

## J - Reporting breaches of the law

### Legal Requirements

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
- the failure to comply is likely to be of material significance to the regulator in the exercise of any of its functions.

People who are subject to the reporting requirement ('reporters') for public service pension schemes are:

- scheme managers
- members of pension boards
- any person who is otherwise involved in the administration of a public service pension scheme
- employers: 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 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.

The report must be made in writing as soon as reasonably practicable.

TPR Code Ref 241

TPR Code Ref 242

TPR Code Ref 243

No.	TPR Requirement	TPR Code Ref	London Borough of Havering Approach / Evidence	Frequency of Review	Last Review Date	Completed	Compliant	Notes	Action
J1	Is the Administering Authority satisfied that those responsible for reporting	244	The reporting arrangements are published on the Havering Pension website	Annual check	31/08/2022	In Progress	Partially compliant		A register of breaches must be set up and maintained. New officers would benefit from training
J2	Does the Administering Authority have appropriate procedures in place to meet their legal obligations for identifying and assessing breaches?	245	A procedure for reporting breaches has been in place since 2005 and a report is presented annually to the Pensions Committee which includes the reporting arrangements and whether any breaches occurred and reported to TPR. Administration breaches are reported by LPPA on a quarterly basis and a register is kept by Havering	Annual check	30/06/2023	Fully completed	Fully compliant		Register is now in place for 2022/23 and will be updated quarterly for Q1 2023/24
J3	Are breaches being recorded in accordance with the agreed procedures?	246	As above (J2). The named officer for reporting issues to within Havering is currently the Section 151 Officer. A register is maintained to record breaches even if they are not reported to the Pensions Regulator.	Annual check	30/06/2023	Fully completed	Fully compliant		Register is now in place for 2022/23 and will be updated quarterly for Q1 2023/24