

Appendix 2 Insurers: Regulatory intervention points and run-off plans

2.15 Run-off plans for closed with-profits funds

App2.15.1 G The run-off plan required by ■ COBS 20.2.53 R should include the information described in ■ SUP App 2.15.2 G to ■ SUP App 2.15.13 G in respect of the relevant *with-profits fund*.

Funding

App2.15.2 G A *firm's* run-off plan should describe how the *firm* proposes to manage the run-off of the *with-profits fund*. That description should include:

- (1) details of the expected duration and costs of fully running off the fund's liabilities;
- (2) an explanation as to how a solvent run-off will be funded; and
- (3) details of the *firm's* future strategy for managing the risks associated with the run-off of the fund.

Investment risk

App2.15.3 G A *firm's* run-off plan should include an explanation of its future investment strategy, including:

- (1) its strategy for matching the *with-profits fund's* liabilities with appropriate assets; and
- (2) any changes it expects to make to the *with-profits fund's* investment strategy as a result of the closure of the *with-profits fund*, including any changes to the proportions of different types of investments.

Credit risk

- App2.15.4** **G** A *firm's* run-off plan should include an explanation of its strategy for managing the *with-profits fund's* counterparty and *credit* risk, both within and external to the *firm's* group.

Operational risk

- App2.15.5** **G** A *firm's* run-off plan should show how it will address any additional operational risks that may flow from the closure of the *with-profits fund*, including:
- (1) any changes that it proposes to make to staffing arrangements for the run-off;
 - (2) an estimate of the cost of proposed operational changes, including redundancy costs; and
 - (3) any *material outsourcing* arrangements it proposes to enter into, explaining how the *firm* will address any specific operational risks created by those arrangements.

Reinsurance

- App2.15.6** **G** A *firm's* run-off plan should explain how it will use and manage *reinsurance* (if it will), including:
- (1) any new inwards or outwards *reinsurance* it proposes to enter into as a result of the closure of the *with-profits fund* identifying, in each case, the proposed counterparty and the counterparty's relationship to the *firm's* group (if any); and
 - (2) how it will manage the risk that the *reinsurance* in (1) will not perform as expected.

Governance and impact on policy holders

- App2.15.7** **G** A *firm's* run-off plan should include:
- (1) details of any changes that will be made to the *firm's* corporate governance arrangements as a consequence of closure;
 - (2) an explanation of how costs charged to the *with-profits fund* may change in the light of closure;
 - (3) an explanation of any changes it will make, as a consequence of closure, to any charges for guarantees, including:
 - (a) the circumstances in which those charges may be varied in the future; or
 - (b) the manner by which the level of any appropriate variation to those charges may be determined;
 - (4) an explanation of any actual or potential changes in the maturity payment or surrender payment target ranges that the *firm* will apply to determine benefits under its *with-profits policies*;

- (5) an explanation of any actual or potential changes in the *firm's* smoothing policy as a consequence of closure;
- (6) an explanation of any changes to the *firm's projection* rates as a consequence of closure;
- (7) details of any new deductions to be made from the *firm's* surrender payments, together with an explanation as to how those deductions are consistent with:
 - (a) *Principle 6* (Customers' interests); and
 - (b) ■ COBS 20.2.11 G to ■ COBS 20.2.16 R (Amounts payable under with-profits policies: Surrender payments);
- (8) if there are groups of unitised *with-profits policies* in the *with-profits fund* with similar market value reduction free dates, an explanation as to whether:
 - (a) the *firm* expects surrenders to peak around any of those dates; and
 - (b) if it does, how it proposes to deal with those peaks;
- (9) details of the information that the *firm* gives to its *with-profits policyholders* about their right (if any) to use the proceeds of a *personal pension scheme, stakeholder pension scheme, FSAVC, retirement annuity contract or pension buy-out contract* to purchase an annuity on the open market when the relevant contracts or schemes vest or mature and any changes that will be made to that information as a result of the closure;
- (10) details of how the *firm* will deal with any potential mis-selling costs that may arise in the future in respect of *contracts of insurance* effected in the *with-profits fund*;
- (11) an explanation of how the *firm*:
 - (a) anticipates capital will become available for distribution to *policyholders* (and shareholders where appropriate); and
 - (b) will ensure a full and fair distribution of the closed *with-profits fund*, including any *inherited estate*;including details of:
 - (c) how the *firm* plans to provide in the long term for *annuity* payments on any *with-profits* and non-profits *policies* under which benefits have vested;
 - (d) how the *firm* will address future adverse circumstances in relation to these (e.g. increased annuitant longevity); and
 - (e) details of the *firm's* plans for distributing the embedded value in any major *subsidiaries* held in or by the closed *with-profits fund*;
- (12) an explanation of any material differences between the *firm's* run-off plan and relevant parts of its *PPFM*, together with details of any changes that will be made to the *PPFM* as a consequence of closure (The *firm* should provide the *FCA* with a copy of the revised sections of its *PPFM* when it submits its run-off plan.);
- (13) an explanation of whether the *firm* will be seeking to expand any other business following closure of the *with-profits fund*. (This explanation should include whether the *firm* will effect any new *with-profits policies* in a

different *with-profits fund* and whether it will seek to expand its unit-linked or *non-profit insurance business*. It should also include an explanation of how such plans will impact on the closed *with-profits fund*. For example, will the *firm* offer *policyholders* in the closed *with-profits fund* the opportunity to switch into another with-profits fund or into unit-linked business?)

Financial projections

App2.15.8 **G** A *firm*, other than a *Solvency II firm*, should include in its run-off plan:

- (1) a forecast summary revenue account for the *with-profits fund*, in the form of ■ SUP App 2.15.9 G Table 1;
- (2) a forecast summary balance sheet and statement of solvency for the *with-profits fund*, which has been prepared in the form of ■ SUP App 2.15.9 G Table 2 and on a regulatory basis; and
- (3) a forecast summary balance sheet and statement of solvency for the entire *firm*, which has been prepared in the form of ■ SUP App 2.15.9 G Table 3 and on a regulatory basis;

in each case, for at least a three year period, beginning on the date of closure; and

- (4) a description of the assumptions underlying the forecasts at (1) to (3) and the reasons for adopting those assumptions.

App2.15.8A **G** A *Solvency II firm* should include the following information in its run off plan, except in the circumstances set out in ■ SUP App 2.15.8B G:

- (1) a forecast summary revenue account for the *with-profits fund*, in accordance with *PRA Rulebook: Non-Solvency II firms: Run Off Operations 6.1(3)(a)*;
- (2) a forecast summary balance sheet and "eligible own funds" as defined in the *PRA Rulebook: Glossary* and any notional *SCR* for the *with-profits fund*, in accordance with *PRA Rulebook: Non-Solvency II firms: Run Off Operations 6.1(3)(b)*; and
- (3) "eligible own funds", "MCR" (as those terms are defined in the *PRA Rulebook: Glossary*), forecast summary balance sheet and *SCR* for the entire *firm*, in accordance with *PRA Rulebook: Non-Solvency II firms: Run Off Operations 6.1(3)(b)* and 6.1.3(c) to (e);

in each case, for at least a three-year period, beginning on the date of closure.

App2.15.8B **G** Delegated acts or implementing technical standards may be adopted under article 35(6) and (7) of the *Solvency II Directive* in relation, among other things, to run-off plans. In that event *Solvency II firms* should comply with those acts and standards to the extent that they supersede ■ SUP App 2.15.8A G.

App2.15.9 **G** These tables belong to ■ SUP App 2.15.8 G

Table 1 - forecast summary revenue account for the relevant with-profits fund

| | |
|-----|---|
| (1) | <i>Premiums and claims (gross and net of reinsurance) analysed by major class of insurance business</i> |
| (2) | Investment return |
| (3) | Expenses |
| (4) | Other charges and income |
| (5) | Taxation |
| (6) | Increase (decrease) in fund in financial year |
| (7) | Fund brought forward |
| (8) | Fund carried forward |

Table 2 - forecast summary balance sheet and statement of solvency for the relevant with-profits fund

| | | |
|------|---|--|
| | Assets analysed by type (excluding <i>implicit items</i>): | |
| (1) | Equities | |
| (2) | Land and buildings | |
| (3) | Fixed interest investments | |
| (4) | All other assets | |
| (5) | Total assets (excluding <i>implicit items</i>) | |
| (6) | <i>Policyholder liabilities</i> | |
| (7) | Other liabilities | |
| (8) | Total liabilities | |
| (9) | Excess/(deficiency) of assets over liabilities before <i>implicit items</i> | |
| (10) | <i>Implicit items</i> allocated to the <i>with-profits fund</i> | |
| (11) | <i>Long-term insurance capital requirement</i> for the <i>with-profits fund</i> | |
| (12) | <i>Resilience capital requirement</i> for the <i>with-profits fund</i> | |
| (13) | [deleted] | |
| (14) | Net excess/(deficiency) of assets in the <i>with-profits fund</i> | |

Table 3 - forecast summary balance sheet and statement of solvency for the firm

| | | |
|-----|---|-------------|
| L1 | Surplus <i>long-term insurance assets, with-profit fund(s)</i> | |
| L2 | Surplus <i>long-term insurance assets, non-profit fund(s)</i> | |
| L3 | Total <i>long-term insurance assets</i> | L1+L2 |
| L4 | Total <i>long-term insurance liabilities</i> (excluding <i>resilience capital requirement</i>) | |
| L5 | Total <i>long-term insurance fund surplus</i> | L3-L4 |
| L6 | Shareholder fund assets | |
| L7 | <i>Implicit items</i> | |
| L8 | <i>Long-term insurance capital requirement</i> | |
| L9 | Excess of regulatory assets over <i>long-term insurance capital requirement</i> | L5+L6+L7-L8 |
| L10 | [deleted] | |
| L11 | <i>Resilience capital requirement</i> | |
| L12 | Net excess assets | L9-L10-L11 |

Table 3 - forecast summary balance sheet and statement of solvency for the firm

L13 FTSE level at which the *long-term insurance capital requirement* would be breached

App2.15.10 G

App2.15.11 G The run-off plan of a *firm* to which PRA Supervisory Statement: Non-Solvency II Insurance companies – Capital assessments applies should include:

- (1) a revised individual capital assessment for the *firm* (see INSPRU 7.1), which reflects the impact of the closure of the relevant *with-profits fund*; or
- (2) a statement that the *firm* is satisfied that the closure will not materially affect the *firm's* most recent assessment.

App2.15.12 G A *firm's* run-off plan should include details of any:

- (1) intra-*group* balances held by the *with-profits fund*;
- (2) *group company* investments held by the *with-profits fund*; and
- (3) guarantees given by the *firm*;

which, in each case, have a value in excess of 5% of the *firm's* gross technical provisions.

App2.15.13 G A *firm's* run-off plan should include any other information that the *firm* considers relevant to the run-off of the closed *with-profits fund*.

App2.15.14 G Either regulator may request additional information and explanations from the *firm*. (See section 165 (Regulators' power to require information) of the *Act*.)

App2.15.15 G Significant changes to, or departures from, a *firm's* run-off plan are likely to trigger one or more of the *firm's* obligations to notify the FCA. (See, for example, *Principle 11* (Relations with regulators). The guidance in ■ SUP 15.3 (General notification requirements) may also be relevant.)