

FAQs on trustee training requirements

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1. When did the requirement for trustee training begin?

The trustee training requirement came into operation in February 2010.

2. Who must receive training?

Every trustee must undertake trustee training in accordance with section 59AA of the Pensions Act, 1990, as amended (the Act). This includes:

- individual trustees,
- member trustees,
- all directors of a company which is acting as a corporate trustee,
- pensioner trustees, and
- professional trustees.

‘Pensioner trustee’ means a person who:

- is for the time being approved by Revenue to act as such in accordance with requirements imposed under Part 30 of the Taxes Consolidation Act, 1997.

‘Professional trustee’ means a person who:

- holds themselves out as having special knowledge, skills and expertise with respect to pension trusts, and
-
- in the course of a profession or business provides trustee services to occupational pension schemes or trust RACs.

3. What is the employer’s obligation?

An employer who operates a scheme is obliged to arrange for the trustees of that scheme (and, in the case of a trustee which is a body corporate, for all the directors of that body corporate) to receive appropriate training.

However, an employer is not required to arrange appropriate training for:

- (a) a pensioner trustee, or
- (b) a professional trustee.

Where an employer breaches their obligation to provide appropriate training, they may be prosecuted.

4. What topics should trustee training cover?

Trustees are required to receive training on:

- (a) the Act, the regulations made under it and any other law of general application governing the operation of their scheme or trust RAC, such as the:
- pension provisions of the Family Law Acts,
 - Part-Time and Fixed-Term Works Acts,
 - Personal Insolvency Acts,
 - employment law, and
 - finance legislation.
- (b) the duties and responsibilities of trustees generally.

5. When do trustees have to undertake trustee training?

Trustees are required to receive training within six months of their appointment and at least every two years thereafter.

6. What training is appropriate for those trustees who have already undertaken initial training and are in the two-yearly cycle?

The Pensions Authority (the Authority) would accept that trustees can use their judgement to decide what constitutes appropriate ongoing training for them, based on their own levels of knowledge, and experience of the areas listed in question 4(a) and (b) above. There are various options such as modular training which is more advanced than the initial training and focused perhaps on issues relevant to their particular scheme.

7. My scheme is fully insured: is there any exemption for trustee training?

No.

8. Do the trustees of death benefit only schemes require trustee training?

No, though the Authority would recommend all trustees take appropriate training.

9. What if I am a trustee for a number of schemes?

Appropriate training must be undertaken, but not for each specific scheme. However, details of the training undertaken must be recorded in each schemes annual report.

10. What happens if I do not comply with the trustee training requirements?

Failure by a trustee to undertake appropriate training is an offence under the Act, a breach of which may result in either a fine and a requirement to undertake such training, or potentially a prosecution.

Where an employer breaches their obligation to provide appropriate training, they may be prosecuted.

11. How does the Authority supervise compliance with trustee training requirements?

It is the responsibility of trustees to ensure that up to date records are kept in relation to the training undertaken by trustees, as this information will be required to be included in the scheme's annual report.

All schemes are subject to Authority compliance and regulatory audits.

12. How should the undertaking of trustee training be recorded in the scheme's annual report?

The Authority would suggest using a straight-forward declaration that confirms that appropriate trustee training has been undertaken for example:

We confirm that the following 'Named trustee(s)' have received appropriate trustee training as required by the Pensions Act, 1990, as amended, within the time limits set out therein.

13. Are there any other matters which the trustees must confirm in the annual report in respect of trustee training obligations?

The trustees must confirm in the annual report that they and, if applicable, the persons charged with the administration of the scheme, have access to guidelines, guidance notes and codes of practice issued by the Authority in accordance with section 10 of the Act.

14. How do I obtain trustee training?

The Authority supports appropriate trustee training in the following ways:

- There is a range of information and guidance to assist trustees in their duties, available on the [Authority's website](#).
- A list of approved trustee training courses is available on the [Authority's website](#).

15. Can I use any means of trustee training other than those mentioned in question 14 above?

Yes, once appropriate training is undertaken (see question 4).

16. Can the costs of training be met from the resources of the scheme?

Yes, if it is allowed for in the scheme rules.

17. Is certification needed to prove that trustees have undertaken appropriate training?

Certification is not required but trustees should keep records to show that they have obtained appropriate trustee training. This information may be required as proof of training should the Authority audit your scheme.

Approved training courses should provide confirmation of participation by trustees.