

# How To Be A Top Trustee

# Your Trustee Knowledge and Understanding Gap Indicator

Defined Benefit Schemes (with associated Defined Contribution arrangements)

### Welcome

The Pensions Regulator has developed a checklist of the areas of knowledge that Trustees must have to perform their role. The code of practice on Trustee Knowledge and Understanding lists three key requirements:

- Trustees are required to have knowledge and understanding about the law relating to trusts and to pension schemes generally.
- Trustees are required to have knowledge and understanding about the principles relating to the funding of occupational pension schemes and the investment of the scheme's assets.
- Trustees need to be conversant (i.e. familiar) with the documents that are particular to their own scheme so that they are able to make use of those documents in carrying out their functions.

current level of knowledge against the Pensions Regulator's TKU framework. In particular, each page allows you to confirm how well you believe you meet each of the Regulator's specific knowledge requirements. This document is based on the framework set for defined benefit (DB) schemes with associated defined contribution (DC) arrangements as provided by the Pensions Regulator.

Separate frameworks exist for defined contribution schemes and (much reduced) for small (12-99 members) fully insured defined contribution schemes.

This gap indicator is also available in Excel format. If you would like it in this format for easy analysis please contact your usual Aon Hewitt consultant or the Pensions Training team (email: pensionstraining.enguiries@aonhewitt.com).

#### The following pages help you assess your

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1	dut	e law relating to trusts - this includes an understanding of the special nature of a pensi- ties, obligations and powers of Trustees to operate pension schemes in accordance wi st documentation.		
	а	The definition and nature of a pension trust including the separation between the scheme and the sponsoring employer and the separation of assets		
	b	Fiduciary duties, including the obligation to act prudently, safeguarding the financial interests of all beneficiaries, eg:		
		<ul> <li>In the choice of investment vehicles (DC)</li> </ul>		
		<ul> <li>In any decision involving the possibility of changing to a different pension arrangement, eg buying out or winding up the current scheme</li> </ul>		
	с	<b>Professional advice and decision-making</b> , including the need to obtain professional advice (where appropriate) in reaching decisions		
	d	The role of advisers and suppliers to the scheme, including the employment by the Trustees of:		
		<ul> <li>Actuaries</li> </ul>		
		Administrators		
		<ul> <li>Auditors</li> </ul>		
		<ul> <li>Benefit consultants</li> </ul>		
		<ul> <li>Custodians</li> </ul>		
		Financial advisers		
		Fund managers		
		Investment consultants		
		Investment managers		
		Lawyers		
		<ul> <li>Providers (as appropriate)</li> </ul>		
	е	The particular role and use of advisers in special situations (DB only), including:		
		<ul> <li>Actual or proposed corporate restructuring which threatens technical provisions</li> </ul>		
		<ul> <li>Any threat to the scheme or to the employer covenant</li> </ul>		
	f	<b>Investment of scheme assets</b> , including the Trustees' responsibility to act prudently and in accordance with the trust documentation, and taking into account the strength of the employer covenant		
	g	The operation of the scheme in accordance with the trust documentation, including:		
		The Trust Deed and Rules		
		<ul> <li>Any amendments</li> </ul>		
		<ul> <li>The Memorandum and Articles of Association or equivalent documents (corporate Trustees)</li> </ul>		



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### Tick the appropriate box – Advanced (1), Knowledgeable (2), Developing (3), Basic / No Knowledge (4)

### Area of Knowledge

h	Trustees' powers including:	
	The power to:	
	- Amend the Rules	
	<ul> <li>Delegate functions while retaining responsibility</li> </ul>	
	<ul> <li>Authorise signatories for payments</li> </ul>	
	<ul> <li>Augment benefits (DB only)</li> </ul>	
	- Set contributions (DB only)	
	- Exercise certain discretions (eg distribution of death benefits)	
	- Invest scheme assets	
	<ul> <li>Wind up the scheme</li> <li>The limitations and conditions imposed by the Trust Deed and Rules and relevant</li> </ul>	
	legislation;	
	The effect of legislation	
i	The balance of powers between the sponsoring employer and the Trustees including the requirement to consult	
j	<b>Conflicts of interest</b> , including situations which may give rise to conflicts and how conflicts may be managed eg	
	<ul> <li>Trustees whose relationship with the sponsoring employer might make it difficult to maintain the interests of all categories of beneficiaries as the prime concern</li> </ul>	
	<ul> <li>Trustees required to use their discretion in relation to members whom they may know well</li> </ul>	
	<ul> <li>Professional advisers who may be retained by both Trustees and the sponsoring employer</li> </ul>	
	<ul> <li>Investment advisers running a fund management service</li> </ul>	
k	<b>Taking office</b> , including the particular requirements and the implications of joint and several liability	
I	Fitness and propriety to act as a Trustee, including the need for:	
	<ul> <li>An appreciation of the full range of Trustee duties</li> </ul>	
	<ul> <li>Appropriate knowledge and understanding</li> </ul>	
	<ul> <li>Preparation for and regular attendance at meetings</li> </ul>	
	<ul> <li>Knowledge of the circumstances in which a person is disqualified from taking office</li> </ul>	
m	Ceasing to hold office, including the implications of personal liability for past decisions	
n	Protections and immunities offered to Trustees	
ο	Trustees' responsibility for sound governance and administration, including:	
	Secretariat functions, eg planning, minutes of meetings, correspondence, complaints	
	<ul> <li>Administration functions, eg record-keeping, payment of benefits, receipt of contributions, checks for fraud</li> </ul>	

Risk management, eg internal controls, contingency planning



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- Decision-making and delegation
- 2 The law relating to pensions this includes occupational pensions legislation (in outline) and the key provisions of related legislation that affects pension schemes and impacts on the role and activities of pension scheme Trustees.

а	Occupational pensions legislation, including:	
	<ul> <li>The key provisions of pensions legislation</li> </ul>	
	<ul> <li>The Pensions Regulator's Codes of Practice and guidance</li> </ul>	
	<ul> <li>Pension Protection Fund (PPF) guidance (DB only)</li> </ul>	
	<ul> <li>The outline of proposals for major legislative change already approved by the Government</li> </ul>	
b	The tax privileges and requirements for occupational pension schemes, including the relevant provisions of the Finance Act 2004, eg those which:	
	<ul> <li>Set the conditions to be met by a registered pension scheme</li> </ul>	
	<ul> <li>Allow personal pensions and occupational pensions to be run concurrently</li> </ul>	
	<ul> <li>Set a cap on contributions (DC only) and benefits which attract tax privileges</li> </ul>	
С	<ul> <li>Pensions related legislation, including:</li> <li>Anti-discrimination</li> </ul>	
	<ul> <li>Arrangements for giving advice on pensions</li> </ul>	
	Civil partnerships	
	<ul> <li>Compensation arrangements</li> </ul>	
	<ul> <li>Data protection</li> </ul>	
	<ul> <li>Employment legislation</li> </ul>	
	<ul> <li>Money laundering</li> </ul>	
	Parental leave	
	<ul> <li>Pensions sharing on divorce</li> </ul>	
d	The particular powers of the regulator in relation to sponsoring employers as well as Trustees (DB only), including the powers to issue contribution notices and financial support directions, and to offer protection from these by clearing corporate restructuring proposals	
е	Disputes resolution, including:	
	<ul> <li>Internal Disputes Resolution Procedure (IDRP)</li> </ul>	
	<ul> <li>The role of The Pensions Advisory Service (TPAS) and the Pensions Ombudsman</li> </ul>	
f	Member Nominated Trustees/Directors	
g	The law relating to internal controls and sound administration, including the obligation to administer the scheme in accordance with legal and regulatory requirements	



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#### Tick the appropriate box - Advanced (1), Knowledgeable (2), Developing (3), Basic / No Knowledge (4)

### Area of Knowledge

h	The interface between occupational schemes and state pension provision,
	including the implications of contracting out and the relationship between pension
	scheme benefits and means-tested state benefits

- i The obligation on employers to offer a qualifying scheme for all employees from 2012, including the conditions for meeting the requirements for a qualifying scheme, covering such matters as:
  - Automatic enrolment of members
  - Minimum contribution rates
  - Eligibility for membership
  - The definition of pensionable pay
  - The power of Trustees to modify their scheme rules by resolution to meet the requirements for a qualifying scheme
- 3 The basic principles relating to the investment of assets this includes the major asset classes and their risk profiles as well as information about other asset classes and the principles of risk and reward.

а	Capital markets, including, in broad terms, the effect of economic cycles	
b	The major asset classes and their characteristics	
	<ul> <li>Equities</li> </ul>	
	Bonds	
	Property	
	Cash	
С	The implications of overseas investment, including foreign exchange risk and political risk	
d	The existence of other asset classes and investment techniques, including:	
	<ul> <li>Annuities used as an asset class</li> </ul>	
	<ul> <li>Default funds and lifestyling arrangements (DC)</li> </ul>	
	<ul> <li>With-profits arrangements (as appropriate)</li> </ul>	
е	The balance between risk and reward, including:	
	The nature of risk	
	<ul> <li>Risk/reward profile of each major asset class</li> </ul>	
	<ul> <li>Basic principles of matching assets to liabilities (DB)</li> </ul>	
	<ul> <li>Basic principles of matching assets to pension expectations (DC)</li> </ul>	

Basic principles of managing risk by diversification of asset classes



# Area of Knowledge

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fur	nding: Defined Benefit (DB) occupational arrangements only – this includes the princ nding of DB occupational arrangements and the way in which the funding level is dep lue of both the scheme's liabilities and its assets.	
а	How the funding for DB occupational pension schemes works, including different funding bases and the purpose of each	
b	How liabilities are valued for different purposes, including:	
	<ul> <li>The significance of future cash flows</li> </ul>	
	<ul> <li>The importance of assumptions and their impact</li> </ul>	
	<ul> <li>The volatility of the value of liabilities</li> </ul>	
С	How the market value of assets is assessed	
d	Funding measures, including:	
	<ul> <li>The measurement of liabilities (eg Technical Provisions, buy-out, PPF)</li> </ul>	
	<ul> <li>The setting of contributions (eg recovery plan in the event of deficit)</li> </ul>	
е	Potential risks to the ability of the scheme to pay benefits, including:	
	<ul> <li>The financial instability of the sponsoring employer</li> </ul>	
	Corporate restructuring	
	<ul> <li>Transferring liabilities to a new employer</li> </ul>	
	<ul> <li>Unusually high salary increases</li> </ul>	
	<ul> <li>Any proposal from the sponsoring employer for the buy-out of scheme liabilities</li> </ul>	
	<ul> <li>The volatility of assets relative to liabilities</li> </ul>	
f	The importance of complete, accurate and up-to-date data and calculations, including the need for robust processes and systems	
g	<b>The impact of Trustee powers</b> , including the financial impact of exercising discretions (eg augmentation of benefits)	
h	The nature and status of professional advice	
i	Transfers and bulk transfers in and out of schemes, including:	
	<ul> <li>The responsibility of Trustees to decide upon the calculation of transfer values</li> </ul>	
	Buy-ins	
	Buy-outs	

 Any inducements from the sponsoring employer for members to forego future benefits



5		Contributions: Defined Benefit (DB) occupational arrangements only - this includes the principles relati to the setting of contributions.		
	а	The nature of the employer/Trustee relationship and the effect of the scheme's funding level on the sponsoring employer		
	b	The way in which the sponsoring employer covenant reflects its ability to fund the scheme, including an understanding of the sponsoring employer's business, its audited accounts and auditor's report and its exposure to risk		
	с	The calculation of regular contributions to fund liabilities for future accruals		
	d	The setting of special contributions for past service as required, including agreement on a recovery plan		
	е	Member contributions, including:		
		<ul> <li>Regular and additional contributions (eg AVCs and salary sacrifice)</li> </ul>		
		<ul> <li>Other concurrent member pension arrangements (eg FSAVCs, personal pensions and stakeholder pensions)</li> </ul>		
		<ul> <li>The timeliness of payments to the scheme</li> </ul>		
		<ul> <li>The importance of complete, accurate and up-to-date member records</li> </ul>		
		<ul> <li>The importance of robust systems and processes</li> </ul>		
	f	The role of the sponsoring employer in the calculation and collection of member contributions		
6	pri	ategic asset allocation: Defined Benefit (DB) occupational arrangements only - this in nciples relating to the suitability of different asset classes to meet the liabilities of the count of the strength of the employer covenant and the Trustees' risk profile for the s	scheme, taking	
	а	The process of strategic asset allocation, including the importance of selecting an appropriate mix of asset classes and taking account of the correlation between them and the Trustees' investment objectives		
	b	The characteristics of alternative asset classes and financial instruments		
	С	The use of specialised investment techniques, including liability driven investment arrangements		
	d	<b>Reviewing asset allocation decisions</b> , including regular review and the response to any change in the maturity or status of the scheme		
7	pri	nning a Defined Contribution (DC) occupational arrangement (including AVCs) - this i nciples relating to the operation of DC occupational arrangements and the risks borne mbers.		
	а	How DC occupational pension arrangements work, including the payment of fees, charges and expenses, and the operation of a Trustee bank account		
	b	Administration procedures specific to DC occupational arrangements, including the importance of:		



# Area of Knowledge

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	<ul> <li>Complete, accurate and up-to-date member records</li> </ul>	
	The timely collection of contributions and allocation of assets	
	<ul> <li>Regular reconciliations</li> </ul>	
	<ul> <li>The accurate and timely switching of assets when required (eg lifestyling)</li> </ul>	
	<ul> <li>Robust systems and processes</li> </ul>	
С	The role of the employer in the calculation and collection of member contributions	
d	The implications of the transfer of risk to members of DC occupational arrangements, including:	
	<ul> <li>Market risk</li> </ul>	
	<ul> <li>Mortality risk</li> </ul>	
	<ul> <li>Changes to the legislation or tax regime</li> </ul>	
	<ul> <li>Contributions not being paid across to the scheme accurately and on time</li> </ul>	
	<ul> <li>Excessive charges and up front charging structures</li> </ul>	
	<ul> <li>Ineffective communications between members and Trustees</li> </ul>	
	<ul> <li>Lack of member understanding of pension funding in general</li> </ul>	
	<ul> <li>Insufficient contribution levels</li> </ul>	
	<ul> <li>Inappropriate investment choices by members</li> </ul>	
	<ul> <li>Inappropriate or uninformed decision-making at retirement</li> </ul>	
е	The implications of contracting out	
arı	vestment choice and the implications for members: Defined Contribution (DC) occupation rangements (including AVCs) - this includes the principles relating to the choice of inve ffered to members.	
а	The implications for members of the investment strategy adopted by Trustees, including:	
	<ul> <li>Whether or not Trustees offer investment choices to members</li> </ul>	
	<ul> <li>The range of investment choices where they are offered</li> </ul>	
	<ul> <li>The suitability of the investments for the membership</li> </ul>	
	<ul> <li>The implications of a default investment fund</li> </ul>	
	<ul> <li>The implications of lifestyling as a default option</li> </ul>	
b	The importance of member understanding of investment risk	

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#### Tick the appropriate box – Advanced (1), Knowledgeable (2), Developing (3), Basic / No Knowledge (4)

### Area of Knowledge

9

Fund management - this includes the principles of fund management and how the performance of fund managers can be measured.					
а	The structure of investment portfolios, including such matters as:				
	<ul> <li>Active vs passive management</li> </ul>				
	<ul> <li>Pooled funds vs segregated portfolios</li> </ul>				
	<ul> <li>Rebalancing portfolios</li> </ul>				
	Investment style				
b	The selection of fund managers				
С	<b>Investment mandates</b> , including an understanding of the nature of the contract between the Trustees and their asset managers, and the fee structures and charges				
d	Measurement of performance using indices, benchmarks and targets				
е	The mechanisms for monitoring investment arrangements and fund managers, including:				
	<ul> <li>Reports from fund managers</li> </ul>				
	<ul> <li>Implications of changes within the fund manager's organisation</li> </ul>				
	<ul> <li>Compliance with the Statement of Investment Principles (SIP)</li> </ul>				
	<ul> <li>The completeness and accuracy of records</li> </ul>				
	<ul> <li>The completeness and accuracy of calculations (DC)</li> </ul>				
	<ul> <li>The calculation and the impact of charges and fees</li> </ul>				
	<ul> <li>Management of any transition of assets between one manager and another</li> </ul>				
	<ul> <li>Robust processes and systems</li> </ul>				
f	The importance of sound custody arrangements, including adequate monitoring and correct record-keeping				
g	The importance of responsible ownership of assets, including:				
	<ul> <li>The extent to which social, environmental and ethical considerations are taken into account when making investment decisions</li> </ul>				
	<ul> <li>The corporate governance of the companies in which the Trustees invest</li> </ul>				
	<ul> <li>The extent to which (if at all) they will exercise their voting rights</li> </ul>				

- h The Myners principles for the governance of the investment decision-making process
- 10 A working knowledge of the scheme's own trust documentation this includes any subsequent amending documents.
  - a The duties, powers and discretions of Trustees



ible (2), Developing (3), Basic / No	nii	OWI	euge	3 (4)	
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	b	The balance of powers between the sponsoring employer and Trustees including, for DB only:		
		<ul> <li>The appropriateness of exercising Trustee powers, especially where the scheme of the sponsoring employer is under threat</li> </ul>		
		<ul> <li>The overriding legislative requirement to consult</li> </ul>		
		and, for DC only:		
		The size of contributions, investment decisions and the calculation of contributions		
	с	Categories of membership in the scheme, including eligibility for membership		
	d	<b>Benefits offered</b> (DB) Including the circumstances, both current and historic, under which benefits are payable, how they are calculated and the way in which payment is made		
	е	<b>Decumulation of pension funds</b> (DC), including the ways in which funds can be converted into benefits (decumulation), any default arrangements and the way in which payment is made		
11	Аи	vorking knowledge of the scheme's Statement of Investment Principles (SIP)		
	а	Roles and responsibilities for preparing the SIP		
	b	The scheme's investment objectives and asset allocation strategy		
	с	The contents of the SIP, including legal and regulatory requirements covering the contents of the SIP		
	d	Monitoring and updating the SIP as appropriate		
12	Аи	working knowledge of the scheme's Statement of Funding Principles (SFP) (DB schemes only)		
	а	Roles and responsibilities for preparing the SFP		
	b	The scheme's statutory funding objective		
	с	Contents of the SFP		
	d	<b>Monitoring the SFP</b> , including regular monitoring and special review in the event of a change in the status of the scheme and/or the strength of the employer covenant		
13	Аи	vorking knowledge of the scheme's other relevant documents - these include:		
	а	Scheme booklet, announcements and other member communications, including the popular report and accounts for members		
	b	<b>Principal contents of the most recent actuarial valuation and subsequent actuarial advice</b> (DB only), including the valuation report and recovery plan (if appropriate), and summary funding statement		
	с	Minutes of meetings		



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### Tick the appropriate box – Advanced (1), Knowledgeable (2), Developing (3), Basic / No Knowledge (4)

d	Regular stewardship reports, including compliance issues	
е	Schedule of contributions (DB) and any payment schedule (DC)	
f	Internal audit reports or reports of alternative internal checks, including checks on the adequacy and robustness of systems and on calculations used in individual member communications	
g	Annual report and accounts for the scheme and for the sponsoring employer, including any audited reports	
h	Any significant contract in respect of scheme assets, including contingent assets or guarantees and insurance policies	
i	Any other significant agreement or contract, including those with delegated authorities, professional advisers and suppliers of services, eg contracts of appointment, service level agreements	
j	Any Trustee approved procedures, including documentation relating to the:	
	<ul> <li>Internal Disputes Resolution Procedure (IDRP)</li> </ul>	
	<ul> <li>Appointment of all classes of Trustees</li> </ul>	
	<ul> <li>Appointment of the chair</li> </ul>	
	<ul> <li>Policy to manage conflicts of interest</li> </ul>	
	<ul> <li>Review of the risk register</li> </ul>	
k	Statement of compliance with the Myners principles (where appropriate)	
I	Terms of reference of any sub-committee (where relevant)	
m	Memorandum and Articles of Association (or equivalent documents) of the corporate Trustee (where applicable)	
n	The scheme's business plan, including a schedule of meetings and a timetable for anticipated agenda items	
ο	Job descriptions for the chair and for the Trustees	
р	Trustee skills audit, training needs analysis and training log	
q	The whereabouts of all original documents and the arrangement for their custody, safekeeping and access	