DB code and strategy consultation

Chinu Patel and Mouna Turnbull

ACA regional meeting - Leeds

28 January 2014

The Pensions Regulator

Agenda

- Overview of DB consultation
  - Key aims
  - Package for consultation
  - The new Code
  - Integrated approach
  - Approach to regulation
  - New objective
  - Covenant and segmentation

Mouna Turnbull
DB regulation policy lead

- Focus on TPRs approach to risk
  - Trends in contributions
  - Risk to members/PPF
  - Scheme risk
  - Assessing risk
  - TPRs risk bars
  - The BFO
  - Asset backed funding

Chinu Patel
Actuary

The Pensions Regulator

Overview of DB consultation

Mouna Turnbull
DB regulation policy lead

The Pensions Regulator

Key aims of the review of the code and strategy

- Reflect all our statutory objectives, including the proposed new objective;
- Promote balance within the funding context in the light of the needs of schemes and their employers;
- Reflect our ongoing experience of regulating schemes, understanding of risks and evolving best practice;
- Ensure it remains fit-for-purpose for challenges facing schemes over the coming years;
- Guide our interventions in the most efficient and appropriate manner;
- Be transparent about our actions and the reasons for them and so that the regulated community is clear about our expectations.

The Pensions Regulator

Package for consultation

Statutory framework

The Pensions Regulator strategy and principles
Statutory framework
Organisational standards
Organisational priorities

Regulatory approach

Corporate plan

Strategy

Principles for how we regulate DB

DB strategy
What we are setting out to achieve, how we intend to do it

DB regulatory strategy

Codes of practice
Set out practical guidelines on the requirement of pension legislation

Code of practice on scheme funding

New code for scheme funding

Policy

Focus on regulating scheme funding

DB policy, statements and guidance*
What we will do/what schemes should do in a particular set of circumstances

DB funding policy

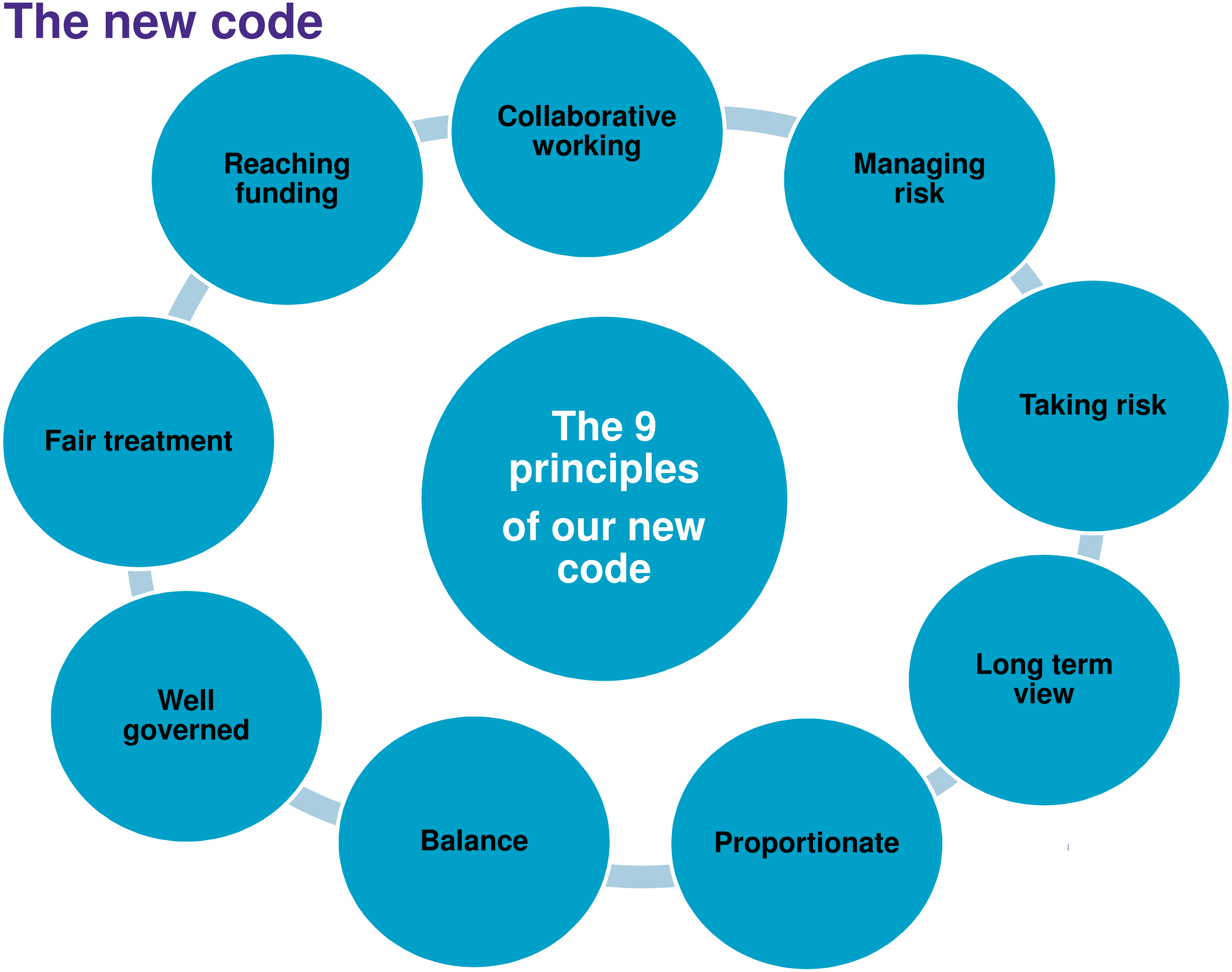
Annual funding statements

DB guidance
eg: Clearance, Identifying your statutory employer, Asset-backed contributions

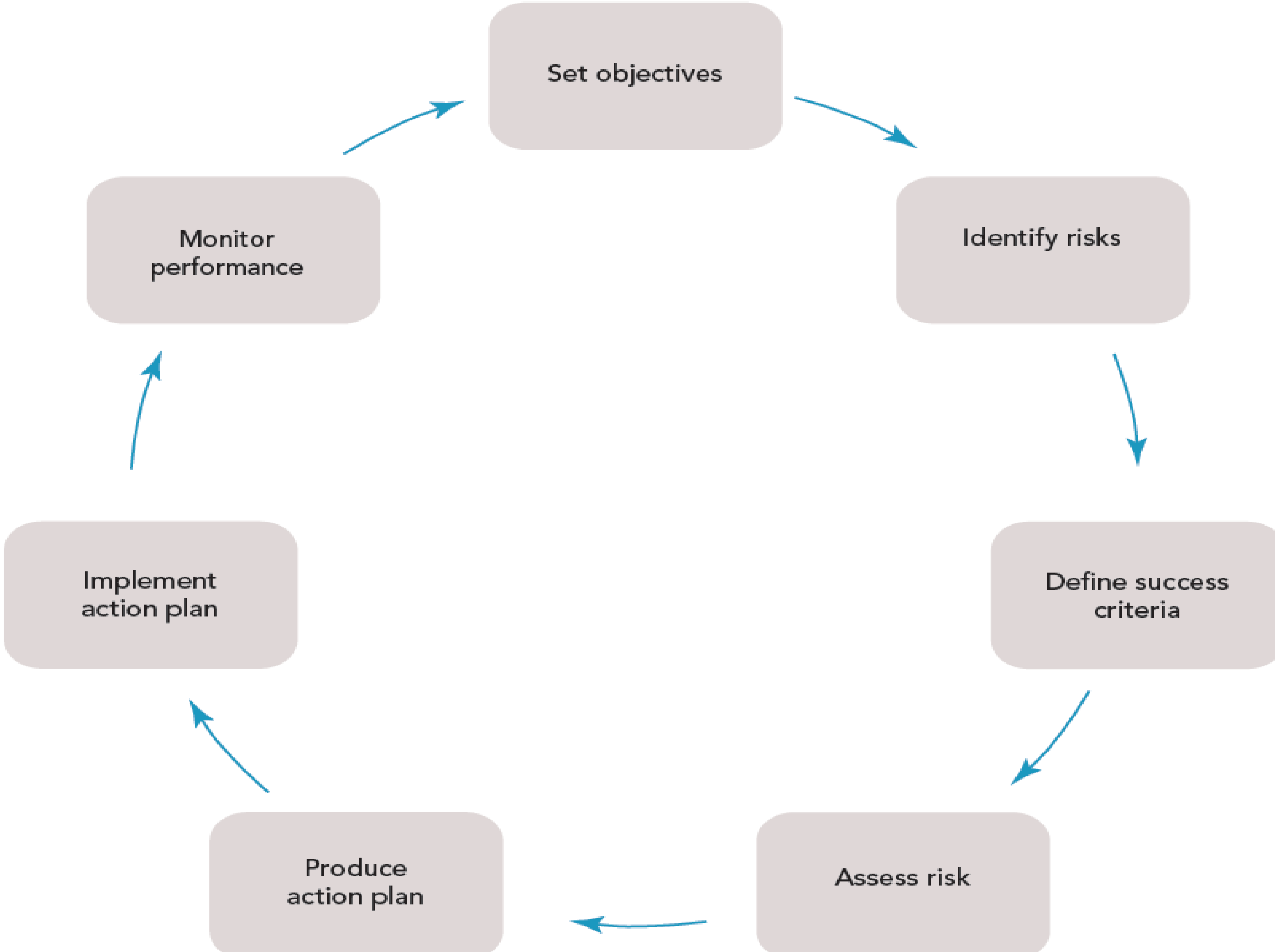
These documents are currently being consulted on

These documents taken together set out how we will regulate DB funding issues

The new code


Collaborative working
Managing risk
Taking risk
Long term view
Proportionate
Balance
Well governed
Fair treatment
Reaching funding
The 9 principles of our new code

Integrated approach to managing risk



Evolution of covenant advice

- Understanding of covenant is key to integrated approach
- Focus on the long term in planned and adverse scenarios
- Realisable contingency plans
- Focus on sustainability of the employer

The Pensions Regulator

TPR's approach to regulating DB schemes

Strategic aim

- Strong and ongoing employer
- Effective and engaged trustees
- Appropriate recovery plan

Principle based and outcome focused

Risk focused and integrated

Targeted and proportionate

Proactive

Segmented

Transparent

Consistent

Sustainable growth understood broadly

Triggers replaced by risk indicators

Balanced outcomes segmented by covenant

The Pensions Regulator

“A new objective as part of a balanced approach”

- Makes it explicit that we will: ***“consider the impact on employers’ sustainable growth plans”*** alongside members

- Investment in sustainable growth is key to the ability of the employer to support the scheme

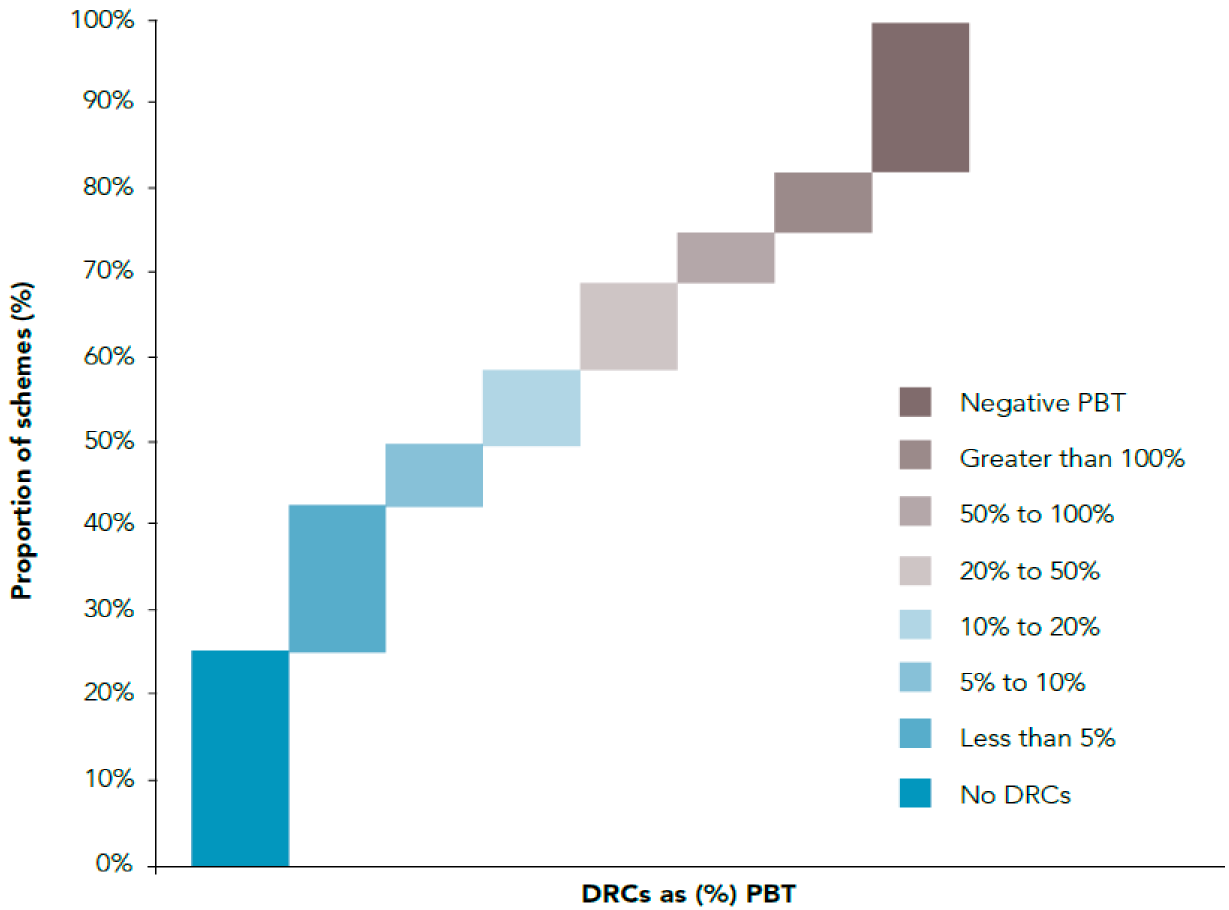
- Understand the context of an employer’s circumstances, including its investment aims and what will constitute success for its business.

- We are therefore encouraging trustees to understand and assess the nature employers investment plans.
  - How this strengthens the covenant
  - Ensure shareholders share funding burden
  - Share in under spend / anticipated growth
  - Consider the effect on the scheme funding risks
  - Seek security through other forms (e.g. contingent assets)

The Pensions Regulator

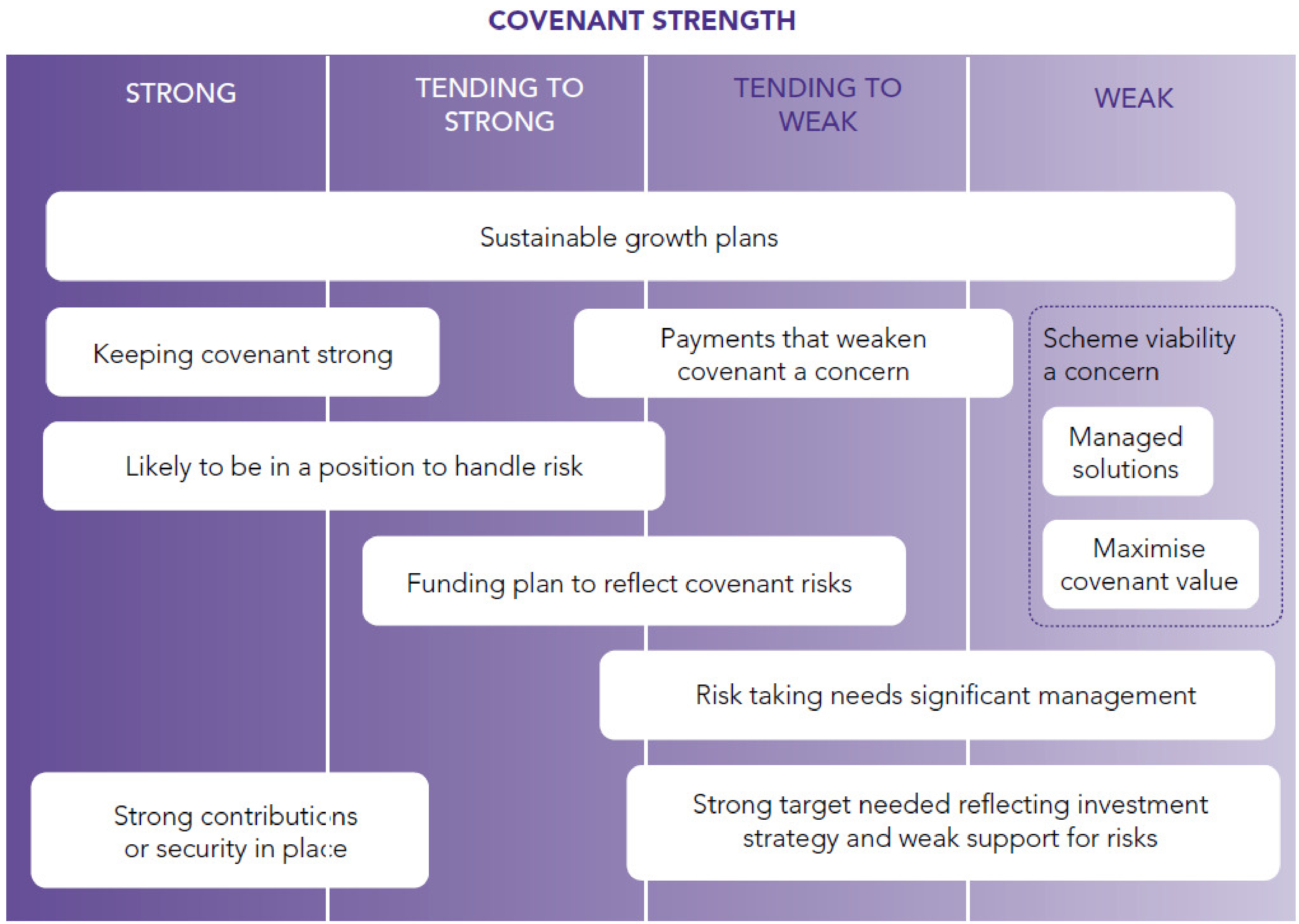
Linking reasonable affordability to sustainable growth

Chart 1.2 – Estimate of deficit recovery contributions (DRCs) as a percentage of employer's profit before tax (PBT)



Source: The Pensions Regulator and FAME

Funding policy segmentation – covenant grades

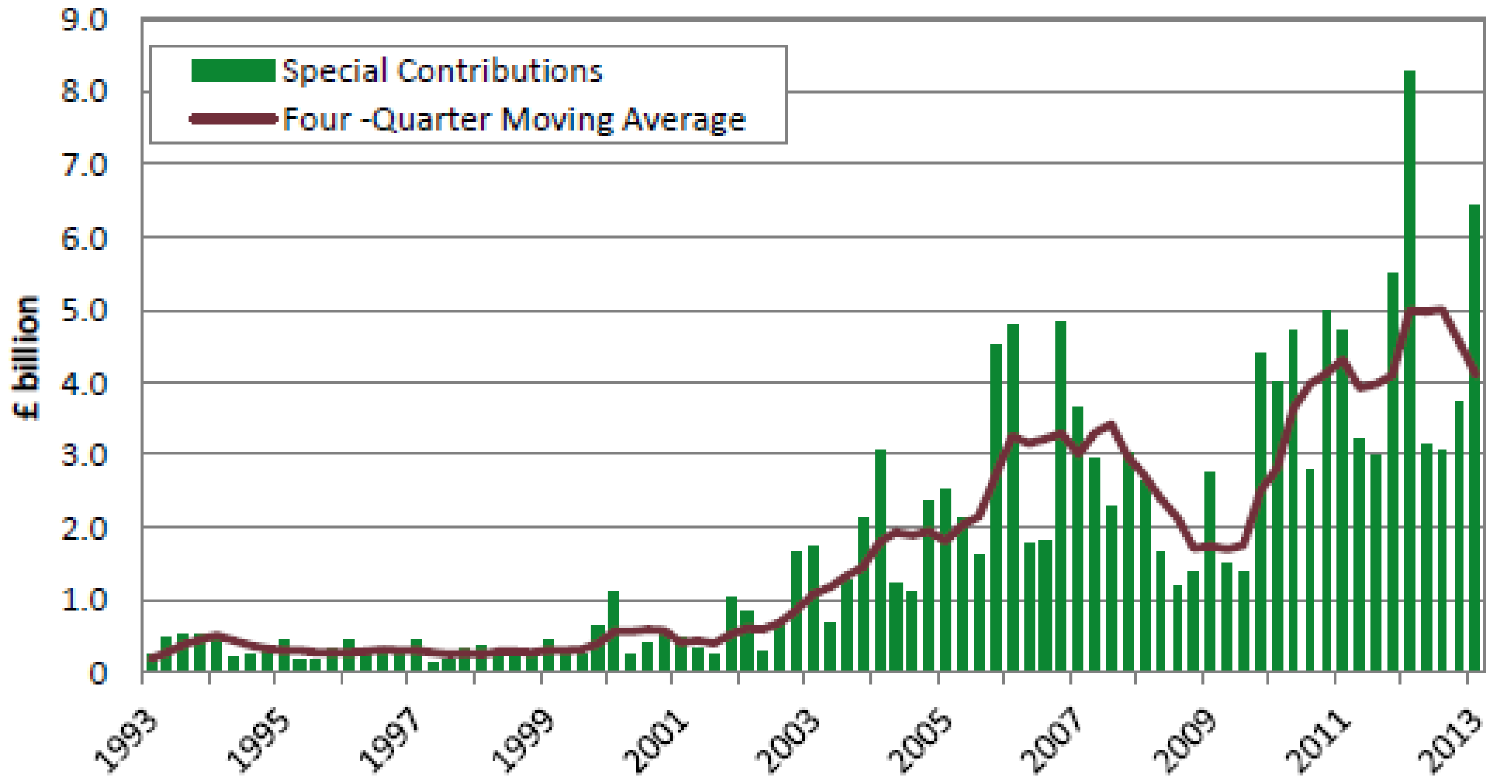


Focus on TPR’s approach to risk

Chinu Patel
Actuary

The Pensions Regulator

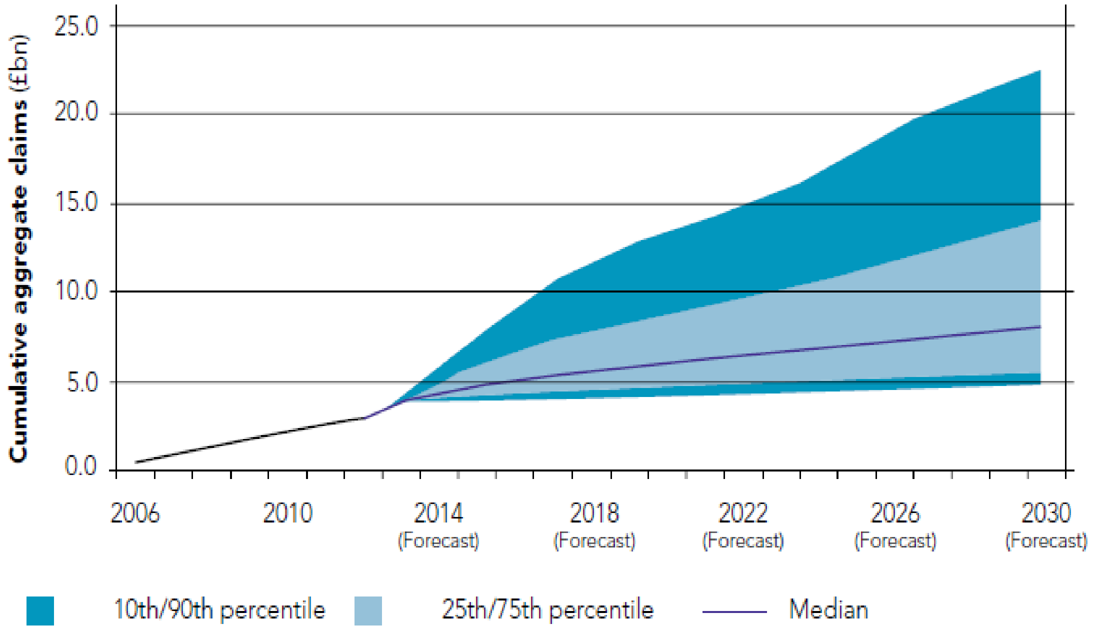
Trends in deficit contributions



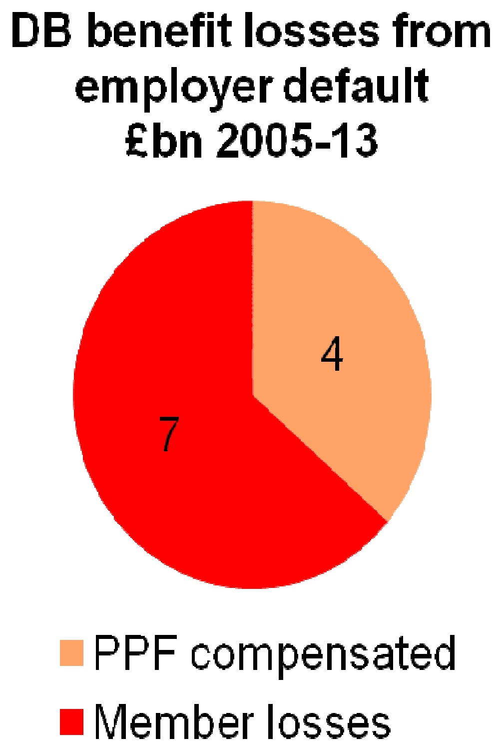
Source: MQ5, 'Investment by Insurance Companies. Pension Funds and Trusts', ONS

The Pensions Regulator

Risk to members/PPF



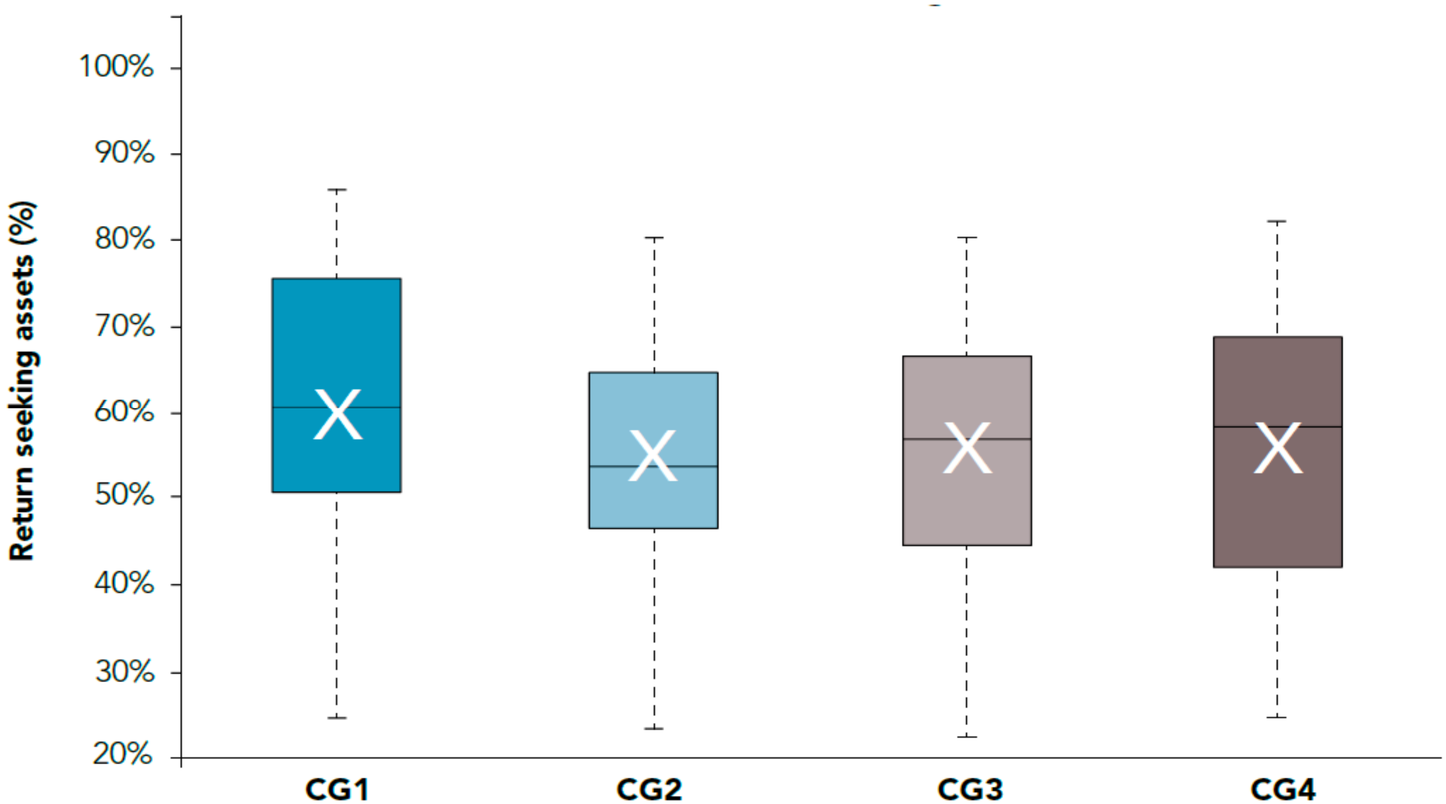
Source: Pension Protection Fund data



The Pensions Regulator

Scheme risk

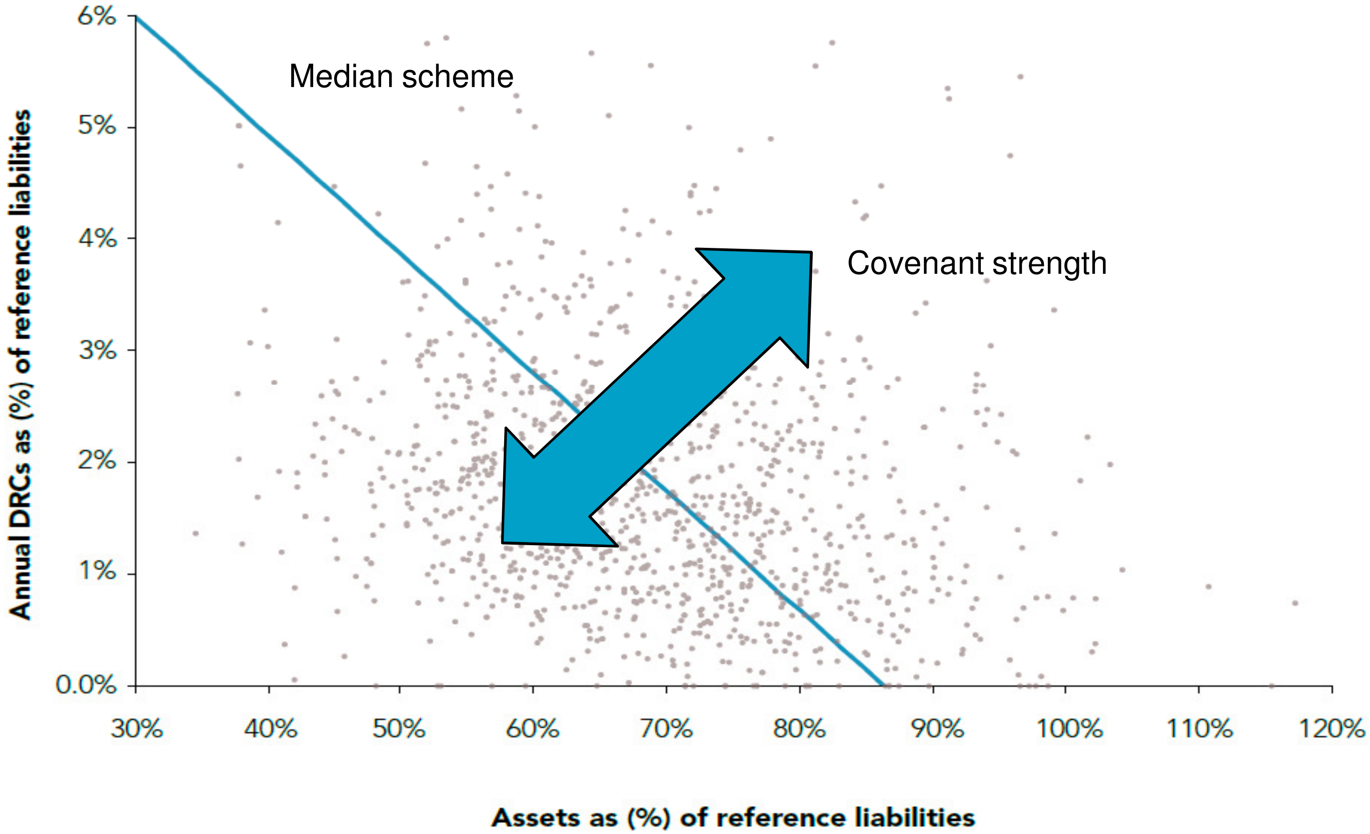
Chart 3.2 – Investment risk by covenant group



Source: The Pensions Regulator's data

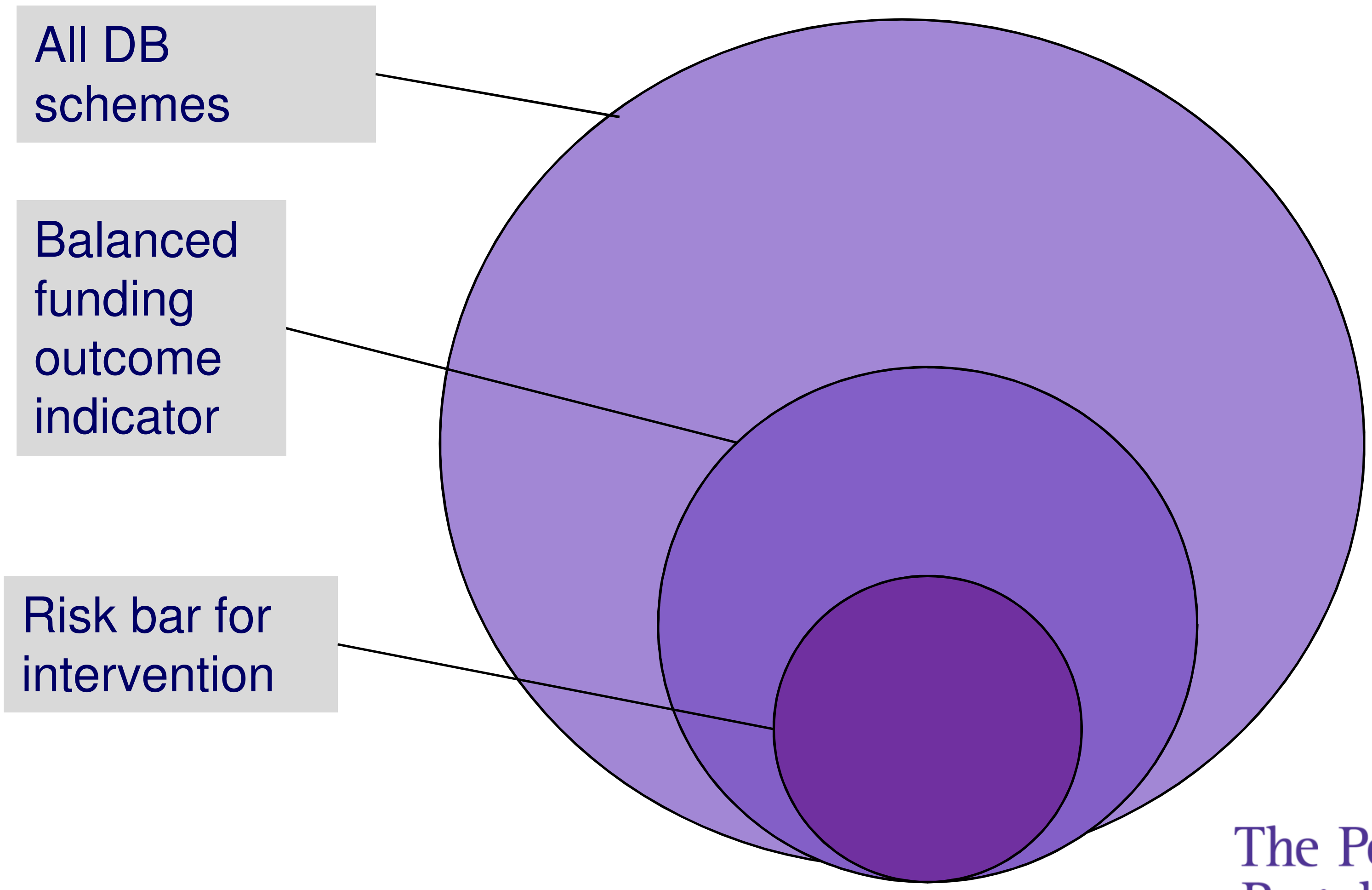
The Pensions Regulator

TPR’s tool for assessing risk
Balanced funding outcome indicator



- T7 universe estimates
- Reference liabilities based on gilts+50bps real discount rate

TPR’s risk bars



The Pensions Regulator

The BFO is not the new MFR

MFR	BFO
Set schemes a minimum funding target	Risk assessment tool and gives TPR view of a balanced outcome
Hard and inflexible formula	Flexible application of principles in Funding Code for the correct balance between key risks.
One size for all schemes	Scheme specific
Single numerical answer	More than one acceptable outcome, driven by application of principles to scheme specific circumstances
No over-ride for scheme specific circumstances	Scheme specific context is main driver; TPR initial assessment simply puts us in the right ball-park for more detailed engagement based on trustees' frame of reference
Comply or else	Decide what is right for your circumstances and explain if needed
Inflexible during unusual and rapidly changing market conditions	Annual industry engagement on parameters
Costly professional calculations and certification (plus need for detailed rules)	TPR tool based on application of the same principles as trustees – no need for schemes to second-guess if they adopt right behaviours
Externally decided technical detail – investment strategy, funding assumptions and recovery period	Scheme specific technical detail, subject to proper application of principles in Funding Code

Asset-backed funding

Principle based

- What impact will this have on member protection?
- "Unpack" ABC into contingent asset and income stream

Outcome focused

- How [much] will this increase member protection in the scenarios which matter?

Focus on risk management

- Complexity introduces unexpected risks
- Structure failure risk
- Governance problems

The Pensions Regulator

Sum up – our goals

- Reflect all TPR DB objectives, including the new one
- Balance needs of schemes and their employers
- Reflect TPR's ongoing experience, understanding of risks and evolving best practice
- Ensure Code remains fit-for-purpose for the coming years
- Guide TPR interventions in the most efficient and appropriate manner
- Be transparent about TPR actions and the reasons for them

The Pensions Regulator

Questions for you

- Will this achieve our goals?
- What would success look like?
- Major showstoppers?
- Refinement opportunities?
- Making this work for small schemes?
- Particular challenges for actuaries?

The Pensions Regulator