

London Borough of Hammersmith & Fulham

Report to: Pension Fund Committee

Date: 21 July 2021

Subject: Breaches of the Law Policy

Report of: Phil Triggs, Director of Treasury and Pensions
Matt Hopson, Strategic Investment Manager

Summary

As part of the independent review of the Pension Fund, a recommendation was made to compile a Breaches of the Law Policy and Guidance document.

This report introduces the Breaches of the Law Policy and Guidance document.

Recommendations

The Pension Fund Committee is requested to:

1. Approve the Breaches of the Law Policy and Guidance document.

Wards Affected: None

LBHF Priorities

Our Priorities	Summary of how this report aligns to the LBHF priorities
<ul style="list-style-type: none">• Being ruthlessly financially efficient	Ensuring good governance for the Pension Fund should ultimately lead to better financial performance in the long run for the Council and the council tax payer.

Financial Impact

None

Legal Implications

None

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Verified by Phil Triggs

Background Papers Used in Preparing This Report

None

Overview

1. Background

- 1.1. As part of the independent review of the Pension Fund, a recommendation was made to compile and approve a Breaches of the Law policy and Guidance document.
- 1.2. The Pensions Regulator Code of Practice No. 14 sets out guidance on the breaches of the law, including how to identify a breach, how to classify a breach, and thus how to report the breach.

2. Breaches of the Law Policy

- 2.1. The Policy introduces:
 - the need for a breaches policy;
 - explains what a breach is;
 - identifies who is responsible for reporting a breach;
 - outlines when to report a suspected breach;
 - who to report a breach to;
 - the role of the responsible officer;
 - how breaches are recorded and records maintained;
 - whistleblowing provisions, and;
 - Training.

2.2. Further detail is provided in each appendix elaborating on the factors outlined above, and also provides examples of breaches and how to determine the severity and appropriate response to certain breaches.

3. Risk Management Implications

3.1. By identifying and recording any law breaches the pension fund can ensure good and effective governance and minimise any risks that result from a failure in governance.

4. Other Implications

4.1. None

5. Consultation

5.1. None

List of Appendices:

Appendix 1: The legal requirement to report a breach

Appendix 2: Examples of what may be considered a breach, whether it may be considered material, and how to make a submission to tPR

Appendix 3: Example breaches applying tPR traffic light system

Appendix 4: Template breaches report document