfactory bid. Alternatively, the procurement process may be terminated.

10.5 Procurement Thresholds

- (a) Where the estimated value of a contract for works supplies or services exceeds the current Procurement Act 2023 Threshold amounts set out in Schedule 1 to the Act, the contract will be tendered in accordance with the Act and these CSOs.
- (b) In addition to CSO 10.2 and 10.3, the Officer conducting the procurement must comply with the following.
- (c) Contract notices and award details must be submitted for publication on the UK e-notification service, the Central Digital Platform and SYPAtender (or other equivalent electronic procurement system used by the Authority).
- (d) The Procurement Act 2023 threshold amounts are normally reviewed every two years. The threshold amounts currently in place are specified in the Definitions section of these Contract Standing Orders for reference.
- (e) However, it is the Officer's responsibility to check the current Procurement Act thresholds in place at the time of undertaking the procurement.
- (f) Officers conducting procurement for contracts for works, supplies or services valued above the Procurement Act 2023 Threshold must consider whether the goods, works or services could reasonably be supplied under more than one contract and if these contracts could appropriately be awarded by reference to lots. If it is considered that this could be reasonable and appropriate, then the reason for any decision not to do so must be documented.

10.6 Open Procedure

- (a) In the open procedure, any interested Supplier may submit a tender in response to a contract notice. An open procedure may be used for contracts below and above the Procurement Act 2023 Threshold.
- (b) Where the Procurement Act 2023 applies, the minimum time limit for the receipt of tenders is 25 days from the date on which the contract notice is submitted

where tenders may be submitted by electronic means.

- (c) The invitation to tender shall be accompanied by information regarding the evaluation criteria to be used by the Authority.
- (d) Where the Authority has published a qualifying planned procurement notice which was not itself used as a means of calling for competition, the minimum time limit for the receipt of tenders, subject to specific conditions being met, may be shortened further. Advice should be sought from a suitably qualified person to ensure that conditions of the Procurement Act 2023 are fulfilled.

10.7 Competitive Flexible Procedure

- (a) The competitive flexible procedure is a multi-stage procedure that allows the Authority the flexibility to design its own stages of procurement. The Authority may choose to incorporate numerous processes into the procedure, such as negotiation, dialogue or a demonstration stage. Advice should be sought from a suitably qualified person to ensure that conditions of the Procurement Act 2023 are fulfilled.
- (b) The tender notice will set out clearly how the competitive flexible procedure is to be carried out. For example, if the intention is to limit the number of suppliers generally or in respect of particular tendering rounds or other selection processes, the criteria by which those suppliers will be chosen must be in the tender notice or, if the procedure is to include negotiation, that must be stated.
- (c) The time limit for receipt of invited tenders is 25 days from the invitation to tender date where tenders may be submitted by electronic means.
- (d) Where the Authority has published a qualifying planned procurement notice which was not itself used as a means of calling for competition, the minimum time limit for the receipt of tenders, subject to specific conditions being met, may be shortened further.

10.8 Publicity and Advertising

The Authority has legal obligations to ensure that contract opportunities and details of subsequent contract awards are suitably advertised, and that procurement activity is conducted in a transparent manner.

- (a) Details of all contracts awarded valued at £5,000 or more must be published on SYPA tender (or other equivalent electronic procurement system used by the Authority).
- (b) All contracts valued at £30,000 (inclusive of VAT) or more must be advertised on SYPA tender (or other equivalent electronic procurement system used by the Authority) and on the Central Digital Platform. Award details must be published on SYPA tender (or other equivalent electronic procurement system used by the Authority) and Central Digital Platform. All contracts for works, supplies or services valued above the applicable Procurement Act 2023 Threshold, must be advertised on the Central Digital Platform and on SYPA tender (or other equivalent electronic procurement system used by the Authority). Award details must also be published on the Central Digital Platform

and SYPA tender (or other equivalent electronic procurement system used by the Authority).

- (c) Where contracts have a value over £5,000,000 there is an additional requirement to publish the contract documents (redacted where necessary) and any associated KPI's. The KPI scores shall be published as a minimum annually.
- (d) Procurements through framework agreements need not be published on the Central Digital Platform. If a mini competition is required, publishing will be in accordance with the requirements of the framework agreement. Where the mini competition is managed outside of SYPA tender (or other equivalent electronic procurement system used by the Authority) the subsequent contract award must be added to the contract register on SYPA tender (or other equivalent electronic procurement system used by the Authority) and, dependent on the value of the contract, the award details must be published in accordance with this section 10.8 (a) to (c).

11 INVITATION TO TENDER

11.1 The invitation to tender shall include details of the Authority's requirements for the contract including:

- (a) a description of the services, supplies or works being procured.
- (b) the procurement timetable including the tender return date and time, which shall allow a reasonable period for the applicants to prepare their tenders.
- (c) a specification and instructions on whether any variants are permissible.
- (d) the Authority's terms and conditions of contract, form of contract and bond.
- (e) the evaluation criteria and sub-criteria including any weightings.
- (f) pricing mechanism and instructions for completion.
- (g) whether the Authority is of the view that TUPE may apply.
- (h) form and content of method statements to be provided.
- (i) rules for submitting of tenders.
- (j) any further information which will inform or assist tenderers in preparing tenders.

12 PRE-TENDER SUBMISSION CLARIFICATION

12.1 Where either the Authority or a tenderer seeks to clarify any aspects of the tender documentation adequate time must be allowed for both the clarification question and the response.

12.2 Clarification questions and responses must be in writing and recorded in a log.

- 12.3 In procurements for works, supplies, or services above the applicable Procurement Act 2023 Threshold, a minimum of 6 days must be allowed between the last clarification response and the tender submission deadline, if this is not possible the tender return deadline should be extended. To avoid malicious clarifications being raised with the intention of extending the tender period the Officer should state in the tender documents the latest date that tenderers may raise clarification questions.
- 12.4 Unless the clarification is of a confidential nature both the question (anonymised) and the response must be issued to all tenderers.

13 TENDER INVITATION AND SUBMISSION

- 13.1 Tender documents for procurements that have a contract value of £30k or more, including mini competitions under external frameworks, must be made available electronically and where possible by using SYPA tender (or other equivalent electronic procurement system used by the Authority).
- 13.2 Where the contract value is £30k or more, the Officer must ensure that tenders/quotes may be submitted by electronic means, via SYPA tender (or other equivalent electronic procurement system used by the Authority).

14 HARD COPY TENDERS

The Authority's standard method of receiving tender submissions is by electronic means.

15 TENDER OPENING

- 15.1 Electronic tenders shall be opened by the officer specified in the Gateway Approval Document.
- 15.2 An immediate record shall be made including date and time of opening and name and address of tenderer(s).

16 MANAGING LATE SUBMISSIONS

- 16.1 SYPA tender does not allow tenders to be submitted after the deadline.
- 16.2 Late bids may only be accepted with the approval of the Monitoring Officer where the bidder has gained no advantage as a result of the late submission and for reasons where the late submission is through no fault of the bidder, for example where there is evidence that SYPA tender (or other equivalent electronic procurement system used by the Authority) was unavailable.

17 MANAGING ERRORS AND AMBIGUITIES

- 17.1 Tender Documents must state how errors in tenders will be dealt with. Whichever process is followed it must be transparent and fair to all tenderers.
- 17.2 Subject to the principles of equal treatment and non-discrimination, where a tenderer has made a material and genuine error, they may be given an opportunity to correct that error prior to tender evaluation. If correction is permitted the tenderer must submit the required information within a strict time limit. Failure to meet the time limit will result

in the tenderer being given the choice to stand by the bid as submitted or withdraw their tender.

- 17.3 Where information or documentation submitted appears to be incomplete or erroneous, or where specific documents are missing, the Authority may request the tenderer concerned to submit, supplement, clarify or complete the relevant information or documentation within a strict time limit provided that such requests are made in full compliance with the principles of equal treatment and transparency. Failure to meet the time limit will result in the tenderer being given the choice to stand by the bid as submitted or withdraw their tender.
- 17.4 Other errors in tender submissions should be dealt with either by asking the tenderer to confirm that they will honour their tender submission despite their error or if not withdraw the tender from the procurement process.
- 17.5 If a Contractor agrees to stand by an error which jeopardises its ability to perform the contract to the standard required, or may result in legal dispute, then the Authority should consider whether this renders the bid to be unacceptable.

17.6 Abnormally Low Tenders

Where a tender appears to be abnormally low the Officer should request that the tenderer explains the tendered price in writing and considers the evidence provided. Should a satisfactory explanation not be provided the bid should be rejected.

18 POST TENDER CLARIFICATION AND NEGOTIATION

- 18.1 Where an aspect of a submitted tender is genuinely unclear the Officer may request that the tenderer provides clarification of that matter. The response must only clarify the relevant part of the original tender and not contain any new information. Anything that is submitted and goes above and beyond clarification must be disregarded in the evaluation.
- 18.2 All clarifications and responses must be in writing and recorded in a log. It is important that clarifications are not used as a means to negotiate and advice should be sought if there is any doubt whether something is clarification or negotiation.
- 18.3 Where the Procurement Act 2023 applies, post tender negotiations are not permitted in open procedures. Providing that the intention has been set out clearly in the tender documents, post tender negotiations may take place in competitive flexible procedures only.
- 18.4 In procurements for works, supplies or services where the Procurement Act 2023 does not apply because the contract value is below the applicable threshold and it is considered that post tender negotiations are in the Authority's interests and may achieve added value, then post tender negotiations may, subject to 18.5, exceptionally be appropriate where authorised by the Director and the Monitoring Officer except, where the Director is seeking the authority in which case it will be authorised by the Monitoring Officer and the Assistant Director – Resources.
- 18.5 Post tender negotiations must only take place where they do not distort competition or disadvantage any bidder. The process should be transparent and non-discriminatory

and ensure bidders are treated equally. Post tender negotiations with any tenderers must be in accordance with the following conditions:

- (a) Post tender negotiation should only take place if the tender documents state that it may take place.
- (b) Conducted by a team of suitably experienced Officers.
- (c) Written records of the negotiations are kept, and a clear written record of the added value obtained is incorporated into the contract.

19 EVALUATING TENDERS

- 19.1 The tender evaluation criteria including sub-criteria and all weightings shall have been predetermined and published in the tender documents. The criteria shall be strictly observed at all times throughout the evaluation process by any Officer involved in the tender evaluation. The tenders must be evaluated in accordance with the Procurement Act 2023 and the evaluation criteria as set out in the tender documents. Except where lowest price was predetermined to be the appropriate criteria, the contract shall be awarded to the offer that represents the most advantageous tender assessed from the point of view of the Authority.
- 19.2 Detailed records must be kept of the evaluation process and the individual or consensus scores allocated, including the reasons why each score was given. Records should be saved electronically (PDF format) and stored in accordance with the Authority's Records Retention Policy.

20 AWARDING CONTRACTS

- 20.1 The Authority shall only award a contract where this represents the most economically advantageous tender. A contract may only be awarded by an officer with the requisite delegated authority to award contracts. No contract shall be executed as a deed except under seal.
- 20.2 Contracts below £75,000 may be signed by an officer with appropriate delegated authority i.e. the Director, Assistant Director – Resources, Assistant Director – Investment Strategy, Assistant Director – Pensions, Clerk, Head of Governance and Corporate Services, Head of Finance and Performance, and Head of ICT.
- 20.3 All contracts valued at £200,000 or above shall be executed under seal unless the Clerk approves other arrangements.
- 20.4 For all procurements valued at £250,000 or more the decision to award a contract shall be made by an Officer listed at 4.4.
- 20.5 Electronic signatures may be used in accordance with the Electronic Signature Regulations 2002 provided the sufficiency of security arrangements has been approved by the Monitoring OfficerClerk.
- 20.6 Every contract must be in writing and must be concluded (executed by all parties) prior to the commencement of any works, services, or any supply. Exceptionally, and only for certain categories of procurement such as construction, a letter of intent may be utilised to enable forward planning and mobilisation activities. Proceeding under a

letter of intent can give rise to risks and suitable legal advice should always be sought before utilising a letter of intent.

- 20.7 When a contract is awarded, the Officer must ensure that the award is published on SYPA tender (or other equivalent electronic procurement system used by the Authority), and if over £30,000 on the Central Digital Platform.
- 20.8 In exceptional cases where SYPA tender (or other equivalent electronic procurement system used by the Authority) has not been utilised the Officer must ensure that the contract is added to the contract register.
- 20.9 The Monitoring Officer~~Clerk~~ shall submit a report regarding the award of any procurement valued at £250,000 or more to the earliest available meeting of the Authority.
- 20.10 The Monitoring Officer~~Clerk~~ shall submit an annual report to the Audit and Governance Committee listing all contracts, including those awarded under framework agreements or through joint procurement, awarded in the given year that exceed £30,000 in value.

21 RECORDS AND RETENTION

- 21.1 The Authorised Officer with delegated authority in respect of a particular procurement shall maintain a list of all tenders received.
- 21.2 A Contracts Register of all contracts awarded above £5,000 shall be maintained and made publicly available by the Director on behalf of the Authority. The Contracts Register may be maintained electronically on SYPA tender (or other equivalent electronic procurement system used by the Authority).
- 21.3 For every individual contract a file shall be maintained for a period of 6 years.

22 DEBRIEFING AND FEEDBACK

- 22.1 Feedback is not required for quotations up to £30,000
- 22.2 Once a decision to award a contract at £30,000 and above is made all tenderers must be notified at the same time, as soon as possible, in writing, of the intention to award the contract to the successful bidder, giving reasons for the decision.
- 22.3 The Authorised Officer will provide the evaluation results (tenderers score and winning tenderers score) to unsuccessful tenderers and will offer to provide further written feedback.
- 22.4 Where unsuccessful tenderers request a further debrief this should be provided to them in writing.
- 22.5 Before entering into a contract, the officer must ensure that the Authority publishes a contract award notice on the Central Digital Platform in accordance with Section 50 of the Procurement Act 2023. This notice shall provide advance information to suppliers and other interested parties that the Authority intends to enter into a contract and provides certain information about the contract. Generally, the contract award notice will initiate a standstill period of at least **8 working days**. This is the case for all

contracts above the relevant Procurement Act 2023 Threshold with only certain exceptions as specified in Section 51 (3) of the Act.

Failure to comply can result in a challenge and the contract being set aside.

- 22.6 If an unsuccessful bidder informs the Authority that it has issued a claim form in the High Court under the Procurement Act 2023 challenging the decision to award the contract, and the contract has not already been entered into, then the award process must be postponed, and suitable legal advice obtained.

23 CONTRACT MANAGEMENT

The Officer is responsible for ensuring that an appropriate and proportionate level of contract management procedures and practices are put in place.

23.1 Contract Variation

A contract variation can constitute a new award/contract. Where:

- (a) the value of the modification is above the value of the relevant Procurement Act 2023 threshold; or
- (b) the value of the modification is above 10% of the value of the initial contract (as calculated in accordance with the Procurement Act 2023); or
- (c) the modification alters the overall nature of the contract or framework agreement,

The Procurement Act 2023 must be followed where applicable and suitable legal advice obtained. Approval to implement a contract variation must be requested by completion of a business case as part of the Procurement Gateway Approval document.

All Contract variations must be in writing, signed by both parties and the contract register should be updated accordingly. Where the contract variation meets any of the points in 23.1 a contract variation notice must be published on the Central Digital Platform.

23.2 Contract Novation

- (a) Novation involves an agreement to change a contract by substituting the original contractor with another. Where the Authority is approached regarding novation, the Authorised Officer should seek advice as follows:
- (b) For services or supplies contracts under the applicable Procurement Act 2023 Threshold or works contracts under £250,000 either the Assistant Director – Resources or Monitoring Officer should be consulted for advice.
- (c) For services or supplies contracts valued above the Procurement Act 2023 Threshold or works contracts valued above £250,000 suitable legal advice must be sought in addition.
- (d) Approval to implement a contract novation must be requested by completion of

a business case as part of the Procurement Gateway Approval document.

23.3 Contract Extension

- (a) The Authorised Officer shall always be satisfied that a contract extension will achieve value for money, is reasonable in all the relevant circumstances and should take legal advice regarding its execution.
- (b) Where the contract value exceeds the relevant Procurement Act 2023 threshold, contract extensions are only permitted if:
 - (i) there is provision in the contract to do so; or
 - (ii) there is a lawful basis for extension in accordance with Section 74 of the Procurement Act 2023,and the contract has not already expired. Once a contract has expired it cannot then be extended.
- (c) Where a contract is extended the contracts, register should be updated accordingly.
- (d) Approval to implement a contract extension must be requested by completion of a business case as part of the Procurement Gateway Approval documents.

23.4 Contract Termination

- (a) Either party to the contract may terminate a contract early, by agreement, in accordance with the termination provisions set out in the contract. For any contract exceeding £250,000 in value, the agreement to terminate the contract shall be approved by the Authority.
- (b) Where termination is initiated by the contractor, or is planned to be initiated by the Authority, under circumstances that are not by mutual agreement, legal advice must be obtained.
- (c) Approval to implement a contract termination must be requested by completion of a business case as part of the Procurement Gateway Approval document.
- (d) Where the contract termination meets any of the points in 23.1 a contract variation notice must be published on the Central Digital Platform.

23.5 Contract Review and Exit

At least twelve months prior to the expiry of the contract the Officer should have in place an exit plan. The exit plan should contain, as a minimum, provision for the handover of any assets or data, a strategy for post exit arrangements and if necessary, plans for re-procurement, including allowance of time for any required approval processes.

24 JOINT PROCUREMENT

- 24.1 Any joint procurement arrangements with other local authorities or public bodies including membership or use of purchasing consortia for procurements above £250,000 shall be approved by the Monitoring Officer. Approval shall only be given where the joint procurement arrangement assures compliance with the Procurement Act 2023 (where applicable). This clause does not apply to framework agreements.
- 24.2 The Authorising Officer must be satisfied that any joint procurement shall be undertaken in accordance with the principles of these CSOs.
- 24.3 Approval to embark on a joint procurement exercise must be requested by completion of a business case as part of the Procurement Gateway Approval document.

25 PROCUREMENT BY CONSULTANTS

Any Consultants used by the Authority shall be appointed in accordance with these contract standing orders. Where the Authority uses Consultants to act on its behalf in relation to any procurement, then the Authorised Officer shall ensure that the Consultants carry out any procurement in accordance with these contract standing orders, or using an equivalent market appropriate, open and transparent process that is compliant, where applicable with the Procurement Act 2023. Consultants shall only be permitted to make recommendations on whether to award a contract or who a contract should be awarded to. The Authorised Officer shall ensure that the Consultant's performance is monitored.

26 PURCHASING CARDS

Purchasing cards shall be used in accordance with these standing orders.

27 REVIEW AND AMENDMENT OF CONTRACT STANDING ORDERS

These contract standing orders shall be reviewed and updated on a regular basis as determined by the Authority and changes to titles, statutory thresholds and minor amendments will be undertaken in consultation with the Monitoring Officer from time to time. Amended contract standing orders shall be agreed periodically as determined by the Monitoring Officer and adopted by the Authority.

28 WAIVERS OF CONTRACT STANDING ORDERS

- 28.1 While the Authority may choose to waive certain requirements within these Contract Standing Orders, it is important to note that the requirements of the Procurement Act 2023 cannot be waived under any circumstances.
- 28.2 Circumstances where a Waiver to the requirement for competition may be justified include for example, the procurement of goods, materials, works or services which are obtainable only from one supplier, where no equivalent or reasonably satisfactory alternative is available, and no genuine competition can be obtained.
- 28.3 In order to waive a Contract Standing Order, the Officer must complete the waiver form attached to these CSOs at Appendix 1. The waiver form may be authorised by one of the following:

~~the Clerk,~~

- (a) the Assistant Director – Resources, or
- (b) the Director.

- 28.4 Where it is necessary to waive CSOs because of an unforeseeable emergency involving immediate risk to persons or property, serious disruption to the Authority, or other significant situation that requires urgent action, the Authorised Officer may, after consulting with an officer listed at CSO 4.4 and 28.3 above jointly approve the waiver without completion of a waiver form up to a maximum of £75,000. The Officer must prepare a report describing the situation and actions taken for submission to the next appropriate Authority meeting.
- 28.5 All applications to waive Contract Standing Orders and a record of the decision to approve or reject the application must be recorded on the Authority's CSO Waiver Log.
- 28.6 Where any contract standing order indicates that an Officer “must” follow a certain course of action that contract standing cannot be waived under any circumstances. All other contract standing orders must be complied with unless otherwise authorised via the waiver process.
- 28.7 Where the value of a direct award approved via a waiver exceeds the relevant Procurement Act 2023 Threshold, the Authority must publish a Transparency Notice setting out that it intends to award a contract directly. The Transparency Notice must be published prior to the Contract Award Notice.

DEFINITIONS

“Authorised Officer”	A person with appropriate delegated authority to act on the Authority’s behalf.
“Authority”	South Yorkshire Pensions Authority; or any designated Committee of the Authority that has delegated powers to act on behalf of the Authority.
“Below Threshold Contract”	Not a covered procurement but may be subject to obligations in Part 6 of the Procurement Act.
“Central Digital Platform”	The web-based procurement portal provided by or on behalf of the UK Government Cabinet Office for the publication of notices, documents and other information in relation to the Procurement Act.
“Competitive Flexible Procedure”	A competitive tendering procedure carried out in accordance with the tender notice and any associated tender documents to award a contract to the most advantageous tender.
“Conflict of Interest”	A conflict of interest arises in a procurement context where there is a conflict between the interests of a

	person acting in relation to a procurement and those of the procurement itself.
“Conflicts assessments”	Pre, during and post procurement reviews of the conflicts of interest risks in relation to that procurement.
“Consultant”	<p>Provider of professional services or expertise engaged to:</p> <ul style="list-style-type: none"> a) provide expert analysis and advice which facilitates decision making, b) provide a specific, one-off task or set of tasks; and c) perform a task involving skills or perspectives which would not normally be expected to reside within the Authority.
“Contract”	Means an agreement between the Authority and any Contractor or Supplier made by formal agreement or by issue of a letter of acceptance or official order for goods, works or services.
“Contractor”	Any person or body of persons providing, or seeking to provide, supplies, services or works to the Authority. May be used interchangeably with Supplier.
“Contracts Register”	A public register held and maintained by the Authority containing details of contracts valued at £5,000 or more.
“Debarment List”	A published list of excluded (where a mandatory exclusion ground applies) or excludable (where a discretionary exclusion ground applies) suppliers.
“Evaluation Criteria”	Criteria to assess tenders against for the purpose of awarding a public contract to the most advantageous tender (MAT)
“Framework Agreement”	An agreement which allows an Authority to call off from a Supplier to provide supplies, services or works in accordance with the terms of the agreement. The Framework Agreement itself usually constitutes a nonbinding offer with no obligations on the Authority to call off from the Supplier. If the Authority calls off from the Supplier a binding contract comes into being.

“Light Touch Services”	Public contracts for social and other specific services as set out in the Procurement Act 2023.
“Monitoring Officer”	The Monitoring Officer performing the functions of the “Monitoring Officer” as described under section 5 of the Local Government and Housing Act 1989.
“Most advantageous tender”	Shall bear the same meaning ascribed by the Procurement Act 2023
“must”	An instruction to follow a certain course of action that cannot be waived under any circumstances.
“National Procurement Policy Statement”	The Ministerial statement setting out the Government’s strategic priorities in relation to procurement that a contracting authority must have regard to during their procurement activities.
“Procurement Act 2023 Threshold”	<p>The relevant threshold prescribed by Schedule 1 of the Procurement Act 2023.</p> <p>As at January 2024, the thresholds relevant to the Authority are as follows: (all figures are inclusive of VAT)</p> <ul style="list-style-type: none"> • Contract for the supply of goods or services (which may be mixed contracts that contain some works elements) to a sub-central government authority: £214,904 • Works contract: £5,372,609
“Supplier”	Any person or body of persons providing, or seeking to provide, supplies, services or works to an Authority. May be used interchangeably with Contractor.
“SYPA tender”	The Authority’s electronic procurement system.
“Tender Documents”	Documents that supplement the tender notice and provide duplicate information or further detail about the procurement and could include things like the specification, evaluation methodology, terms and conditions etc.
“TUPE”	The Transfer of Undertakings (Protection of Employment) Regulations 2006.

APPENDIX 1

Waiver Form

Report by:	[insert name and job title of Officer making the request]
Telephone:	
Email:	
Date	

Subject: Request to waive contract standing order(s) in respect of [insert name of project/procurement]

1 BACKGROUND

Request to waive Contract Standing Order Number: [insert CSO number]

Name of Supplier(s): [insert]

Contract Value(s): [insert]

Contract Dates: [insert]

2 REASON FOR REQUEST AND RECOMMENDED COURSE OF ACTION

[The report must give the reasons why the request is being made and explain the recommended course of action. Sufficient information must be included to enable the authorised Officer to make a decision. For example; Justification for using the Supplier including details of previous contracts (dates, value and scope) Information demonstrating that value for money is being achieved including any savings being secured by this approach. Identification of any social, economic or environmental advantages from this course of action]

3 CONSEQUENCES OF PROPOSED WAIVER NOT BEING APPROVED

[A statement should be included explaining the consequences of the proposed action not being approved.]

4 LEGAL IMPLICATIONS

[Insert details of any legal advice that has been obtained and/or any legal risks that have been identified]

5 RECOMMENDATIONS

It is recommended that approval is given to waive Contract Standing Order [insert] and to proceed as proposed in this report.

6 DECISION

Based on the information / reasons detailed above, the request to waive the Contract Procedure Rule(s) as proposed in this report is approved/rejected (delete as appropriate).

Signed

Date

Comments

Designation (delete): ~~Clerk~~ / Assistant Director – Resources / Director

Codes and Protocols

March 2025~~June 2023~~

Members' Code of Conduct

March 2025~~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

Officers' Code of Conduct

March 2025~~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~~document 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 Corporate Services 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 ~~trade~~trade 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.

The code will be brought to all employees attention and they will be asked to confirm that they have read and understood it.

~~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, 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

March 2025~~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 Director~~, the ~~Clerk~~, the Assistant Director - Resources and the Head of Governance and Corporate Services 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/Director 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 ClerkDirector 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 Head of Paid ServicesClerkDirector.
- (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 Director 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 Director 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 ClerkDirector. If the matter cannot be resolved informally, more formal action may be required.

Conflicts of Interest Policy

March 2025~~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), Local Pension Board members, 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 including the Local Pension Board.

- 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 and Corporate Services 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 the Authority. 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).

~~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.

4.2 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.

4.3 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.

4.4 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.

4.5 **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 and Local Pension Board Members**

In addition to the requirements of this Policy, Pension Authority members and co-opted members and Local Pension Board 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~~Director 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~~Governance and Corporate Services 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, LOCAL PENSION BOARD MEMBERS AND EMPLOYEES

What is required	How this will be done
<p>Step 1 - Initial identification of interests which are or could give rise to a conflict.</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 ClerkMonitoring Officer (for members) or Director (for employees) and submitted to governanceteam@sypa.org.uk, who will in conjunction with the Head of Governance and Corporate Services 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>Step 2 - Ongoing notification and management of potential or actual conflicts of interest</p>	<p>At the commencement of any Pensions Authority, Committee, <u>Local Pension Board</u> 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</p>

	<p>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 the Head of Governance <u>and Corporate Services</u> 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 <u>and Corporate Services</u> 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 <u>and Corporate Services</u> and where it relates to the business of any meeting, also to the Chair of that meeting. The Head of Governance <u>and Corporate Services</u>, 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>Step 3 - Periodic review of potential and actual conflicts</p>	<p>At least once every 12 months, the Head of Governance <u>and Corporate Services</u> will provide <u>provide</u> 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 <u>Governance and Corporate Services</u> and submitted <u>submit</u> to <u>to</u> governanceteam@sypa.org.uk <u>governanceteam@sypa.org.uk</u> 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 Corporate Services ~~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 of 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.
- 1 A member of the Pensions Authority is on the board of an adviser / supplier / investment manager that the Authority is considering appointing.
- 2 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.
- 3 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.
- 4 The person appointed to consider internal disputes is asked to review a case relating to a close friend or relative.
- 5 The Pensions Authority is considering buying support services from an external source, rather than maintaining the current arrangement for 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.
- 6 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.
- 7 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.
- 8 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.
- 9 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.

- 10 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.
- 11 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.
- 12 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

March 2025~~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 and Corporate Services 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:

- 8 complying with the law (including any relevant Codes of Conduct).
- 9 complying with any General Guidance issued, in relation to standards matters.
- 10 making lawful and proportionate decisions; and
- 11 complying with the Council's Constitution and Procedure Rules
- 12 generally, not taking action that would bring the Authority, their offices, or professions into disrepute
- 13 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 Authority. 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:

- 14 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.
- 15 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.
- 16 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.
- 17 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.
- 18 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.
- 19 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.
- 20 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.
- 21 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.
- 22 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.

- 23 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.
- 24 maintain and keep up-to-date relevant statutory registers for the declaration of members' interests, gifts and hospitality.
- 25 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.
- 26 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.
- 27 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.
- 28 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.
- 29 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~~ 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 ~~Authority's Council's~~ Authority'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~~ 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 Authority'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

Description	Source
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 Authority'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

March 2025~~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.

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

March 2025~~une 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 13 March 2025 and will be reviewed at least every three years by the Head of Governance and Corporate Services.

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.
- e.d. Non-voting members may not also be members of the Local Pension Board.

Members' Allowance Scheme

June 2023

(Updated March 2025 with 2024/25 Rates)

THE SOUTH YORKSHIRE PENSIONS AUTHORITY MEMBERS' ALLOWANCE SCHEME 2023

1 INTRODUCTION

- 1.1 The Members' Allowance scheme originally commenced on 1 April 2020.
- 1.2 This update to the Members' Allowance scheme shall commence on 9th June 2023 and shall continue in force until subsequently amended or revoked.
- 1.3 This scheme can be adjusted with reference to the NJC annual percentage salary increase, specifically with reference to Spinal Column Point 43 (2023) without further reference to the independent process.
- 1.4 In this Scheme:
- (a) **"the Authority"** means the South Yorkshire Pensions Authority
 - (b) **"LPB"** means the Local Pension Board
 - (c) **"A&G Committee"** means the Audit and Governance Committee
 - (d) **"Authority Member"** means an elected member appointed to the Authority by one of the constituent district councils
 - (e) **"Authority Non-Voting Member"** means a co-opted member of the Authority as per Part 2 of the Constitution, Paragraph 2.1 (b).
 - (f) **"Year"** means any period of 12 months ending 31st March in any year.

2 ALLOWANCES – AUTHORITY & LOCAL PENSION BOARD MEMBERS AND INDEPENDENT AUDIT & GOVERNANCE COMMITTEE MEMBER

- 2.1 Each year a Basic Allowance, as set out in Schedule 1, shall be paid to each Member of the Authority who is not otherwise in receipt of a Special Responsibility Allowance as set out in paragraph 3 of this Scheme, and the same Basic Allowance will also be paid to each Non-Voting Member of the Authority.
- 2.2 Each year a Local Pension Board Allowance as set out in Schedule 3 shall be paid to each member of the LPB. The details set out in Schedule 3 show the different allowances payable for the LPB Chair, the LPB Vice Chair and LPB Members.
- 2.3 Each year an allowance as set out in Schedule 4 shall be paid to the Independent Member of the A&G Committee.
- 2.4 Where any individual holds more than one of the membership positions entitled to an allowance, only one allowance – whichever is the highest value – will be paid.
- 2.5 Where the term of office of an Authority or LPB or A&G Committee Independent Member begins or ends otherwise than at the beginning or end of a year, the entitlement of that Member will be to such part of the relevant Allowance as is proportionate to the number of days served by that Member in that year as is proportionate to the number of days in that year.

- 2.6 Where any payment of any allowance has already been made in respect of any period during which a Member ceases to be a Member, or in anyway not entitled to receive the allowance in respect of that period, then the Authority may require repayment of the allowance.
- 2.7 An Authority, LPB or Independent Member may, by notice in writing given to the Head of Governance, elect to forgo all or any part of her/his allowance under this scheme.
- 2.8 This scheme may be amended at any time on receipt by the Authority of a recommendation generated by the necessary independent process, or the requirements of paragraph 1.3.

3 SPECIAL RESPONSIBILITY ALLOWANCE

- 3.1 Each year a Special Responsibility Allowance shall be paid to those Authority Members who have the special responsibilities in relation to the Authority that are specified in Schedule 2 and are not otherwise in receipt of a Basic Allowance.
- 3.2 The amount of each Special Responsibility Allowance shall be the amount specific against that special responsibility in Schedule 2.
- 3.3 Where a Member does not have throughout the whole year any such special responsibilities as entitle them to a Special Responsibility Allowance, her or his entitlement to a Special Responsibility Allowance is proportionate to the number of days served by that Member in that year as is proportionate to the total number of days in that year.
- 3.4 Any Member who holds more than one position of special responsibility shall be entitled to receive the higher allowance listed in Schedule 2. Members may not receive an allowance for more than one position.
- 3.5 Where payment of any allowance has already been made in respect of any period during which a Member ceases to be a Member, in anyway not entitled to receive the allowance in respect of that period the Authority may require repayment of the allowance.
- 3.6 A Member may, by notice in writing given to the Head of Governance, elect to forgo all or any part of her/his allowance under this scheme.
- 3.7 This scheme may be amended at any time on receipt by the Authority of a recommendation generated by the necessary independent process, or the requirements of paragraph 1.3.

4 TRAVEL ALLOWANCE

Members are entitled to be reimbursed by the Authority in respect of travel costs incurred in connection with undertaking their duties as members of the Authority, LPB or as Independent Member of the A&G Committee, Schedule 55 sets out the definition of approved duties.

Car

- (a) Subject to provision of fuel receipts, mileage at a rate of £0.45 per mile, such

rate to be adjusted in line with any changes in the HMRC's Mileage Allowance Payments (MAPs).

- (b) Reimbursement of car parking charges subject to provision of receipts or tickets.

Rail

- (c) All travel for approved duties outside the County must be pre-booked by the Authority's staff. Staff will book standard class rail tickets. Details of the process for booking rail travel will be separately provided to Members.

Taxi

- (d) The cost of taxi fares where public transport is not readily available will be reimbursed subject to approval by the Monitoring Officer and on production of a receipt.

Bus

- (e) Bus fares will be reimbursed subject to a receipt being provided.

5 SUBSISTENCE

- 5.1 Subsistence allowances will only be payable for approved duties undertaken outside of the County where Members are absent for more than 4 hours. The allowances payable will be the same as for the Authority's staff and will only be paid on production of receipts for the actual expenditure incurred. These allowances will be updated when allowances for staff are updated.

Breakfast (Where required to leave home before 6am)	£ 9.00
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Lunch (Where required to include the hours 12 noon – 2pm)	£12.00
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Evening Meal (Where required to work continuously after 8pm)	£15.00
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- 5.2 Where an Authority, LPB or Independent A&G Committee Member is required to undertake an overnight stay while undertaking duties on behalf of the Authority the accommodation will be pre-booked and paid for on their behalf by the Authority's staff on a bed and breakfast basis. Any additional costs incurred must be met by the individual member directly. In general, the policy adopted for the Authority's staff in terms of the type of accommodation to be booked will be followed. Where accommodation is booked in association with attendance at a conference then a degree of discretion will be used by officers in booking accommodation at or near to the conference venue depending upon the terms of booking the conference.

SCHEDULE 1

The Basic Allowance for Authority Members and Authority Non-Voting Members

Subject to paragraph 2.1 of this scheme, the amount of the basic allowance is as shown in the following table:

	Authority Member	Authority Non-Voting Member*
Period	Amount Per Annum	Amount Per Annum
1 April 2020 to 31 March 2021	£4,140	N/A
1 April 2021 to 31 March 2022	£4,212	N/A
1 April 2022 to 31 March 2023	£4,383	N/A
1 April 2023 to 31 March 2024	£4,554	£4,554
1 April 2024 to 31 March 2025	£4,668	£4,668

* Allowance scheme for non-voting members commenced from 9 June 2023.

SCHEDULE 2

Special Responsibility Allowances for Authority Members

The following are specified as the special responsibilities in respect of which a special responsibility allowance is payable, and the amounts of those allowances subject to the provisions contained in paragraphs 3.3 to 3.5 of this scheme.

Office Holder:	Chair	Vice Chair	Section 41 Spokesperson
Period	Amount Per Annum	Amount Per Annum	Amount Per Annum
1 April 2020 to 31 March 2021	£10,893	£6,537	£4,902
1 April 2021 to 31 March 2022	£11,085	£6,651	£4,989
1 April 2022 to 31 March 2023	£11,532	£6,921	£5,190
1 April 2023 to 31 March 2024	£11,978	£7,191	£5,390
1 April 2024 to 31 March 2025	£12,288	£7,380	£5,532

SCHEDULE 3

The Local Pension Board Allowances

Subject to paragraph 2.2 of this scheme, the amount of the Local Pension Board allowances are as shown in the following table:

Office Holder:	Local Pension Board Chair	Local Pension Board Vice Chair	Local Pension Board Member
<i>Rate set at following percentage of Authority Member Basic Allowance:</i>	100%	80%	60%
Period	Amount Per Annum	Amount Per Annum	Amount Per Annum
1 July 2023 to 31 March 2024	£4,554	£3,645	£2,731
1 April 2024 to 31 March 2025	£4,668	£3,744	£2,808

SCHEDULE 4

Audit and Governance Committee Independent Member Allowance

Subject to paragraph 2.3 of this scheme, the amount of the Audit and Governance Committee Independent Member allowance is as shown in the following table:

<i>Rate set at following percentage of Authority Member Basic Allowance:</i>	50%
Period	Amount Per Annum
1 April 2023 to 31 March 2024	£2,277
1 April 2024 to 31 March 2025	£2,340

SCHEDULE 5

Approved Duties for Travel Allowances

- i. Attendance at meetings of the Authority, the Audit and Governance Committee, the Staffing Committee, the Appointments and Appeals Committee and the Local Pension Board.
- ii. Attendance at seminars and learning and development events organised as part of the Authority's formal programme of meetings.
- iii. Attendance at other conferences, seminars or learning and development events relevant to the work of the Authority where attendance is approved in advance by the Clerk, Director or Monitoring Officer on behalf of the Authority.
- iv. Attendance by the Authority Chair and/or Vice Chair at meetings of the Local Pension Board.
- v. Attendance at meetings of the Border to Coast Joint Committee, and any shareholder meetings of the Border to Coast Pensions Partnership.
- vi. Attendance approved by the Clerk on behalf of the Authority at deputations to Ministers and Government Departments.
- vii. Attendance at any meetings of Members convened by the Clerk or Director in connection with the discharge of the functions of the Authority.

Exclusions:

For the avoidance of doubt the following are excluded from the definition of approved duties.

- i. Attendance at political meetings,
- ii. Attendance at civic functions.