#

**Determinations Panel Members**

Information Pack

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# About The Pensions Regulator

The Pensions Regulator (TPR) is the independent UK regulator of work-based pension schemes. It is an arms-length public body sponsored by the Department for Work and Pensions (DWP). TPR works with trustees, employers, and business advisers of occupational pension schemes in the private and public sectors, to help them understand their legal duties and the standards it expects. TPR also works with employers and their advisers to ensure compliance with Automatic Enrolment duties.

TPR’s statutory objectives are set out in the Pensions Act 2004. These are:

* to protect the benefits of members of occupational pension schemes;
* to protect the benefits of members of personal pension schemes where direct payment arrangements are in place;
* to reduce the risk of situations arising which may lead to compensation being payable from the Pension Protection Fund (PPF);
* in relation to its functions for DB scheme funding only, to minimise any adverse impact on the sustainable growth of an employer;
* to maximise employer compliance with employer duties and the employment safeguards introduced by the Pensions Act 2008;
* to promote, and to improve understanding of, the good administration of work-based pension schemes.

Our [regulatory approach](https://www.thepensionsregulator.gov.uk/en/about-us/how-we-regulate-and-enforce/our-approach-to-regulating) is systematic and enables us to respond to the unexpected where it is appropriate to do so.

More information can be obtained from the TPR [website](https://www.thepensionsregulator.gov.uk/en/about-us/what-tpr-does-and-who-we-are) and from the [TPR Annual Report and Accounts](https://www.thepensionsregulator.gov.uk/en/document-library/corporate-information/annual-reports).

**Role of the Determinations Panel**

The Determinations Panel is a committee of TPR. It operates independently from other parts of the organisation, including TPR’s case teams.

By law, some of TPR’s powers can only be exercised by the Determinations Panel. These powers include the power to ban people from being pension trustees, and to require employers and others to make contributions to pension schemes which have significant shortfalls.

For each case, the Chair selects up to three members to decide whether to take the regulatory action requested by TPR. Panels must consider cases in an impartial way, based on the facts presented. Occasionally, this involves an oral hearing, although in most cases are dealt with in private between panel members. All panel members are given opportunities to chair case panels if they wish.

In addition, the Panel meets together quarterly on a collegiate basis, to agree the overall way in which it operates, and members undertake further activities as required.

Up to three Panel members are required to replace members coming to an end of their terms of office. These appointments will be made from 15 September 2022.

TPR is based in Brighton, but much of the Panel’s work is done remotely. Panel members are expected to attend occasional meetings in Brighton and may be required to attend hearings in Brighton or London.

More information about how the Panel operates can be obtained from TPR’s website:
[TPR’s Determinations Panel](https://www.thepensionsregulator.gov.uk/en/about-us/how-we-regulate-and-enforce/determinations-panel)

[Determinations Panel procedures and Case team procedures](https://www.thepensionsregulator.gov.uk/en/about-us/how-we-regulate-and-enforce/case-procedures-)

**Panel Member Person Specifications – Experience and Competencies**

Each Panel member will be responsible for making fair and reasoned decisions, with colleagues, on all matters referred to the Panel for decision on the use of powers.

In reaching decisions Panel Members must:

* assess relevant evidence, both oral and written, from interested parties;
* contribute to the group’s detailed discussion of the issues, to offer direction on the analysis of issues and questioning skills to probe the detail of the matter at hand;
* use their skills and experience to analyse significant and complex data/reports relating to pensions schemes (which may relate to commercial operations, governance arrangements, economic and financial information); and
* work collaboratively and use sound judgment to help the group reach fair decisions, where possible by consensus.

In performing their functions, Panel Members must maintain the highest standards of integrity, impartiality and objectivity at all times.

For each post the panel member will need to demonstrate:

* **Proven experience of, or ability to undertake impartial decision making within a statutory framework**
* **Proven experience of, or ability to weigh up evidence and set out reasoned decisions**
* **Well-developed team-working and interpersonal skills to work collaboratively with peers and support staff to explore case issues, with the aim of reaching collective agreement on the matter at hand;**

Please note: It is not necessary for a candidate’s knowledge and experience to relate to the field of pensions or formal tribunals. Evidence of a candidate’s ability to apply skills from other fields would be tested in an interview, and training will be provided for the successful candidate(s).

**Terms of Appointment**

Time Commitment

Panel members will be expected to play a significant role in the work of the Panel as outlined earlier in the pack.

Panel members will be expected to attend four Panel meetings each year (some in person), and to take part in other activities and case meetings as required. There is no guaranteed minimum time commitment, but it is expected to be in the region of 20 days per year.

Location

TPR is based in Brighton, but much of the Panel’s work is done remotely. Panel members are expected to attend occasional meetings in Brighton and may be required to attend hearings in Brighton or London.

Remuneration

Determinations Panel members will be entitled to remuneration of £692 per day.

Reasonable travelling expenses will be paid in accordance with TPR’s policies.

Period of Appointment

The appointments will each be made for a four-year period. At the end of the four years, members are able to reapply thorough open competition to be reappointed for a further four-year term.

Diversity and Equality of Opportunity

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. DWP is committed to implementing the Act in all recruitment and selection activity.

TPR is committed to providing services which embrace and value diversity and promote equality of opportunity. Its goal is to ensure that these commitments, reinforced by its Values, are embedded in its day-to-day working practices with all its customers, colleagues and partners. TPR does not discriminate on the basis of age, disability, gender, marital status, sexual orientation, religion or belief, race, colour, nationality, ethnic or national origin, or (in Northern Ireland) community background, working pattern, employment status, gender identity, caring responsibility, trade union membership.

Probity and conflicts of interest

TPR must ensure that the individuals appointed are committed to the principles and values of public service. These principles are: Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership.

TPR’s activities have wide implications across the whole of UK business, in particular the financial services industry. Candidates will need to demonstrate that they do not have other interests likely to conflict with their responsibilities as a member of the Determinations Panel. They should declare any potential conflict of interest as early as possible in the selection process and also disclose information or personal connections that, if appointed, might be open to misperception. Any potential conflicts of interest will not prevent you going forward to interview but may, if appropriate, be explored with you during your interview to establish how you would address the issue(s) should you be successful in your application. Annex 2 provides information on conflicts to help applicants evaluate whether or not they have a potential conflict.

**How to Apply**

If you wish to apply for these positions, please supply the following:

1. **A covering statement** – (maximum 2 pages) – this is your opportunity to demonstrate how you meet the criteria set out in the person **specification in bold** on page three. You should aim to provide specific and detailed examples that demonstrate how your knowledge, experience and abilities match each of the criteria. Providing separate paragraphs in relation to each criterion is common practice. Please ensure your full name is clearly noted at the top of this statement.

**It is not necessary for your knowledge and experience to relate to the field of pensions or formal tribunals. Evidence of your ability to apply skills from other fields will be tested in the interview, and training will be provided for the successful candidate(s).**

1. **Curriculum Vitae** - with your education and professional qualifications and full employment history.
2. **Equal opportunities monitoring form** (included in the application form). This form will not be disclosed to anyone involved in assessing your application.
3. **Political activity form** (included in the application form).
4. **Conflicts of interest declaration** (included in the application form).

To apply please submit your details through the on-line advertisement you have seen this post advertised or through our specialised microsite : [How to apply | Determinations Panel Member opportunity with The Pensions Regulator | Hays UK](https://webmicrosites.hays.co.uk/web/tpr-determinations-panel/latest-jobs)

For more information please email Andrew Timlin (Andrew.timlin@hays.com) or Simon Winspear (simon.winspear@hays.com) from Hays Executive.

Please note the closing date is **28th July 2022.**

**Annex 1**

Public Body Code of Conduct

You are required to conduct yourself in accordance with the provisions of the Seven Principles of Public Life. It is essential that you are, and are seen to be, honest and impartial in the exercise of your duties.

**Selflessness**

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

**Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

**Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**Accountability**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**Openness**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**Honesty**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**Leadership**

Holders of public office should promote and support these principles by leadership and example.

*The Committee on Standards in Public Life was established by the then Prime Minister in October 1994, under the Chairmanship of Lord Nolan, to consider standards of conduct in various areas of public life, and to make recommendations*

**Annex 2**

Conflicts of interest

**What is a conflict of interest?**

Public Appointments and those to Arms-Length Bodies require the highest standards of propriety, involving impartiality, integrity and objectivity, in relation to the stewardship of public funds and the oversight and management of all related activities. This means that any private, voluntary, charitable or political interest which might be material and relevant to the work of the body concerned should be declared.

There is always the possibility for real or perceived conflicts of interest to arise. Both are a problem, as the perceived inference of a conflict may, on occasions, be as damaging as the existence of a real conflict. It is important, therefore, that you consider your circumstances when applying for a public appointment and identify any potential conflicts of interest, whether real or perceived.

**Surely a perceived conflict is not a problem, as long as I act impartially at all times?**

The integrity of the individual is not in question here. However, it is necessary for the standing of the individual and the committee that members of the public have confidence in their independence and impartiality. Even a perceived conflict of interest on the part of a committee member can be extremely damaging to the body’s reputation and it is therefore essential that these are declared and explored, in the same way as an actual conflict would be. The fact that a member acted impartially may be no defence against accusations of potential bias.

**What should I do if I think I have a conflict of interest?**

You will find a section on conflicts of interest in the application form for you to complete. This asks you to consider and declare whether or not you have a real, or perceived, conflict. If you are unsure if your circumstances constitute a possible conflict, you should still complete this section, in order to give the Selection Panel as much information as possible.

**If I declare a conflict, does this mean I will not be considered for appointment?**

No - each case is considered individually. If you are short listed for interview, the Panel will explore with you how far the conflict might affect your ability to contribute effectively and impartially on the committee and how this might be handled if you were to be appointed. For example, it may be possible to arrange for you to step out of meetings where an issue is discussed, in which you have an interest. However, if, following the discussion with you, the Panel believes that the conflict is too great and would call into question the probity of the

committee or the appointment: they can withdraw your application from the competition.

**What happens if I do not declare a known conflict, which is then discovered by TPR after my appointment?**

Again, each case would be considered on its merits, but TPR may take the view that by concealing a conflict of interest, you would be deemed to have breached the Seven Principles of Conduct Underpinning Public Life and may terminate your appointment.

**What happens if I do not realise a potential conflict exists?**

This situation may arise where the applicant is not familiar with the broad range of work which a body covers and therefore does not realize that a conflict might exist. In some cases, the Panel, with their wider knowledge of the body, might deduce that there is a potential conflict issue based on the information on employment and experience provided by the candidate in the application form. They will then explore this at interview with the candidate.

**What happens if a conflict of interest arises after an appointment is made?**

This could arise for two main reasons. The first is that the member’s circumstances may change, for example, they may change jobs and in doing so, a conflict with their work on the committee becomes apparent. The second is where a member is unfamiliar with the range of the work of the body, but after appointment it becomes clear that a conflict exists where none had been envisaged during the appointment process.

In both cases, the issue should be discussed with the Chair, to decide whether or not the member can continue to carry out their role in an appropriate manner and each case is considered individually.

It may be that the conflict is such that it would be impractical for the member to continue on the committee if they would have to withdraw from a considerable amount of the body’s routine business. In such, cases, the member may be asked to stand down from the body.

**Areas where a conflict could arise**

There are five main issues, which could lead to real, or apparent, conflicts of interest. These are:

* Relevant pecuniary or other interests outside the organisation;
* Relationships with other parties/organisations which could lead to perceived or real split loyalties;
* Pending Government policy could give unfair personal advantage to people with allied business interests – for example access to privileged information – trade secrets;
* Perception of rewards for past contributions or favours;
* Membership of some societies or organisations.