

Process Framework

Regulation 9 – The Local Government Pension Scheme (Governance) (Scotland) Regulations 2015

1. PURPOSE

Regulation 9 of the Local Government Pension Scheme (Governance) (Scotland) Regulations 2015 (the **Regulations**) provides a right of review in the event of Pension Board and Pensions Committee differences (**Review Requests**). The Regulations do not, however, specify the process or timescales to be followed.

While it is for the Pensions Committee to consider how best to carry out a Review Request based on the specific circumstances, this note sets out a high-level framework to support the transparent and efficient handling of those requests.

2. CONTEXT

Lothian Pension Fund (**LPF**) is an asset backed and multi-employer Local Government Pension Scheme (**LGPS**). The City of Edinburgh Council (**CEC**) has the statutory responsibility for the administration of LPF and the Scottish Homes Pension Fund (together the **Funds**). It exercises that responsibility by delegating oversight from its Council to the Pensions Committee (**Committee**) for certain matters. The Committee is subject to the scrutiny of the Pension Board (**Board**), which is a separate statutory body established under the Public Services Pensions Act 2013 and the Regulations. The Board may make a Review Request, where at least half of its members disagree with a decision of the Committee. Four specific grounds apply.

Regulation 9 can be found [here](#) in full.

3. PROCESS

OVERARCHING PRINCIPLE:

The Pension Board and Pensions Committee recognise the importance of managing Review Requests in as simple, efficient, and transparent manner possible.

Submitting a Review Request

The timescales for making a Review Request will be set out in the Board's Constitution. Review Requests should be addressed to CEC's Executive Director of Corporate Services

and copied to LPF's Company Secretariat team. The Board will be entitled to provide additional supportive information, after the Review Request has been sent, where that is necessary or helpful.

Acknowledgment

The Committee will aim to provide an **initial response** to a Review Request quickly. As a minimum, an acknowledgment will be provided within **five working days or less**, explaining what may be possible and an indication of how long the Review process is likely to take. Day one is the date of receipt of the Review Request, or the next working day if received by CEC on a weekend or public holiday.

Formal Review Timescales

The Committee will carry out its review of the Review Request during a formal Committee meeting (**Review**). Review timelines are:

Straightforward Reviews

Where a Review Request needs little or no investigation, the Committee will aim to carry out the Review at the **next** Committee meeting from the date the Review Request is received.

In-depth Reviews

Where the Review Request is less straightforward, the Committee will aim to carry out its Review **no later than two Committee meetings** from the date the Review Request is received, unless **exceptional circumstances arise**, as determined by the Executive Director of Corporate Services in discussion with LPF's Chief Executive Officer. A Review may be considered less straightforward, for example, where it raises serious, high-risk issues, and/or an in-depth investigation is needed to consider the Review Request in more detail and establish all relevant facts.

A timescale for a Straightforward Reviews is provided for completeness.

It is recognised, however, that Regulation 9 is only likely be used in exceptional circumstances and not relied upon by the Board lightly. We, therefore, expect that most, if not all, review requests will be In-Depth Reviews.

LPF's Company Secretariat team shall support the Board and Committee in effecting the Review Request. The Independent Professional Observer will also provide input, where requested.

4. MANAGING EXPECTATIONS

The handling of Review Requests has the potential to impact the efficient administration of LPF and relationships between the Board and Committee. For those reasons, efforts will be made to ensure key stakeholders are kept informed of the status of the Review Request. This will include, as a minimum, the Chair of the Board. Key stakeholders will be made aware of any delays to the Review Timescales (and reasons for any delays) and revised timescales.

5. CONCLUDING THE REVIEW

Where useful, a supportive paper will be provided to the Committee meeting for the Review. While that paper may make a recommendation, the decision will be for the Committee. The outcome of the Review will also be sent in writing to the Chair of the Board by the Convener of the Committee (or an Officer on behalf of the Committee).

6. ESCALATION

Regulation 9 of the Regulations applies. In those circumstances, LPF's Company Secretariat team will support the Committee and the Board to prepare a joint secretarial report for publication on LPF's website and Annual Report.