

The background features a series of overlapping diagonal bands in various shades of teal and dark blue. The top-left corner is white, and the bottom-right corner is also white, creating a sense of depth and movement. The text is positioned in the lower-left quadrant, set against a dark blue background.

**POLICE
PENSION
BOARD**

NORTHERN IRELAND POLICE PENSION BOARD

REPORTING BREACHES OF THE LAW POLICY

POLICY OWNER	Northern Ireland Police Pension Board
HPE REFERENCE NUMBER	459309
VERSION NUMBER	2
DATE OF LAST REVISION	December 2021
DATE OF NEXT REVIEW	December 2024

SECTION 1	INTRODUCTION
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- 1.1 The Pensions Regulator's (TPR or the **Regulator**) Code of Practice 14: Governance and Administration of Public Service Pension Schemes (the **Code**) requires '*certain people*' to report breaches of the law in relation to the governance and administration of the Northern Ireland Police Pension Scheme (**NIPPS** or the **Scheme**) to the Regulator.
- 1.2 These procedures set out the steps that should be followed and the action taken to report an actual or suspected breach of the law to TPR. They have been developed with reference to the requirements of the Code.
- 1.3 A breach is when an organisation fails to abide by the provisions of a particular principle, rule or rules contained in legislation with which that concern must comply. Consequently, the nature of breaches can be extremely wide and of varying significance.

SECTION 2	PURPOSE
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- 2.1 The purpose of the procedures is to:
- provide a systematic process for the reporting, recording and investigation of potential or actual breaches of the law, in compliance with the Code.
 - encourage all staff members and Pension Board members to be proactive and raise compliance issues that are of concern as soon as possible
 - enable the gathering of information to facilitate monitoring and reporting of compliance performance within the Scheme
 - ensure that no individual is penalised

SECTION 3	LEGAL REQUIREMENT TO REPORT
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- 3.1 '**Certain people**' are required to report breaches of the law to the Regulator where they have reasonable cause to believe that:
- a legal duty, which is relevant to the administration of the Scheme, has not been, or is not being, complied with; and
 - the failure to comply is likely to be of '**material significance**' to the Regulator in the exercise of any of its functions.
- 3.2 The Code requires the Scheme to have effective arrangements in place to meet its duty to report breaches of the law.
- 3.3 Reliance cannot be placed on waiting for others to report. Breaches should be reported as soon as reasonably practicable. **Failure to report when required to do so is a civil offence.**

SECTION 4	WHO HAS A DUTY TO REPORT?
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4.1 The 'Certain People' who are subject to this reporting requirement for public service pension schemes include:

- The Scheme Manager;
- Members of the Pension Board;
- Any person who is otherwise involved in the administration of the scheme;
- PSNI (as an employer);
- Professional advisers

4.2 PSNI Pensions Branch staff and Northern Ireland Police Pension Board members have a duty to report breaches of the law to TPR. Individuals should ensure they have the appropriate level of knowledge and understanding to be able to carry out their responsibilities effectively. It is the responsibility of managers to ensure staff within their teams are familiar with the compliance and reporting obligations in their area of work.

SECTION 5	WHAT IS A BREACH?
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5.1 A breach includes non-compliance with the requirements of any legislation or rule of law relevant to the governance and administration of the Scheme. This includes pension law, Scheme Regulations and relevant court decisions. It also applies where there is evidence of dishonesty or improper conduct by those involved with the governance and administration of the Scheme, including PSNI and/or Northern Ireland Policing Board Staff and Police Pension Board members.

5.2 Examples of breaches could be failures in the following areas:

- Failure of Scheme employers to pay the correct contributions within the prescribed timeframes;
- Unauthorised and/or incorrect benefits paid to Scheme members or beneficiaries;
- Failure to meet disclosure requirements;
- Incorrect or incomplete information issued to members in relation to the Scheme;
- Member information is not up-to-date on the pension administration system
- The Police Pension Board does not have the appropriate level of knowledge and understanding which may result in poor decision making and the Scheme not being properly governed and administered
- Pension Board members have conflicts of interest that may result in them being prejudiced in the way they carry out their role; ineffective governance and administration of the Scheme and/or the Police Pension Board breaching legal requirements.

5.3 All breaches should be considered and investigated, but not every breach will be reportable to TPR. A reportable breach will depend on whether there has been a breach of law and if the breach is considered materially significant to TPR.

SECTION 6**REPORTING BREACHES**

- 6.1 Identifying and assessing a breach of the law is important in reducing risk and providing an early warning of possible malpractice.
- 6.2 Those with a responsibility to report breaches relating to the NITPS should ensure appropriate procedures are established to ensure that legal obligations can be met effectively. The procedures included in this document aim to meet this obligation and are designed to enable people to raise concerns and facilitate the objective consideration of those matters.

SECTION 7**IDENTIFYING BREACHES**

- 7.1 There is no requirement or expectation that reporters should search for breaches. However, all those involved with the governance and administration of the Scheme should be alert to breaches relevant to the service or services they are providing in relation to the Scheme.
- 7.2 **Northern Ireland Police Pension Board**: Where a NIPPB member identifies a breach, or potential breach within the Scheme, they should raise this for discussion with the Chair and other Board members. If a Board meeting is scheduled in the near future it should be raised as an agenda item via the Chair.
- 7.3 Where the next scheduled Board meeting is more than 2 weeks distant the individual should contact the Chair to discuss the issue. The Chair will liaise with the Scheme Manager, via the Secretariat, to decide whether an extraordinary meeting should be called or to agree what activity should be carried out. The breach should then be discussed at the next Board meeting to apprise fellow Board members and agree next steps.
- 7.4 Where the breach involves fellow Board members, the individual should alert the Chair who will agree next steps with the Scheme Manager.
- 7.5 Where the breach involves the Chair, individuals should contact the Scheme Manager via the Secretariat.
- 7.6 Where Board members encounter breaches within their normal working environment (i.e. not as a result of their Board membership) they should only alert the Board where there is a potential conflict of interest.
- 7.7 **PSNI Pensions Administration Team**: When a breach or possible breach is identified or suspected, staff should notify their appropriate line manager immediately. Upon receiving notification of a breach, the line manager should notify the senior manager within their section.
- 7.8 If the individual feels unable to discuss the breach with their manager, they should notify the senior manager within their section or the Chair of the Police Pension Board via the Secretariat, as appropriate.
- 7.9 Breaches or potential breaches can be notified anonymously but individuals are encouraged to be open when notifying breaches so as to make the investigation process more timely and effective. No individual will be penalised or disadvantaged as a result of notifying a breach or potential breach provided the action is taken in good faith.
- 7.10 The Employment Rights Act 1996 provides protection for employees raising a concern about wrongdoing or making a whistleblowing disclosure, either internally or to the Regulator. The Scheme Manager

also adheres to the principles underpinned by NI Civil Service Policy for 'Public Interest Disclosure ("Whistleblowing")'

- 7.11 Any other relevant stakeholders, to include scheme advisers should notify identified or suspected breaches directly to the Chair of the NITPS Pension Board.

SECTION 8	JUDGING WHETHER A BREACH SHOULD BE REPORTED
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- 8.1 Breaches can occur in relation to a wide variety of the tasks normally associated with the governance and administration of the Scheme, such as keeping records, internal controls and calculating benefits. In order to assess whether a breach is reportable, there must be **'reasonable cause'** to believe that a breach has occurred. This means more than merely having a suspicion that cannot be substantiated.
- 8.2 The senior manager to whom the breach has been reported (the **Reporter**) should carry out checks to establish whether or not a breach has in fact occurred. If they do not know the facts or events around the suspected breach it will usually be appropriate to check with the Scheme Administrator or Manager or with others who are in a position to confirm what has happened. This will include checking the relevant legal provision if they are unclear.
- 8.3 If there is any doubt about whether a legal requirement has been breached, it may be necessary to seek legal advice.
- 8.4 Where there is reasonable cause to believe a breach has occurred, the Reporter should take immediate, common sense action to limit or contain the breach. Depending on the nature of the breach, different actions may be required, such as stopping unauthorised payments, communications with members, suspension of a staff member/Pension Board member. Any evidence should be retained that may be valuable in determining the cause of the breach or allow corrective action to be taken.
- 8.5 The Reporter should email details of the breach to the Chair of the Pension Board, as appropriate, and record the breach on the Breach Register (see section 10 for further information on recording a breach).
- 8.6 In establishing whether there is reasonable cause to believe that a breach has occurred, it is not necessary for a Reporter to gather all the evidence which the Regulator may require, seek an explanation or assess the effectiveness of proposed remedies, but only to make such checks as are necessary. A delay in reporting may increase the risk of the breach.
- 8.7 The Regulator should be contacted without delay where the Reporter has become aware of either theft, suspected fraud or another serious offence **and** where there is concern that by making further checks there is a risk of either:
- alerting those involved; or
 - hampering the actions of the police or a regulatory authority.
- 8.8 Under these circumstances, the suspected breach – if considered to be materially significant – should be reported directly to the Regulator.

SECTION 9	BREACH ASSESSMENT & ESCALATION
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- 9.1 There is a legal requirement to report any breaches that are likely to be of **material significance** to the Regulator in carrying out any of its functions.
- 9.2 Assessing whether a breach is materially significant will depend on the following:
- cause of the breach;
 - effect of the breach;
 - reaction to the breach;
 - wider implications of the breach.
- 9.3 The breach is likely to be of material significance where it was caused by:
- dishonesty;
 - poor governance or administration;
 - slow or inappropriate decision making process;
 - incomplete or inaccurate advice;
 - acting (or failing to act) in deliberate contravention of the law.
- 9.4 A breach will not normally be materially significant if has arisen from an isolated incident. When deciding whether to report, consideration should be given to these points and reporters should seek expert or professional advice, where appropriate, when deciding whether the breach is likely to be of material significance to the Regulator.
- 9.5 The Regulator has developed a traffic light framework to help decide whether a breach is likely to be of material significance and should be reported:

RED	Where the cause, effect, reaction and wider implications, when considered together, are likely to be of material significance. Red breaches must be reported.
AMBER	Where the cause effect, reaction and wider implications of a breach when considered together may be of material significance. Amber breaches are less clear cut; reporters must take into account the context of the breach in order to decide whether it is of material significance and should be reported.
GREEN	Where the cause, effect, reaction and wider implication of a breach, when considered together, are not likely to be of material significance. Green breaches do not need to be reported.

- 9.6 The traffic light framework provides some examples of breaches and their assessment to determine which category they fall into. The framework is provided at **Appendix A**. These examples are not an exhaustive list. They are designed to illustrate situations with which any actual breach can be compared and thereby assist the Reporter in reaching an appropriate decision.
- 9.7 Guidance on what may be considered materially significant and how to determine the **RAG** status of a breach is detailed below.
- 9.8 **Cause of the Breach:** If the cause of the breach is considered to be in relation to theft, suspected fraud, bribery or other serious offences committed by those involved in the governance and administration of the Scheme, these are categorised as red and should be reported immediately to the Regulator.

- 9.9 A breach will not normally be considered materially significant if it has arisen from an isolated incident, such as resulting from teething problems with a new system or procedures, or from an unusual or unpredictable combination of circumstances.
- 9.10 Reporters should, however, consider other reported and unreported breaches (refer to the Breach Register) as persistent isolated breaches could be indicative of wider issues and considered materially significant.
- 9.11 **Effect of the Breach:** Reporters need to consider the effects of the breach in relation to who will be affected and what the consequences of the breach are likely to be. The potential impact on Scheme members, the Scheme and its Administrator and Manager is the key consideration in deciding whether a breach should be reported to the Regulator. The extent of the impact will be dependent on a number of factors.
- 9.12 Where the breach is likely to affect a large number of members or volume of records, have a significant financial impact or damage the Scheme's credibility or reputation, these will normally always be categorised as a red breach and vice versa for a green breach.
- 9.13 **Reaction to the Breach:** Where prompt and effective action is taken to investigate and correct the breach and its causes and, where appropriate, notify any affected Scheme members, the Regulator will not normally consider this to be materially significant.
- 9.14 A breach is likely to be of concern and material significance to the Regulator where a breach has been identified and those involved:
- do not take prompt and effective action to remedy the breach and identify and tackle its cause to minimise the risk of reoccurrence;
 - are not pursuing corrective action to a proper conclusion;
 - fail to notify affected Scheme members where it would have been appropriate to do so.
- 9.15 **Wider Implications of the Breach:** The wider implications of the breach should be considered when assessing whether the breach is likely to be materially significant to the Regulator. For example, a breach is likely to be of material significance where:
- the fact that the breach has occurred makes it appear more likely that other breaches will emerge in the future. For example, this could be due to Pension Board members having a lack of appropriate knowledge and understanding to fulfil their responsibilities;
- 9.16 If the breach indicates that it is highly likely that the Scheme will be in breach of other legal requirements in the future, it is indicative of wider scheme administrative issues these should be categorised as red.
- 9.17 In deciding whether a particular breach may have wider implications, the reporter should take into account such general risk factors as how well run the Scheme appears to be. In determining this, it may be helpful to review the Breach Register and establish whether the Scheme has had any fines imposed or been subject to regulatory action in the last two years. Some breaches that arise in respect of a poorly administered scheme will be more significant to TPR than the same breaches in a well administered scheme, consistent with its risk-focused approach.

- 9.18 Overall Assessment:** As each breach will have a unique set of circumstances, there may be elements which apply from one or more of the red, amber and green categories for the cause, effect, reaction and wider implications. Reporters should use the Breach Assessment Matrix attached at **Appendix B** to record the **RAG** status of each area. Reporters then need to use their own judgement to determine which overall reporting category the breach falls into. As a general rule, if more than two areas are categorised as red, it is likely that the breach will be considered as materially significant to the Regulator.
- 9.19** Where the overall assessment is amber, the indicators provided in the Breach Assessment matrix should be considered to determine whether the breach should be reported to the Regulator.
- 9.20** Some breaches may be considered so serious in relation to any one area that it will warrant immediate reporting to TPR.

SECTION 10	RECORDING & REPORTING
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- 10.1 Breach Register:** All breaches must be recorded on the Breach Register even if the decision is not to report. A full record of all potential breaches, reported breaches, investigations and corrective actions undertaken should be recorded on this register. The record of past breaches (even if they are not reported) may be relevant in deciding whether to report a breach (for example it may reveal a systemic issue).
- 10.2** The Breach Register is held on the Scheme Manager's electronic records management system (i.e. HPE Records Manager (HPE) – formerly TRIM) and maintained by the Pension Board Secretariat under the direction of the Pension Board Chair. When a breach has been identified, the Reporter should ensure that the breach has been recorded on the Register and that the Register is fully updated as the assessment and reporting process progresses.
- 10.3 Breach Report Form:** A Breach Report Form (template attached at Appendix C) should be completed by the reporter when considering a breach. In the event that a group of breaches are being considered together, for example, late payment contributions, the Reporter can complete one form per group, if it is considered appropriate to do so. If, after assessment, the Reporter decides that there is reasonable cause to believe that a breach has occurred, and that it is of material significance to the Regulator, this should be recorded on the form. The Breach Report Form must be countersigned by the Chair of the Pension Board.

SECTION 11	SUBMITTING A REPORT TO THE TPR
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- 11.1** A report of a breach must be made in writing as soon as reasonably practicable. What is reasonably practicable depends on the circumstances – the time taken should reflect the seriousness of the breach but in all cases the intention should be to assess the breach and make a decision about reporting as quickly as possible and no longer than 30 days from when the breach was identified.
- 11.2** Reports should be in writing, either by post or electronically and, wherever possible, reporters should use the standard format available on the Exchange On-line service on the Regulator's website.

- 11.3 The Exchange can be accessed via the following link: [Exchange log in | The Pensions Regulator](#)
- 11.4 Reports can also be submitted by post or email to the contact details below:

ADDRESS	The Pensions Regulator Napier House Trafalgar Place Brighton BN1 4DW
EMAIL	exchange@tpr.gov.uk
TELEPHONE	0845 600 5666

- 11.5 The report should be dated and include:
- Details of the scheme (including scheme type [defined benefit] and Pension Scheme Registry Number)/scheme manager, such as full name and address;
 - Description of the breach(es) with any relevant dates and whether the concern has been reported before;
 - The reason the breach is thought to be of material significance to the Regulator;
 - Name, position and contact details of the reporter, and their role in relation to the scheme.
- 11.6 The Pension Act 2004 makes clear that the statutory duty to report overrides any other duties a reporter may have such as confidentiality and that any such duty is not breached by making a report. The statutory duty does not however override “legal privilege” which means that oral and written communications between a professional legal adviser and their client do not have to be disclosed.
- 11.7 The Regulator does encourage reporters to provide their contact details in case they need to ask for further information during the course of the investigation. If, however, you wish to report a breach of the law **anonymously** to the Regulator, you can use the Regulator’s online whistleblowing form. Alternatively you can email the Regulator with the details of the breach at wb@tpr.gov.uk or call 0345 600 7060.
- 11.8 Reporters should ensure they receive an acknowledgement for any report they have sent to the Regulator. The Regulator will acknowledge all reports within five working days of receipt. The acknowledgement is confirmation that the report has been received by the Regulator. If an acknowledgement is not received, the reporter should follow this up.
- 11.9 Once a report is received, the Regulator will make initial enquiries and may contact the Reporter to clarify information (if contact details are provided).
- 11.10 If appropriate, the Regulator will refer the concerns raised internally for investigation. However, due to legal restrictions, the Regulator will not generally keep Reporters informed of the steps taken in response to a report or provide any feedback on the investigation. If a report

has been made against an employer or third party, the Regulator will provide a designated point of contact and ensure any witnesses are supported throughout any enforcement process.

SECTION 12	FAILURE TO REPORT
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12.1 Failure to comply with the duty to report breaches of the law without 'reasonable excuse' is a civil offence. To decide whether the Reporter has a reasonable excuse for not reporting as required or for reporting a breach later than the Regulator would have expected, the Regulator will look at:

- The legislation, case law, relevant TPR codes of practice and any guidance issued by the Regulator;
- The role of the Reporter in relation to the Scheme;
- The training provided to individual staff, and the level of knowledge it would be reasonable to expect that individual or those staff to have;
- The procedures put in place to identify and evaluate breaches and whether these procedures have been followed;
- The seriousness of the breach and therefore how important it was to report to the Regulator without delay;
- Any reason for the delay in reporting;
- Any other relevant considerations relating to the case in question.

SECTION 13	INVESTIGATION & CORRECTIVE ACTION
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13.1 If necessary, an investigation into the breach should be undertaken. The level of investigative effort should reflect the seriousness of the breach.

13.2 Where there is an immediate risk to the scheme, the Regulator only requires Reporters to make such immediate checks as are necessary. The more serious the potential break and its consequences, the more urgently Reporters should make these checks. Investigations should:

- Determine the root cause of the breach;
- Determine whether it was a systemic breach, an isolated incident or a deliberate act;
- Be completed within six weeks of the Breach Report Form being completed or the breach reported.

13.3 The investigation report should identify recommended/corrective action, where appropriate, the persons responsible for implementing the action and target completion times for implementation. Where systemic issues are identified, an improvement plan should be developed to address policy/process improvement. The appropriate manager should monitor implementation of corrective action to ensure it is completed and report any issues to the Pension Board.

SECTION 14	REVIEW
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14.1 This Breach Reporting Policy and Procedures will be kept under review and updated as considered appropriate by the Scheme Manager or when required to remain current and reflective of the Regulator's guidance. After any update it will be sent to all individuals who are considered to be subject to the Policy and Procedures.

SECTION 15	SCENARIOS
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15.1 To assist specified 'certain people' in determining when they are likely to encounter identifying and reporting breaches, the scenarios in **Appendix A** are taken from the Pensions Regulator's website and provided for illustration.

Certain people involved with the governance and administration of a public service pension scheme must report certain breaches of the law to The Pensions Regulator. These people include scheme managers, members of pension boards, employers, professional advisers and anyone involved in administration of the scheme or advising managers. You should use the traffic light framework when you decide whether to report to us. This is defined as follows:

- Red breaches must be reported.
- Amber breaches are less clear cut: you should use your judgement to decide whether it needs to be reported.
- Green breaches do not need to be reported.

All breaches should be recorded by the scheme even if the decision is not to report.

When using the traffic light framework you should consider the content of the red, amber and green sections for each of the cause, effect, reaction and wider implications of the breach, before you consider the four together.

As each breach of law will have a unique set of circumstances, there may be elements which apply from one or more of the red, amber and green sections. You should use your judgement to determine which overall reporting traffic light the breach falls into. By carrying out this thought process, you can obtain a greater understanding of whether or not a breach of the law is likely to be of material significance and needs to be reported.

You should not take these examples as a substitute for using your own judgement based on the principles set out in the code of practice as supported by relevant pensions legislation. They are not exhaustive and are illustrative.

Knowledge and understanding required by pension board members

Example scenario: The scheme manager has breached a legal requirement because pension board members failed to help secure compliance with scheme rules and pensions law.

POTENTIAL INVESTIGATION OUTCOMES				
RAG STATUS	CAUSE	EFFECT	REACTION	WIDER IMPLICATIONS
RED	Pension board members have failed to take steps to acquire and retain the appropriate degree of knowledge and understanding about the scheme's administration policies.	A pension board member does not have knowledge and understanding of the scheme's administration policy about conflicts of interest. The pension board member fails to disclose a potential conflict, which results in the member acting improperly.	Pension board members do not accept responsibility for their failure to have the appropriate knowledge and understanding or demonstrate negative or noncompliant entrenched behaviours. The scheme manager does not take appropriate action to address the failing in relation to conflicts.	It is highly likely that the scheme will be in breach of other legal requirements. The pension board do not have an appropriate level of knowledge and understanding and in turn are in breach of their legal requirement. Therefore, they are not fulfilling their role to assist the scheme manager and the scheme is not being properly governed.
AMBER	Pension board members have gaps in their knowledge and understanding about	Some members who have raised issues have not had their complaints treated in	The scheme manager has failed to adhere precisely to the	It is possible that the scheme will be in breach of other legal requirements. It is possible that the pension

	some areas of the scheme's administration policies and have not assisted the scheme manager in securing compliance with internal dispute resolution requirements.	accordance with the scheme's internal dispute resolution procedure (IDRP) and the law.	detail of the legislation where the breach is unlikely to result in an error or misunderstanding or affect member benefits.	board will not be properly fulfilling their role in assisting the scheme manager.
GREEN	Pension board members have isolated gaps in their knowledge and understanding.	The scheme manager has failed to adhere precisely to the detail of the legislation where the breach is unlikely to result in an error or misunderstanding or affect member benefits.	Pension board members take action to review and improve their knowledge and understanding to enable them to properly exercise their functions and they are making quick progress to address gaps in their knowledge and understanding. They assist the scheme manager to take prompt and effective action to remedy the breach.	It is unlikely that the scheme will be in breach of other legal requirements. It is unlikely that the pension board is not fulfilling their role in assisting the scheme manager.

Scheme Record Keeping

Example scenario: an evaluation of member data has identified incomplete and inaccurate records.

POTENTIAL INVESTIGATION OUTCOMES				
RAG STATUS	CAUSE	EFFECT	REACTION	WIDER IMPLICATIONS
RED	Inadequate internal processes that fail to help employers provide timely and accurate data, indicating a systemic problem.	All members affected (benefits incorrect/not paid in accordance with the scheme rules, incorrect transactions processed and poor quality information provided in benefit statements).	Action has not been taken to identify and tackle the cause of the breach to minimise the risk of recurrence nor to notify members.	It is highly likely that there are wider scheme issues caused by inadequate processes and that the scheme will be in breach of other legal requirements.
AMBER	A failure by some – but not all participating employers to act in accordance with scheme procedures, indicating variable standards of implementing those procedures.	A small number of members affected	Action has been taken to identify the cause of the breach, but progress to tackle it is slow and there is a risk of recurrence.	It is possible that there are wider scheme issues and that the scheme may be in breach of other legal requirements.
GREEN	A failure by one participating employer to act in accordance with scheme procedures, indicating an isolated incident.	No members affected at present.	Action has been taken to identify and tackle the cause of the breach and minimise the risk of recurrence.	It is unlikely that there are wider scheme issues or that the scheme manager will be in breach of other legal requirements.

APPENDIX B	BREACH ASSESSMENT MATRIX
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	RED	AMBER	GREEN
CAUSE			
EFFECT			
REACTION			
WIDER IMPLICATIONS			
OVERALL ASSESSMENT			
RATIONALE			

If the overall assessment is Red - report breach to TPR
If the overall assessment is Green – do not report to TPR
If the overall assessment is Amber , the following indicators should be used to determine whether the breach is reportable to the Regulator:

NOT REPORTABLE	REPORT
Single cause of breach	Multiple factors or control failures caused breach
Primarily a result of external factors outside of NITPS control	Primarily a result of internal factors within of NITPS control
Short term	Long term issue or significant period before breach can be rectified/remedied
Effective and timely response taken	Ineffective or slow action to remedy
Human error or inadvertent act	Deliberate act or poor controls/procedures
Few members affected	Widespread/impact unknown
Isolated breach	Repeated or persistent breaches of a similar nature (refer to Breach Register)
Has acted in good faith	Acting (or failing to act) in deliberate contravention of the law, including theft, fraud or other serious offences

APPENDIX C	RECORD LOG OF BREACHES
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Date	Category (e.g. administration, contributions, criminal activity)	Description and cause of breach	Possible effect of breach and wider implications	Reaction of relevant parties to breach	Overall Rating (Red / Amber / Green)	Reported / Not reported (with justification if not reported and dates)	Outcome of report and/or investigations	Outstanding actions

A copy of The Pension’s Regulator Decision Tree is attached for reference for Members for consideration of any potential breaches:



