

Judicial Pension Board – Dispute Resolution Committee Terms of Reference

1. Purpose

- 1.1. The Judicial Pension Board Dispute Resolution Committee (the “**JPB DRC**”) is a committee of the Judicial Pension Board (the “**JPB**”), the governing body of the Judicial Pension Schemes (the “**JPS**”).
- 1.2. The purpose of the JPB DRC is to:
 - 1.2.1. receive, consider and, where possible, make recommendations to the JPB and/or Ministry of Justice (the “**MoJ**”) regarding potential remedies arising from member complaints under Stage Two of the JPS Internal Dispute Resolution Procedure (“**IDRP**”);
 - 1.2.2. receive ministerial referrals, then consider and, where possible, make recommendations to the JPB and/or MoJ regarding potential remedies arising from member complaints made by members of the JPS connected schemes under ‘The Judicial Pensions (Appeals) regulations 1995;’
 - 1.2.3. have regard to relevant regulatory and/or legislative guidance, codes of practice and ways of working with a view to recommending improvements;
 - 1.2.4. where required, oversee communication with regulatory bodies including the Pensions Ombudsman Service (“**TPO**”), the Pensions Regulator (“**tPR**”) (including any similar or successor organizations);
 - 1.2.5. analyse management information and trends in member complaints and expressions of dissatisfaction with a view to recommending procedural, governance, administrative, communication, or other types of, improvements;
 - 1.2.6. analysing and, where appropriate, work with the JPB, MoJ, JPS advisers in reporting breaches; any such reporting will align with MoJ policies and practices on reporting regulatory breaches.

2. Composition

- 2.1. The JPB DRC Chair will be the JPB Independent Chair, or such other JPB Member as appointed by the JPB.
- 2.2. In addition to the Chair, the JPB DRC will consist of at least one Member Representative, one Employer Representative and one Independent Member drawn from the JPB.
- 2.3. Additional or replacement JPB DRC Members will be appointed at the discretion of the JPB.
- 2.4. In the absence of the JPB DRC Chair, the remaining Members present shall elect one of the number to chair the meeting.
- 2.5. A JPB DRC Member will cease to be a JPB DRC Member on ceasing to be a JPB Member, on removal by the JPB or by giving one month’s written notice to the JPB that he/she wishes to resign as a JPB DRC Member.

3. Secretariat

- 3.1. MoJ Judicial Pensions will provide secretariat services to the JPB DRC and may participate in and contribute to discussions.

4. Other Attendees

- 4.1. Any other JPB Member may attend JPB DRC meetings.
- 4.2. JPB DRC may receive representations from such other persons as considered appropriate.

4.3. Persons referred to in these Terms of Reference as 'Other Attendees' may participate in and contribute to discussions.

5. Meetings and Quorum

5.1. JPB DRC shall meet at such times as the Chair and Secretariat agree. Meetings may be held in person, by conference call or in such other format as may be agreed.

5.2. Meetings of the JPB DRC shall be summoned by the Secretariat.

5.3. Unless otherwise agreed, notice of each meeting confirming the format, time, date and venue together with details of those matters to be discussed shall be circulated by the Secretariat to each Member of the JPB DRC and any other person required to attend no later than three working days before the date of the meeting. Supporting papers shall be sent to JPB DRC Members and to Other Attendees as appropriate, at the same time.

5.4. The Secretariat shall minute the decisions of all meetings of the JPB DRC, including recording the names of those present and in attendance.

5.5. Decisions of JPB DRC meetings shall be confirmed to the JPB DRC Members within three working days of the meeting.

5.6. A majority of JPB DRC Members shall constitute a quorum. Where the JPB DRC consists of an even number of Members, half of the Members will constitute a quorum.

6. Conflicts of Interest

6.1. Each Member of the JPB DRC will consider and declare at the start of each JPB DRC meeting any new actual or potential conflict of interest or any significant change in any previously declared actual or potential conflict of interest. Any such actual or potential conflict of interest will be dealt with in accordance with the conflicts of interest policy in place for the JPS.

6.2. Any persons making representations to the JPB DRC will also consider and declare any actual or potential conflict of interest.

7. Reporting to the JPB

7.1. The JPB DRC will provide a written report each meeting, such report to be delivered at the next JPB meeting.

7.2. Should a JPB DRC meeting take place within five working days of the next JPB meeting, the JPB DRC will be invited to give a verbal update at the JPB, with the written report to be provided at the next but ne JPB

8. Responsibilities, Delegated Authority and Limitation

8.1. Responsibilities

8.1.1. Responsibility for IDRPCs, complaints, expressions of dissatisfaction their resolution and the services detailed in these Terms of Reference rest with the JPB and, where applicable, the MoJ.

8.1.2. The JPB DRC has delegated authority to act on behalf of the JPB, who along with the MoJ is the party to undertake those duties detailed in section oversee JPS governance and administration activities. JPB AC responsibilities include:

8.2. Delegated Authority

The JPB DRC has delegated authority from the JPB to:

8.2.1. Deliver those services described in paragraph 1 "Purpose";

- 8.2.2. decide those matters, including individual cases, to be referred to the JPB for consideration at a JPB meeting.

8.3. Limits of Authority

The JPB DRC will not have authority to:

- 8.3.1. receive complaints that have commenced in court or a tribunal or where TPO has commenced investigations, such complaints may only be considered at the express invitation of TPO and with a view to providing TPO with that information required to support any on-going investigations;
- 8.3.2. make recommendations directly to the JPS advisers, administrators or other third-party contractors where the JPB is not party to any contract with the third-party, such recommendations will be made via the MoJ;
- 8.3.3. make recommendations on compensatory payments at levels which exceed those amounts published in tPR guidelines (or similar) without referral to the JPB and the MoJ.

9. Amendment and Review of Terms of Reference

- 9.1. The JPB DRC will review these Terms of Reference annually and consider whether the powers and duties delegated to it are sufficient for it to fulfil the purpose specified at paragraph 1 above. The JPB DRC will report to the JPB with any suggestions for amendments to its Delegated Authorities.
- 9.2. These Terms of Reference may be amended by the JPB, having first consulted with the JPB DRC, as it deems appropriate.

These Terms of Reference, having been reviewed, were adopted by the JPB following their meeting 11th September 2019.