

TPR Requirement	Legal Requirements	Officer Assessment	Risk	Action	Due Date
<p>1. Governing your Scheme</p> <p>a. Knowledge & Understanding required by Pension board members</p>	<p>34. A member of the pension board of a public service pension scheme must be conversant with:</p> <ul style="list-style-type: none"> ○ the rules of the scheme, and ○ any document recording policy about the administration of the scheme which is for the time being adopted in relation to the scheme. <p>35. A member of a pension board must have knowledge and understanding of:</p> <ul style="list-style-type: none"> ○ the law relating to pensions, and ○ any other matters which are prescribed in regulations. <p>36. The degree of knowledge and understanding required is that appropriate for the purposes of enabling the individual to properly exercise the functions of a member of the pension board</p>	<p>The Fund is compliant with all the legal requirements.</p> <p>The roles and responsibilities are outlined in the Terms of Reference, induction training provided prior to the Board becoming operational, and a Members Training Plan has been agreed and implemented.</p> <p>The Fund still needs to develop a live document containing all the policies and arrangements for acquiring knowledge. This is to be done through the development of a Members handbook.</p> <p>Members have also been asked to complete the tPR toolkit by July 2016 which will be 12 months from appointment.</p>		<p>Set up live document outlining key documents the Board as part of the members' handbook being developed.</p> <p>Members to complete TPR trustee toolkit.</p>	<p>July 2016</p> <p>July 2016</p>
<p>b. Conflicts of interest & representation</p>	<p>61. Conflict of interest is a financial or other interest which is likely to prejudice a person's exercise of functions as a member of the pension board. It does not include a financial or other interest arising merely by virtue of that person being a member of the scheme or any connected scheme for which the board is established</p> <p>62. In relation to the pension board, scheme regulations must include provision requiring the</p>	<p>The Fund would appear compliant with all the legal requirements.</p> <p>A conflict of interest policy and procedure was agreed by the Board at its meeting on 22 October 2015.</p> <p>Training has been provided to Board members and declaration of interest is a standing agenda item</p> <p>Obligations owned by the Pension Board are</p>			

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	<p>scheme manager to be satisfied:</p> <ul style="list-style-type: none"> ○ that a person to be appointed as a member of the pension board does not have a conflict of interest and ○ from time to time, that none of the members of the pension board has a conflict of interest! <p>63. Scheme regulations must require each member or proposed member of a pension board to provide the scheme manager with such information as the scheme manager reasonably requires for the purposes of meeting the requirements referred to above</p> <p>64. Scheme regulations must include provision requiring the pension board to include employer representatives and member representatives in equal numbers</p> <p>65. In relation to the scheme advisory board, the regulations must also include provision requiring the responsible authority to be satisfied:</p> <ul style="list-style-type: none"> ○ that a person to be appointed as a member of the scheme advisory board does not have a conflict of interest and ○ from time to time, that none of the members of the scheme advisory board 	<p>outlined in the Terms of Reference, and actions to be taken in the event of a potential conflict of interest are outlined in the Board's Conflict of Interest Policy, both documents to which the Register is linked. The Register includes details as indicated in the tPR toolkit.</p> <p>Board members' Register of Interest are published on-line. Agendas include a standing item to review members' RoIs; ensuring they are reviewed at least quarterly. Members are updated on forthcoming agenda items and the process for managing potential conflicts of interest is online in the Authority's Conflict of Interest Policy for Board members. Conflicts of interest and actions taken will be recorded in the minutes of the meeting.</p> <p>The Terms of Reference are compliant with the Code of Practice requirements. Employer representatives should be elected members or senior managers within the organisation and the Terms of Reference allocate a position to the administering authority, another large employer and a smaller employer. Member representatives must comprise of at least 2 active members, and 2 nominated by an approved union.</p> <p>Prospective candidates are made aware of the responsibility to disclose any potential interests upon appointment via the Board Terms of Reference. Board members are updated on forthcoming agenda items and the process for managing potential conflicts of interest is outlined in the Authority's Conflict of Interest Policy for Board Members.</p>		Follow up outstanding Register of Interest form and formalise the pre-appointment process for registering potential conflicts of interest.	July 2016

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	<p>has a conflict of interest^[36].</p> <p>66. Scheme regulations must require each member of a scheme advisory board to provide the responsible authority with such information as the responsible authority reasonably requires for the purposes of meeting the requirements referred to above</p>				
<p>c. Publishing Information about the scheme</p>	<p>92. The scheme manager for a public service scheme must publish information about the pension board for the scheme(s) and keep that information up-to-date.</p> <p>93. The information must include:</p> <ul style="list-style-type: none"> ○ who the members of the pension board are ○ representation on the board of members of the scheme(s), and ○ the matters falling within the pension board's responsibility. 	<p>The Fund would appear compliant with all the legal requirements.</p> <p>Information is published on both the Wiltshire Pension Fund website and Wiltshire Council's Committee pages. This includes details of members of the Board, the process for appointment, the terms of reference, the role specifications and links to all Board meeting agendas, papers and minutes.</p>			
<p>2. Managing Risk</p> <p>a. Internal controls</p>	<p>101. The scheme manager of a public service pension scheme must establish and operate internal controls. These must be adequate for the purpose of securing that the scheme is administered and managed in accordance with the scheme rules and in accordance with the requirements of the law.</p>	<p>The Fund would appear compliant with all the legal requirements.</p> <p>A risk register is reported to the Wiltshire Pension Fund Committee on a quarterly basis. This is analysed between functions and activities and takes on board output from Fund audits, dispute processes and legislative breaches. All risks are reviewed quarterly outlining further actions being</p>		<p>To ensure missing procedures have been updated</p>	<p>Dec-16</p>

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	<p>102. For these purposes 'internal controls' means:</p> <ul style="list-style-type: none"> ○ arrangements and procedures to be followed in the administration and management of the scheme ○ systems and arrangements for monitoring that administration and management, and ○ arrangements and procedures to be followed for the safe custody and security of the assets of the scheme^[51]. 	<p>taken to mitigate them with an appropriate timeframe.</p> <p>Internal controls are tested annually by internal audit with recommendation made to Senior Managers. These reports are reviewed by Pension Fund Committee, Local Pension Board and the Audit Committee of Wiltshire Council.</p> <p>There are documented procedures in place for all the key activities for the administration of the Fund. The administration system also uses a task management module which requires specific steps to be followed. These are kept under review by the Technical & Compliance manager in light of changes in regulations and internal processes and are also regularly audited. The focus of the procedures covered is driven by the risk register. However, there is a need to complete all other areas to ensure full documentation is in place.</p> <p>Due diligence is carried out on all service providers at appointment and where appropriate within the investment scheme managers, all providers must provide the Fund with their SAS17 assurance report which are then reviewed.</p>			
<p>3. Administration</p> <p>a. Scheme Record Keeping</p>	<p>122. Scheme managers must keep records of information relating to:</p> <ul style="list-style-type: none"> ○ member information^[55] ○ transactions^[56], and ○ pension board meetings and decisions^[57]. <p>123. The legal requirements are set out in the Public</p>	<p>The Fund would appear compliant with all the legal requirements although this is an area that is still being developed.</p> <p>Scheme member data is identified by a National Insurance number and unique payroll ID. The Fund has worked with employers in order to ensure the payroll ID is in place for all active members. This is an ongoing project.</p> <p>There is a sound knowledge of each employer</p>		<p>To undertake the annual review of the Fund's performance against the Record Keeping Regulations and report this as a KPI to the Committee and Board with details of on-going data improvement programmes.</p> <p>Need to monitor the performance of Funds</p>	<p>Dec 16</p> <p>Dec 16</p>

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	<p>Service Pensions (Record Keeping and Miscellaneous Amendments) Regulations 2014 ('the Record Keeping Regulations').</p>	<p>within the Fund and have worked extensively to ensure they each understand the information required from them regarding the supplying of member information. This has been done by issuing templates and providing training and guidance.</p> <p>Employers have been issued with clear guidelines and templates for supplying event change information to the Fund. There is also a dedicated area on the Fund website for Employers which contains comprehensive guidance on how to adhere to these practises.</p> <p>The Fund has recently implemented an Admin Strategy detailing various SLA obligations for Employers with regards to supplying of timely membership information as well as their obligations according to regulatory guidelines</p> <p>However to improve robustness of data the Fund needs to implement a process to ensure employers data submissions can be monitored for timeliness and accuracy.</p>		<p>adhering to the timeframes ion the Pension Administration Strategy and use this to address timeliness and accuracy issues, reporting this data back to the Committee / Board.</p> <p>To implement regular employer data audits and member movements reconciliations on an on-going basis.</p>	Dec 16
b. Maintaining Contributions	<p>147. Employer contributions must be paid to the scheme in accordance with any requirements in the scheme regulations. Where employer contributions are not paid on or before the date they are due under the scheme and the scheme manager has reasonable cause to believe that the failure is likely to be of material significance to the regulator in the exercise of any of its functions, the scheme manager must give a written report of the matter to the regulator as soon as reasonably practicable^[67].</p>	<p>The Fund would appear compliant with all the legal requirements.</p> <p>Payment of contributions are monitored monthly, transfers are also reconciled and other outstanding payments are invoiced so that debtor recovery policy covers any non payment.</p> <p>Late payments of contributions are chased each month and a 3 stage escalation process implemented to address non payments.</p> <p>All contributions are monitored against the rates payable as per the Fund's actuary Rates &</p>			

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	<p>148. Where employee contributions are deducted from a member's pay, the amount deducted must be paid to the managers of the scheme at the latest by the 19th day of the month following the deduction, or by the 22nd day if paid electronically (the 'prescribed period')^[68], or earlier if required by scheme regulations. References to 'days' means all days. References to 'working days' do not include Saturdays, Sundays or Bank Holidays.</p> <p>149. Where employee contributions are not paid within the prescribed period, if the scheme manager^[69] has reasonable cause to believe that the failure is likely to be of material significance to the regulator in the exercise of any of its functions, they must give notice of the failure to the regulator and the member within a reasonable period after the end of the prescribed period^[70]. Where there is a failure to pay employee contributions on an earlier date in accordance with scheme regulations, schemes should also consider their statutory duty under section 70 of the Pensions Act 2004 to assess and if necessary report breaches of the law. For more information about reporting breaches of the law, see this section of the code.</p>	<p>Adjustment certificate. The Fund also checks payments against the payroll data provided by the employer to ensure they are paying the correct rate, and differences are then picked up with the employer.</p> <p>The process was recently reviewed in 2015 and a more formal structure put in place for the chasing of late payments. The process is also regularly audited by internal and external audit.</p> <p>The Fund has now implemented a Breaches Policy which now feeds into the monitoring of contributions. Officers consider the reasons for non-payment of contributions and those outstanding are reviewed monthly. The tPR guidelines now provide a framework for considering a reportable event and the Breaches Policy now outlines the process for reporting.</p>			

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c. Providing information to members	<p>The law requires schemes^[79] to disclose information about benefits and scheme administration to scheme members and others. This section summarises the legal requirements relating to benefit statements and certain other information which must be provided and should be read alongside the requirements in the 2013 Act, HM Treasury directions^[80] and the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013 ('the Disclosure Regulations 2013'). In addition to these duties, there are other legal requirements relating to the provision of information to members and others under other legislation</p>	<p>The Fund on the whole meets the disclosure requirements outlined in law. However, there are areas that need to be developed to ensure full compliance with the code is met in the future.</p> <p>The Fund managed to ensure Benefit Statements were distributed only a few days after the 31 August deadline; however, there were some mitigating factors behind this. Namely: the new CARE Scheme, employer understanding and issues with an external designer. The Fund is confident the correct processes are now in place to provide this information on time for 2016.</p> <p>The format of the statements are checked at time of design and print and based on the national guidance. The active statement is compliant but on review of the deferred statement it appears small amendments are required for 2016 to ensure full compliance with format legislation.</p> <p>In theory all members receive an annual benefit statement and usually, if a member makes an individual request they will have received one within the previous 12 months, and if not, be sent one. A small number of members may not have received a statement last year. These mainly relate to pension credit members (of which there are 46).</p> <p>Each employer had been given the relevant information to issue to new and prospective members. However, the Fund currently doesn't have a process for checking that employers are providing this information.</p> <p>The majority of information is provided within the legal timescales however there are some enforced</p>		<p>The production of all Annual Benefit Statements within the statutory timeframe of 31 August.</p> <p>Check Annual Benefit Statements for deferred members meet legal requirements in terms of format.</p> <p>To Implement project to ensure all members receive a pension statement.</p> <p>To implement a check for employers to confirm information has been given to new and prospective members</p>	<p>Aug 16</p> <p>Jun 16</p> <p>Aug16</p> <p>Sep 16</p>

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		<p>delays regarding transfers. The software system provider is waiting for updated factors to be released by GAD.</p> <p>The ability to meet the statutory timeframes does depend on the amount of work back logs. Accurate information needs to be collated to monitor this position to manage workloads better and therefore compliance with the Code.</p> <p>For example, aggregation of benefit work has accrued from waiting the issuing of national guidance and plans are now in place to address the build up of outstanding work.</p>		To implement a reportable KPI in workflow on Altair to identify if the Fund is meeting legal timeframes.	Sep 16
<p>4. Resolving Issues</p> <p>a. Internal dispute resolution</p>	<p>213. Scheme managers^[111] must make and implement dispute resolution arrangements that comply with the requirements of the law and help resolve pensions disputes between the scheme manager and a person with an interest in the scheme. 'Pension disputes'^[112] cover matters relating to the scheme between the managers and one or more people with an interest in the scheme. These exclude 'exempted disputes'.</p> <p>214. There are certain 'exempted disputes' to which the internal dispute resolution procedure will not apply^[113]. This includes disputes where proceedings have commenced in any court or tribunal, or where the Pensions Ombudsman has commenced an investigation into it.</p> <p>215. A person has an interest in the scheme if they:</p>	<p>The Fund would appear compliant with all the legal requirements.</p> <p>The Fund has a 2 stage process in line with the Regulations. The large majority of this information can be found on our website and the application form.</p> <p>As a review has not been carried out over the past 5 years so would be timely to consider now</p>		To review the IDR process. This will include examining the requirement for employers to undertake their own stage 1 process.	Sep 16

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	<ul style="list-style-type: none"> ○ are a member or surviving non-dependant beneficiary of a deceased member of the scheme ○ are a widow, widower, surviving civil partner or surviving dependant of a deceased member of the scheme ○ are a prospective member of the scheme ○ have ceased to be a member, beneficiary or prospective member or ○ claim to be in one of the categories mentioned above and the dispute relates to whether they are such a person. <p>216. Dispute resolution arrangements may require people with an interest in the scheme to first refer matters in dispute to a 'specified person' in order for that person to consider and give their decision on those matters. The specified person's decision may then be confirmed or replaced by the decision taken by the scheme manager after reconsideration of the matters.</p> <p>217. Scheme managers and specified persons (if used as part of a scheme's procedure) must take the decision required on the matters in dispute within a reasonable period of receiving the application. They must notify the applicant of the decision within a reasonable period of having taken it.</p>	<p>The Fund currently makes a determination where there is an appeal against an employer's first instance decision. The Fund will be reviewing this process in the future with the view of ensuring that each employer has nominated their own adjudicator who determines appeals under stage 1.</p> <p>A summary of all cases and timeframes is now maintained by the Head of Pensions.</p>		<p>The review will incorporate whether an employer can nominate their own adjudicator for stage 1 determinations</p>	

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	<p>218. Internal dispute resolution procedures must state the manner in which an application for the resolution of a pension dispute is to be made, the particulars which must be included in such an application and the manner in which any decisions required in relation to such an application are to be reached and given^[117]. The procedure must specify a reasonable period within which applications must be made by certain people.</p> <p>219. Scheme managers must provide information about the scheme's dispute resolution procedure as well as information about The Pensions Advisory Service (TPAS) and the Pensions Ombudsman to certain people at certain stages^[119].</p>				
b. Reporting breaches of the law	<p>241. Certain people are required to report breaches of the law to the regulator where they have reasonable cause to believe that:</p> <ul style="list-style-type: none"> ○ a legal duty^[126] which is relevant to the administration of the scheme has not been, or is not being, complied with ○ the failure to comply is likely to be of material significance to the regulator in the exercise of any of its functions^[127]. <p>For further information about reporting late payments of employee or employer contributions, see the section of this code on 'Maintaining contributions'.</p>	<p>The Fund would appear compliant with all the legal requirements.</p> <p>The Breaches Policy and Framework were approved in December 2015 by the Pension Fund Committee.</p> <p>This sets out the framework for reporting breaches and the responsibility of all stakeholders.</p> <p>Training has been given to Local Board members and officers while it is planned for Committee members.</p>			

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	<p>242. People who are subject to the reporting requirement ('reporters') for public service pension schemes are:</p> <ul style="list-style-type: none"> ○ scheme managers^[128] ○ members of pension boards ○ any person who is otherwise involved in the administration of a public service pension scheme ○ employers^[129]: in the case of a multi-employer scheme, any participating employer who becomes aware of a breach should consider their statutory duty to report, regardless of whether the breach relates to, or affects, members who are its employees or those of other employers ○ professional advisers^[130] including auditors, actuaries, legal advisers and fund managers: not all public service pension schemes are subject to the same legal requirements to appoint professional advisers, but nonetheless the regulator expects that all schemes will have professional advisers, either resulting from other legal requirements or simply as a matter of practice ○ any person who is otherwise involved in advising the managers of the scheme in relation to the scheme <p>243. The report must be made in writing as soon as reasonably practicable</p>				