

Local Government Pension Scheme (England and Wales): Fit for the future

Consultation response by Gwynedd Pension Fund

Question 1

Do you agree that all pools should be required to meet the minimum standards of pooling set out above?

The context to the changes appears to suggest that the LGPS is not operating effectively. At Gwynedd Pension Fund we believe that the fund and Wales Pension Partnership has been operating effectively with a very-strong funding level, an extremely engaged committee and excellent relationship between the fund and pool.

The minimum standards set out for the pool is a significant development from its current role for the Wales Pension Partnership, and yet are expected to provide these services in just over a year's time. We see this as a significant risk to the investment outcomes of the LGPS and therefore the public finances of local government and taxpayer.

We believe the purpose and driver of the proposals should be readdressed, a significantly longer timeframe given to pools to develop any new services, with a prioritisation timetable developed based on developments which create most value and improve outcomes.

Question 2

Do you agree that the investment strategy set by the administering authority should include high-level investment objectives, and optionally, a high-level strategic asset allocation, with all implementation activity delegated to the pool?

Yes.

The administering authority must retain the ability to set high level investment objectives and high level asset allocation in order for the risk and return trade-off to be aligned with each administering authority's management of liabilities. If the pool company is to take more responsibility for implementing investment strategy (for example, allocation within equities) then there needs to be closer working between the pool company and the administering authority. In addition the administering authority must be able to ensure that it is able to set its ESG/climate objectives and risk management objectives (as this is linked to the funding strategy which is bespoke to an LGPS fund).

Question 3

Do you agree that an investment strategy on this basis would be sufficient to meet the administering authority's fiduciary duty?

No, there are additional considerations for administering authority in meeting their fiduciary duty.

To meet its fiduciary duty the administering authority needs to be assured that the investment strategy targets an appropriate level of risk and return to meet its funding objectives. Therefore the administering authority needs to retain sufficient influence over the investment strategy to ensure this is the case. In practice this will require a different relationship with the pool company, working more in partnership to ensure the objectives of the client fund are met.

Question 4

What are your views on the proposed template for strategic asset allocation in the investment strategy statement?

As drafted it is too simplistic. Most LGPS funds have the largest allocation to equities. At a minimum, the preference between active and passive should be included in the template, as this has a significant impact on the management costs.

Question 5

Do you agree that the pool should provide principal investment advice on the investment strategies of its partner AAs? Do you see that further advice or input would be necessary to be able to consider advice provided by the pool – if so, what form do you envisage this taking?

No- we have concerns on the proposal for AAs to take investments advice from pool companies.

Conflicts of interest may arise if pool companies both provide strategic advice and implement the strategy. Therefore LGPS funds should not be required to take strategic advice from the pool company. Whilst administering authorities may wish to obtain strategic advice from the pool company, they must be able to access independent high-level strategic advice and ultimately it is their decision which advice to accept, and if necessary explore other options with the pool company. Considering both pool advice and independent advice would invariably increase costs for the LGPS fund.

We envisage the administering authority would still need to receive advice from an investment consultant to receive assurance, to challenge the pool and ensure consistency with their funding strategy, with the scope of the advice limited to high level strategic objectives.

The Investment Strategy Statement will need to clarify where the strategic responsibility lies between the pool company and the administering authority to ensure the administering authority discharges its fiduciary duty.

Question 6

Do you agree that all pools should be established as investment management companies authorised by the FCA, and authorised to provide relevant advice?

Wales Pension Partnership is committed to putting in place an FCA regulated investment management company if required to do so, however we do not believe this is a necessary requirement to meet the stated objectives of pooling.

We understand the reasons for wanting the standards of professionalism required to become authorised by the FCA however the Wales Pension Partnership has developed an approach to benefit from the FCA authorisation of outsourced investment managers. This means any additional benefits of becoming FCA authorised themselves will be limited. Instead, it will incur greater costs of both the adaptation to the new model, and then the operating costs of the additional internal staff that will need to be recruited. It may be particularly difficult and costly to recruit the required staff in such a short time span.

Question 7

Do you agree that AAs should be required to transfer all listed assets into pooled vehicles managed by their pool company?

Not necessarily. We believe that all assets should be pooled where it is in the best interest of funds. Wales Pension Partnership have passive listed investments in pooled vehicles not managed by pool companies. This current arrangement is highly cost effective. If transfer of passive investments to a pool company managed vehicle is mandated, AAs will incur additional costs without compensating benefits.

Question 8

Do you agree that administering authorities should be required to transfer legacy illiquid investments to the management of the pool?

Not necessarily. Again, we believe that funds should pool their assets as far as possible, where it is in the fund's best interest.

We would support a requirement that no new illiquid investments should be made outside the pool.

Question 9

What capacity and expertise would the pools need to develop to take on management of legacy assets of the partner funds?

Significant additional resource will be needed as legacy assets are quite diverse.

Question 10

Do you have views on the indicative timeline for implementation, with pools adopting the proposed characteristics and pooling being complete by March 2026?

Even for the pools with a head start, it is likely to be a challenge to meet all government requirements. A number of pools, including the Wales Pension Partnership will be required to undertake a significant amount of work to meet the requirements for FCA regulation, which may have excessive costs and the unintended consequence of delaying further pooling and UK investment as they work through these challenges.

For all or most pools, changes requiring AA approval (by full Council and/or S101 committees) are likely. WPP is governed by a legally binding Inter Authority Agreement (IAA) which contains certain reserved matters that require local agreement. This will need to be unwound and replaced.

It may be difficult or impossible for AAs to approve implementation steps with material costs (such as hiring personnel for pool companies) in the absence of regulations (in draft form at least). It is critical that any changes in regulation that government makes based on this consultation are published as soon as practical to prevent local authority approval delays which could make it impossible to meet the government's demanding timeline. It may also be difficult for the FCA to facilitate the work within this deadline.

Question 11

What scope is there to increase collaboration between pools, including the sharing of specialisms or specific local expertise? Are there any barriers to such collaboration?

If collaboration between pools benefits the client funds in terms of lower costs or access to greater range of specialist portfolios, then increasing collaboration would be beneficial. It could be potentially a decision for the pool company to drive collaboration and demonstrate it is in the interest of its

clients. Furthermore, the pool company should be able to decide whether to invest via another pool if that is also in the clients' best interests.

Question 12

What potential is there for collaboration between partner funds in the same pool on issues such as administration and training? Are there other areas where greater collaboration could be beneficial?

We are not supportive of mandated collaboration on issues such as administration. In contrast to investments, the potential to generate significant economies are lower but risk of transferring data etc. far higher. Much time and resource is spent on working with employers to ensure clean and accurate data, so developing relationships is crucial. No evidence has been provided to demonstrate that increasing scale will make this more efficient.

WPP already has an annual training plan for AAs.

Question 13

What are your views on the appropriate definition of 'local investment' for reporting purposes?

WPP recognises the government expectation that "local" should be considered UK wide, using LGPS assets to support UK growth. At the same time, given its unique position and motivation to support investment in Wales, which is where WPP will prioritise its local investment efforts, building on work done to date.

However, Gwynedd Pension Fund is of the view that the definition of "local" should also address the region served by the administering authority. As a result, we suggest that reporting address local investment at three levels: fund area, pool area and country. This would facilitate more informed reporting, allowing administering authorities and pools to demonstrate impact in different ways.

Question 14

Do you agree that administering authorities should work with their Combined Authority, Mayoral Combined Authority, Combined County Authority, Corporate Joint Committee or with local authorities in areas where these do not exist, to identify suitable local investment opportunities, and to have regard to local growth plans and local growth priorities in setting their investment strategy? How would you envisage your pool would seek to achieve this?

Yes.

There are clearly opportunities to work with other parties to identify potential local investment opportunities, but clarity is needed on the expected route to implementation.

Currently, the Government is expecting each fund to identify potential opportunities that will be proposed to the pool for consideration, including due diligence and underwriting. This creates a need for internal resource with appropriate skill sets at both the Fund level and the pool level, and the division of responsibility between pool and funds to be clarified, in particular:

- Funds need to be able to identify what may or may not be appropriate forms of local investment and will, in turn, need appropriate investment guidelines covering what is acceptable to be clearly established.
- The pool acts as an aggregate of capital across all funds and thus is required to evaluate the relative merits of different opportunities from the member funds.

For example, will funds be required to pass through all opportunities to the pool, or undertake some form of assessment themselves on what should be passed through? The former will place a large workload on the pools but they should be better placed to provide this assessment than the funds.

Question 15

Do you agree that administering authorities should set out their objectives on local investment, including a target range in their investment strategy statement?

Yes.

The consultation suggests that funds should set out their objectives on local investments, including a target allocation range and we would be supportive of this. Strategic asset allocation should remain a local investment decision, given that funding objectives and investment policy decisions with otherwise remain with the administering authorities. Clarification is required of how local investment overlaps with the proposed framing of strategic asset allocation. e.g. would local investment be an asset class in its own right?

Question 16

Do you agree that pools should be required to develop the capability to carry out due diligence on local investment opportunities and to manage such investments?

Yes.

It is appropriate that there is a clear mechanism through which due diligence on local investment opportunities can be undertaken, and investments made and subsequently managed on an ongoing basis. However, we also recognise that this requires access to considerable expertise and different skillset. Before progressing this requirement, it should be made clear on how it expects local investments to be implemented. e.g. different skillsets will be required if the investments are made directly or if they are made through a pooled vehicle.

Question 17

Do you agree that administering authorities should report on their local investments and their impact in their annual reports? What should be included in this reporting?

Yes.

However, the consultation document suggests that reporting serves to make the funds accountable, yet the proposals for local investment to be made via the pool, and therefore some clarity is required.

Reporting is certainly helpful, however there should be clear principles for reporting on local investments to ensure clear and fair description of the funds' assets.

The reporting should serve a clear purpose for administering authorities and be undertaken to meet the needs of stakeholders. While the Annual Report may be an appropriate forum for reporting, it might not be appropriate as a communication vehicle for members. The reporting should not duplicate reporting undertaken elsewhere. For example, if reporting on local investments is being provided by pools (as they are responsible for implementation), then it would be more appropriate for such reporting to be provided at pool level. Funds could then reference pool reporting as necessary.

The reporting should not create unnecessary cost and/ or governance burdens on funds. Impact report is generally less well developed than other forms of stewardship reporting, and the mechanism for calculating impact are likely to be more subjective than performance reporting.

Question 18

Do you agree with the overall approach to governance, which builds on the SAB's Good Governance recommendations?

Yes.

We are supportive of the Government taking steps to implement the SAB's Good Governance so there is greater consistency across the scheme. In particular, we're supportive of the proposal that the Government works with the SAB on developing and issuing new statutory guidance on governance. Guidance will help to achieve consistency across the LGPS and will give greater clarity on the Government's expectations for how the new requirements should be implemented.

Question 19

Do you agree that administering authorities should be required to prepare and publish a governance and training strategy, including a conflict of interest policy?

Yes.

We agree that funds should publish a governance strategy, a training strategy and a conflict of interest policy although these should not all form part of the same document. These should be standalone documents for practicality, ease of reference and flexibility, although there is no reason why they can't reference or link to each other where relevant. The current governance compliance statement guidance dates back to December 2008 and predates investment pools and local pension boards and therefore new guidance would be useful for funds in this area.

Question 20

Do you agree with the proposals regarding the appointment of a senior LGPS officer?

Yes.

The requirement to have a senior LGPS officer in each LGPS fund would be a welcome development, and would potentially have several benefits:

- Sufficient recognition of the LGPS function – whilst the pensions provision within a council is not a frontline service, it is an important part of the local government system, and there are potentially significant financial and reputational risks of weak governance at the local level. A senior LGPS officer should help to ensure that LGPS issues are given appropriate consideration and prominence within the local authority, and that LGPS issues are duly represented.
- Sufficient senior resource – the LGPS has become increasingly complex in recent years and the creation of a senior LGPS officer position should help ensure that there is sufficient senior resource supporting the wider pensions team.
- Consistency across the scheme – local authorities can differ from each other significantly in size, culture, functions and resource, and these differences can lead to differences in how the LGPS function is delivered. Having a requirement for there to be a senior LGPS officer in each fund will ensure that, in spite of the differences in the local landscape, there is a designated officer in each administering authority who has responsibility for the LGPS.

Question 21

Do you agree that administering authorities should be required to prepare and publish an administration strategy?

Yes.

Gwynedd Pension Fund currently do prepare and publish an administration strategy and therefore agree with this requirements to ensure consistency across all funds.

Question 22

Do you agree with the proposal to change the way in which strategies on governance and training, funding, administration and investments are published?

Yes.

Whilst it's important that all stakeholders in the LGPS can easily access a fund's policy documents, we agree that it's not helpful for the full texts of these often-lengthy documents to be included in the annual report. We support the suggestion that the Government work with the SAB to consider this further and update guidance.

Question 23

Do you agree with the proposals regarding biennial independent governance reviews? What are your views on the format and assessment criteria?

Yes.

We support the principle of an independent governance review, since this provides an objective assessment of how well funds are meeting the required standards of governance. It's important that the process is designed in such a way as to focus on enhancing governance, sharing best practice and supporting funds. A biennial approach could be hard to support nationally, a possible option would be a review on a triennial basis.

Question 24

Do you agree with the proposal to require pension committee members to have appropriate knowledge and understanding?

Yes.

Pensions committees have overall responsibility for decisions in the LGPS and it's vital for the effective governance of the scheme that they have an appropriate level of knowledge and understanding of the scheme's rules. Gwynedd Pension Fund does place high value on the training of their committee members to ensure that committees are capable of providing valuable scrutiny and oversight of the running of the fund. However, formalising this through a statutory requirement will ensure that the Government's expectations are clear and help to support greater consistency across the scheme.

As the consultation notes, local pension board members have had a requirement to have knowledge and understanding of the scheme since the establishment of local pension boards in April 2015 and we believe it is important to address the anomaly that the same requirement does not yet apply to pensions committees.

Question 25

Do you agree with the proposal to require AAs to set out in their governance and training strategy how they will ensure that the new requirements on knowledge and understanding are met?

Yes.

We agree with this proposal. Gwynedd Pension Fund does have a training policy but this provides an opportunity to bring together various training requirements such as The Pension Regulator's General Code of Practice, CIPFA's knowledge and skills framework and MiFID II into consistent guidance.

Question 26

What are your views on whether to require administering authorities to appoint an independent person as adviser or member of the pension committee, or other ways to achieve the aim?

Whilst we support the Government's consideration to how LGPS governance can be developed and how administering authorities can obtain greater support on the scheme's complex investments, governance and administration landscape, we are uncertain whether a requirement for an independent adviser is the right approach.

The consultation appears to envisage that the independent adviser would be an individual pensions professional who would support the pensions committee on investment strategy, governance and administration. Given each of these areas are very complex in their own right, an independent adviser would need significant research capacity to adequately fulfil this function.

It appears that the Government may believe that there is a need for an independent adviser at the fund level in order to ensure that administering authorities have sufficient investment expertise to be able to challenge pools on investments matters and to provide committees with support on setting the investment strategy. This appears to be a recognition that the proposal that pools provide partner funds with the principal advice on strategic asset allocation would leave an important gap in the LGPS's governance. We are unsure whether the addition of a complex new element in the LGPS governance landscape, with an undeveloped and untested market, would be better than the current position, where authorities can take their own decisions on who to obtain their investment advice from. On balance, we believe that LGPS funds should be able to procure advice from a range of advisors according to their needs and in line with any regulatory and professional requirements.

Question 27

Do you agree that pool company boards should include one or two shareholder representatives?

It is essential that the AAs who are joint shareholders of the pool company and clients / investors should have representation on the pool company board.

Ideally the number of shareholder reps would not be stipulated. The FCA will require to see the proposed constitution and remit of the pool company Board as part of the process for authorisation of the pool co. It should be the arbiter of the appropriate mix and skills of Board member reps.

Question 28

What are your views on the best way to ensure that members' views and interests are taken into account by the pools?

It has long been a challenge for funds to gain truly representative views of their members. Funds should engage with their membership to understand their views and then feed this into the pool. Considering the challenge of engaging members, they are even less likely to engage with a pool they are unfamiliar with, compared to their local pension fund, of which they are already aware and know they are a member of.

This will also help funds to ensure that their members' views are being represented, compared to the survey being undertaken by the pool, as they will have seen the information directly to then communicate to the pools and challenge them on. Appropriate governance mechanisms will need to put in place to allow the voice of the members to be heard, without giving undue influence to any group of the membership. The principal needs to be recognised that, unlike trust-based arrangements, the ultimate owner of LGPS assets remains the administering authority.

Question 29

Do you agree that pools should report consistently and with greater transparency including on performance and costs? What metrics do you think would be beneficial to include in this reporting?

Yes.

Administering authorities will continue to need reporting on investment performance, climate and other ESG metrics as well as costs. We receive these annually either from the pool or legacy managers and service providers, in line with the Cost Transparency Initiative for investment costs. Any additional delegation of responsibilities to the pool company should not reduce the level of reporting to administering authorities.

Question 30

Do you consider that there are any particular groups with protected characteristics who would either benefit or be disadvantaged by any of the proposals? If so, please provide relevant data or evidence.

No.

We note that Gwynedd Pension Fund and WPP will require to be able to provide all communication in Welsh language as well as English.