

Appendix 3

Breach log 2023/24



Durham County Council Pension Fund
- Breach Monitoring 2023/24

Ref	Date	Category	Description	Breach?	Action Taken	Impact - RAG	To be Reported to Regulator?	Comments	Reported to Data Protection Officer?	Date Reported	Follow Up Actions
001	20223 ABS	Regulatory	Annual Benefit Statements	No - Monitoring Only	ABS published prior to 31/08/23	n/a	n/a	Monitoring Only - Fund compliant with legal requirements	-	-	-
002	2023 AA	Regulatory	Pension Saving Statements	No - Monitoring Only	PSS published prior to 06/10/23	n/a	n/a	Monitoring Only - Fund compliant with legal requirements	-	-	-
003	2023 Annual Accounts	Regulatory	Pension Fund Annual Report and Accounts to be published	No - Monitoring Only	Annual Report is to be published by 31st December. Annual Accounts to be published by 31st July	n/a	n/a	Monitoring Only - Fund compliant with legal requirements	-	-	-
004	Q4 2023	Regulatory	Utmost Life AVC ABS forwarded on to members before 31/03/24	No - Monitoring Only	Utmost issue to DCCPF, Fund to forward to members before deadline 31st march following year	n/a	n/a	Monitoring Only - Fund compliant with legal requirements	-	-	-

005	Q1 2023	Other	DCC income team tried to bank Pension Fund cheque to DCC bank account	No - Monitoring Only	Initial request from Income team to reissue a cheque with amended payee - however Income Team Manager intervened, explaining cheque was in fact for Pension Fund and that it should be banked there and not DCC accounts. Income team reminded of banking arrangements.	n/a	n/a	-	-	-	-
006	Q1 2023	Data Breach	Copy of retirement paperwork (not containing benefit figures) including name, NINO, DOB sent to at least two other scheme members	Possible Breach	Relevant colleague notified and training provided. System process updated to add retirement paperwork to chaser letters to avoid this happening again.	Green	No	Not caused by dishonesty, poor governance, poor advice or was it intentional. Effect is not significant. It does not have wider implications. Steps are being taken to put matter right.	Yes		Process changed to automate reminder paperwork; manual intervention no longer required.
007	Q2 2023	Contributions	A scheme employer failed to pay employer contributions over on time.	Possible Breach	All employee contributions paid over on time. Arrears of employer contributions paid before financial year end, and all contributions paid on time since.	Green	No	Not considered material	-	-	Officers to meet with participating employer

008	Q2 2023	Data Breach	Royal mail data breach - delivered pensions info to wrong address.	No - Monitoring Only	Recipient called team - confirmed the address held on our system for member is correct, however royal mail have posted through wrong door. Info destroyed by recipient, new info posted out.	n/a	n/a	Considered that Fund not responsible for incident.	no	n/a	-
009	Q4 2023	Data Breach	Royal mail data breach - damaged ripped letter delivered to member	No - Monitoring Only	Recipient emailed pensions team explaining letter had arrived ripped to the point where personal information was visible. Advised member to raise formal complaint to royal mail and that we would log internally.	n/a	n/a	Considered that Fund not responsible for incident.	no	n/a	-
010	Q4 2024	Contributions	A scheme employer failed to pay contributions over on time.	Possible Breach	New employer to the Fund, were adjusting to the required procedures and processes. Contributions currently up to date and paid on time.	Green	No	Not considered material / legal obligation had not commenced.	No	June board	Employer now formally admitted to the fund. Processes in place for receipt of contributions on time.
011	Q1 2023	Disclosure	Performance against disclosure regs	No - Monitoring Only	Performance against disclosure regulations reviewed quarterly and reported to Pension Board	Green	No	Accepted that 100% compliance against Disclosure not possible.	n/a	Quarterly	Enhanced KPI reporting in development.

In 2023/24 the Fund recorded the breaches summarised on the above log. Of the breaches which occurred, none were considered of such significance that would warrant submitting a report to The Pension Regulator.

Monitoring Compliance

The Fund monitors compliance against key activity to avoid breaches of the law:

- **001** Annual benefit Statements to active and deferred scheme members by 31 August each year.
- **002** Pension Saving Statements to any individual scheme member affected by 06 October
- **003** Pension Fund Annual Report and Accounts to be published:
 - Annual Report 01 December
 - Draft Statement of Accounts 31 May
- **004** Utmost ABS submitted to scheme members by 31 March. Statements issued to Durham Pension Fund from Utmost to be sent to individuals.
- **011** Disclosure Regulations. Occupational Pension Scheme Disclosure regulations set out parameters for issuing of information to scheme members about their pension and are an absolute measurement - performance under 100% is technically a breach of law, however it is accepted that 100% compliance is not possible.

Breaches Recorded

005 In quarter 1 the council's Income Team attempted to bank a cheque for the Pension Fund into a DCC bank account. Steps were taken by the Income Team Manager to prevent the cheque being returned to the payee and had it paid into the Pension Fund account. Reported for monitoring only.

006 In quarter 1 retirement paperwork for one individual scheme member was incorrectly sent to at least two other scheme members. The paperwork contained Name/NINO/DoB. The Pensions Team were notified, training was provided and the process was amended to prevent this from happening again.

Not reported to The Pensions Regulator as this was not caused by dishonesty, poor governance, poor advice or was it intentional. The effect was not significant and steps taken to prevent future issues. Not considered material.

007 In quarter 2 Employer A did not pay over employer contributions to the Pension Fund April to July. Employer A have since paid arrears the contributions and have since continue to pay contributions on time. Employee contributions were not late.

Not considered material.

008 In quarter 2 the Royal Mail delivered a letter from the Pension Fund to the wrong address. Recorded for monitoring only. The recipient called the Pensions Team and destroyed the letter. A replacement letter was sent to the intended recipient.

009 In quarter 2 the Royal Mail delivered a letter which was damaged/ripped. Recorded for monitoring only. The recipient emailed the Pension Team explaining the issue. The letter was ripped to the point where personal information was visible. The recipient was advised to raise a formal complaint with Royal Mail.

010 In quarter 4 Employer B were late with paying over pension contributions. Employer B was new to the Pension Fund and was adjusting to new procedures and processes. Contributions are now up to date and payments continue. Not considered material.