

The Board of the Pension Protection Fund

Terms of Reference

Reconsideration Committee

Preamble

The Reconsideration Committee (the Committee) is a Committee of the Board of the Pension Protection Fund established under paragraph 15 of Schedule 5 and under regulations made under sections 207 and 208 of the Pensions Act 2004 ("the Act").

The Committee will reconsider reviewable matters and relevant complaints in prescribed circumstances.

Membership

The Committee will consist of Members of the Board and such co-opted Members as the Board may, from time to time, determine. One of the Board Members will be nominated Chair of the Committee and in the absence of the Chair, the Committee will elect one of the Members of the Committee to preside at the meeting.

No Member of the Committee shall have been previously concerned in the reviewable matter being reconsidered or in the relevant complaint being investigated.

Secretary

The Board Secretary will provide secretarial support to the Committee.

Meetings

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

The Committee will determine its own procedures which may include the consideration of matters through written representations.

The 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. A member of the Council on Tribunals or the Scottish Committee of the Council on Tribunals is entitled to attend any meeting of the Committee as an observer only.

Reporting

The minutes of the Committee will be reported back for information at the next convenient meeting of the Board.

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

Responsibilities

The Reconsideration Committee will, subject to and in accordance with Regulations¹, have authority to:

- reconsider a reviewable matter² following a written application from an interested person³ and give a reconsideration decision
- reconsider a reviewable matter of its own volition where permitted to do so by regulations and give a reconsideration decision
- investigate a relevant complaint⁴ following a decision made by the Board on that complaint and following a written application
- decide whether compensation is appropriate and the amount payable
- give its decisions in accordance with any requirements and timescales prescribed by the Act or regulations made under the Act.

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

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¹ Sections 207 and 207 of The Pension Protection Fund (Review and Reconsideration of Reviewable Matters) Regulations 2005 (2005 No 669) as amended and The Pension Protection Fund (Maladministration) Regulations 2005 (2005 No 650)

² 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

³ An interested person is defined in the section 207 Regulations and refers to the person to whom the original decision was issued but can include other persons who are affected by the decision

⁴ 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