

# **The Board of the Pension Protection Fund**

## **Terms of Reference**

### **Decision Committee**

#### **Preamble**

The Board has resolved to establish a Decision Committee with delegated powers to take decisions. The Decision Committee is a Committee of the Board established under paragraph 15 of Schedule 5 of the Pensions Act 2004 (“the Act”).

#### **Membership**

The Decision Committee will consist of such members of the Board and such co-opted members as the Board may, from time to time, determine, excluding any member who is at that time a member of the Reconsideration Committee. One of the Non-executive Board members will be nominated as the Chair of the Decision Committee and in the absence of the Chair, the Decision Committee will elect one of the members of the Committee to preside at the meeting.

Three members of the Committee will constitute a quorum.

#### **Secretary**

The Board Secretary will provide secretarial support to the Committee.

#### **Meetings**

The frequency and timing of meetings of the Decision Committee will be as necessary to secure the effective discharge of the business. Meetings of the Committee will be convened by the Board Secretary in accordance with the Board Manual.

The Decision Committee will determine its own procedures within the terms of the Operating Principles as may be determined by the Board, and may include the consideration of matters through written representations.

The Decision Committee may invite any persons to attend all or part of any meeting but such invited persons will not have a right to vote on any matter before the Committee.

## Reporting

The minutes of the Decision Committee will be reported back by the Chair of the Committee, or in his/her absence by another member of the Committee for information at the next convenient meeting of the Board, or before. Urgent or sensitive decisions will be communicated immediately.

A formal annual report of the Decision Committee's work will be provided to the Board at the end of each year.

## Delegated powers

The Decision Committee will have authority to:

- make original decisions, in so far as such decisions are not reserved to the board or delegated to the Chief Executive
- make decisions on matters which have been delegated within the scheme of delegations but on which the Chief Executive or other Executive member (the delegatee) wishes to refer the matter to the Decision Committee for decision
- carry out a review of a reviewable matter<sup>1</sup> where that reviewable decision has been taken by an executive member, a committee or a sub-committee of the Board or by the Decision Committee<sup>2</sup>, following a written application from an interested person
- investigate and determine a relevant complaint<sup>3</sup> which is referred to it by the Chief Executive
- award compensation in relation to any review or complaint
- determine such other matters as may be referred to them by the Board from time to time.

The Committee will have the authority to commission any reports or advice that it needs to fulfil its responsibilities.

V2 – effective from November 2006

---

<sup>1</sup> A reviewable matter is a decision, or failure to decide, which could be open to challenge under the Act and is defined in section 206 of the Act and Schedule 9 to the Act

<sup>2</sup> Where an original decision on a reviewable matter has been taken by a committee or a sub-committee of the Board, the first stage review shall be undertaken by the Committee or Sub-Committee or the Decision Committee. This is distinct from a maladministration complaint, where no member of the Decision Committee considering a first stage complaint must have been involved in making the original decision.

<sup>3</sup> A relevant complaint (i.e. a complaint alleging that a person has sustained injustice in consequence of maladministration in connection with any act or omission by the Board on someone exercising functions on its behalf) is defined in section 208 of the Act