



Stephen Timms MP
Chair, Work and Pensions Select Committee
House of Commons

28 January 2022

Dear Stephen,

Thank you for sharing the thoughts of the Committee on the draft role specification for the re-running of the Pensions Ombudsman public appointments campaign.

I am reassured that the Committee is broadly content with the Department's proactive approach for identifying candidates and for the appointment to go ahead on the planned timetable. Turning to the Committee's specific questions regarding the substantive change to the job description, I hope that the information provides sufficient context and reassurance.

1. Why has the requirement for candidates to be a legally qualified solicitor or barrister been removed?

The requirement for a legal qualification was an addition to the 2021 recruitment exercise. It was not a requirement in previous campaigns and there have been former occupants of the position that have not been legally qualified. The addition reflected the current occupant's qualifications.

The Department routinely reviews job specifications and essential criteria to ensure they remain relevant and to remove any unintended barriers to application. Following the failed recruitment exercise for this post in 2021, a decision was taken to remove this requirement. This aligns with previous campaigns and should help to secure a wide and diverse group of applicants. In the unsuccessful campaign there were just four applications.

2. Why, having decided that the criterion was no longer essential, was it not listed as desirable?

Following consultation with a range of stakeholders, it was decided not to include this as a desirable criterion as potential applicants who do not hold a legal qualification might infer that they did not have a reasonable chance of success. This decision

supports efforts to attract a more diverse and larger group of professionals to apply. The successful applicant will need a proven ability in weighing evidence, setting out reasoned decisions and understanding principles of legislation. In addition, they will need to demonstrate an ability to make decisions requiring the analysis of complex issues with possible significant legal and financial consequences. The interview panel will test their suitability against these and other aspects of the essential criteria.

The new Ombudsman will also be supported by a TPO legal team that has increased in size and material capability since the last Ombudsman was appointed. A Legal Director, 13 lawyers and 2 technical specialists provide support to the Ombudsman, TPO adjudication staff, and the TPO Early Resolution Service (ERS).

3. How will you assess candidates' ability to make legally binding determinations which can only be appealed with permission of the High Court in England and Wales or the Court of Session in Scotland? Would the appointment of an Ombudsman who is not legally qualified risk an increase in the number of determinations being overturned in court?

The panel will examine each candidate's suitability for the role through their application letter, CV, a presentation, and responses to relevant questions. Prior to the current post holder, the Pensions Ombudsman, who served for approximately eight years, was not legally qualified.

With the increased legal capability at the TPO highlighted in response to question 2, it is not felt that the appointment of a Pensions Ombudsman who is not legally qualified would increase the probability of determinations being overturned in court.

4. What discussions have you had with the current Ombudsman about this change?

The Ombudsman and the Chair were consulted on the overall proposals for the role specification. Other relevant stakeholders have since been consulted including the Public Appointments Teams at Cabinet Office, No.10 and the Chancellor of the Duchy of Lancaster.



Guy Opperman MP
Minister for Pensions and Financial Inclusion



Work and Pensions Committee

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Guy Opperman MP
Minister for Pensions and Financial Inclusion
Department for Work and Pensions

26 January 2022

Recruitment of the Pensions Ombudsman

Dear Guy,

Thank you for sharing the Department's proposed process to recruit a new Pensions Ombudsman. The Committee is broadly content with the Department's approach and welcomes the proactive approach you have outlined for identifying candidates for this important role. We are content for the appointment to go ahead on the planned timetable. We would, however, be grateful if you would respond to the questions below about the substantive change to the job description which removed the requirement for candidates to be a legally qualified solicitor or barrister:

1. Why has the requirement for candidates to be a legally qualified solicitor or barrister been removed?
2. Why, having decided that the criterion was no longer essential, was it not listed as desirable?
3. How will you assess candidates' ability to make legally binding determinations which can only be appealed with permission of the High Court in England and Wales or the Court of Session in Scotland? Would the appointment of an Ombudsman who is not legally qualified risk an increase in the number of determinations being overturned in court?
4. What discussions have you had with the current Ombudsman about this change?

I look forward to hearing from you.

Yours sincerely,

Rt Hon Stephen Timms MP
Chair, Work and Pensions Committee



Department
for Work &
Pensions

GUY OPPERMAN MP
Minister for Pensions

Stephen Timms MP
Chair, Work and Pensions Select Committee
House of Commons

17 January 2022

Dear Stephen,

The Pensions Ombudsman, Anthony Arter, will reach the end of his term in office on 31 July 2022. I am writing to inform you of the selection process to recruit the new Ombudsman.

The Department's Public Appointments Team will manage the recruitment process and I will be closely engaged throughout. The recruitment exercise will launch in late January 2022 and be run in line with the Governance Code relating to public appointments.

To identify good candidates and encourage them to apply, DWP is engaging with the Cabinet Office Public Appointments Team, the No10 Public Appointments Team and Special Advisors to reach out to potential appointees. A search agency is being engaged to help improve the chance of success on the re-run of this appointment.

The Advisory Assessment Panel (interview panel) will consist of Baroness Wolf of Dulwich as Chair, Pete Searle, Director for Private Pensions and ALB Partnership; Caroline Rookes, TPO Chair, will be the representative from the Body; and Mark Addison, a former OCPA appointed Public Appointments Assessor, is the Senior Independent Member. All panel members will be involved in the shortlisting process and my views will be sought at key stages in the process in line with Governance Code procedures.

I expect to meet all appointable candidates before discussing with Secretary of State and agreeing a name to put forward to your Committee. I have included the agreed role description and person specification at **Annex 1** for comparison. **Annex 2** includes the equivalent description and specification from when the campaign last ran. **Annex 3** sets out our proposed marketing strategy.

I have also attached the provisional timetable at **Annex 4**; DWP officials will liaise with your Clerk to discuss the timings of any hearing.

A handwritten signature in blue ink, appearing to read 'Guy Opperman', with a large, stylized flourish underneath.

Guy Opperman MP
Minister for Pensions and Financial Inclusion

Pensions Ombudsman Role and Responsibilities

The Role of the Ombudsman

The role of the Ombudsman offers a challenging mix of complex case work and the opportunity to lead an independent, customer focused organisation. The Ombudsman is responsible for making determinations on individual cases which are final and binding on all parties, subject only to appeal in the High Court on a point of law and is responsible for the oversight of the office and casework management.

Key responsibilities of the post include:

- Investigating and determining pensions complaints.
- Investigating and determining disputes concerning the Pension Protection Fund and hearing appeals against decisions made by the Financial Assistance Scheme manager.
- Maintaining a high standard of decision making both in terms of personal decisions and in cases resolved by staff.
- Working with TPO Board to set the strategic direction for the organisation, taking responsibility for managing staff and the organisation's performance, ensuring it delivers its objectives in a cost effective, efficient way.
- Building constructive and effective relationships with external and internal stakeholders including DWP and its Ministers.
- As Accounting Officer, ensuring that TPO operates effectively and to a high standard of probity, and being responsible for the efficient, economical, and effective use of its resources.

Essential Criteria

The successful candidate must demonstrate:

- strong and effective senior leadership qualities including the ability to shape the strategic direction of an organisation, support the delivery of agreed goals, priorities and statutory obligations, managing staff and organisational performance, and the ability to lead through others;
- excellent stakeholder management and communication skills, in particular the ability to engage and build effective relationships quickly with Ministers, policy makers and other key stakeholders in the pensions industry;
- a proven ability in weighing evidence, setting out reasoned decisions and understanding principles of legislation; and
- the ability to make decisions requiring the analysis of complex issues with possibly significant legal and financial consequences.

Desirable criteria

- Up to date knowledge of pensions law and practice.
- Knowledge of the environment in which the public sector operates.
- Understanding of the role of an ombudsman or experience of resolving complaints from consumers/members of the public.
- Experience of dispute resolution.
- Understanding of and commitment to promoting high standards of customer service to members of the public.

Previous 2021 campaign version of Pensions Ombudsman Role and Responsibilities

The Role of the Ombudsman

The role offers a challenging mix of complex case work and the opportunity to lead an independent, customer focused organisation. The Ombudsman is responsible for oversight of the office and casework management as well as making determinations on individual cases. Key responsibilities of the post include:

- Investigating and determining pensions complaints.
- Investigating and determining disputes concerning the Pension Protection Fund and hearing appeals against decisions made by the Financial Assistance Scheme manager.
- Maintaining a high standard of decision making both in terms of personal decisions and in cases resolved by staff.
- Working with TPO Board to set the strategic direction for the organisation, taking responsibility for managing staff and the organisation's performance, ensuring it delivers its objectives in a cost effective, efficient way.
- Building constructive and effective relationships with external and internal stakeholders including DWP and its Ministers.
- As Accounting Officer, ensuring that TPO operates effectively and to a high standard of probity, and being responsible for the efficient, economical and effective use of its resources.

Essential Criteria

- You will possess strong and effective senior leadership qualities including the ability to shape the strategic direction of an organisation, support the delivery of agreed goals, priorities and statutory obligations, managing staff and organisational performance, and the ability to lead through others;
- You will have excellent communication skills including the ability to influence people, and develop and maintain relationships across different groups;
- You will have the ability to operate constructively and build positive relationships with Board level and senior stakeholders - in particular the ability to engage and build effective relationships quickly with stakeholders in the Pensions industry;
- You will be a legally qualified solicitor or barrister with a proven ability in weighing evidence, setting out reasoned decisions and understanding principles of legislation; and
- You will have the ability to make decisions requiring the analysis of complex issues with possibly significant legal and financial consequences.

Desirable criteria

- Up to date knowledge of pensions law and practice.
- Knowledge of the environment in which the public sector operates.
- Understanding of the role of an ombudsman or experience of resolving complaints from consumers/members of the public.
- Experience of dispute resolution.
- Understanding of and commitment to promoting high standards of customer service to members of the public.

Annex 3

Marketing strategy: Maximising applications and meeting Diversity Targets

To maximise the number of applications, and to ensure we attract as diverse field of candidates as possible, the use of an executive search agency has been approved by DWP Ministers and Cabinet Office.

We will ensure that the vacancy will be advertised on various websites including the Cabinet Office Public Appointments website, as well as being included in the Public Appointments Newsletter. We will also bring the vacancy to the attention of our other pensions arm's length bodies and key pensions stakeholder groups.

Proposed recruitment timetable

Pensions Ombudsman - Ombudsman Recruitment	
Advisory Assessment Panel members: Baroness (Alison) Wolf of Dulwich, Chair; Pete Searle DWP; Caroline Rookes, TPO Chair; Mark Addison, Independent Member	
Date	Action
Mon 24 Jan 22	Advert goes live
Mon 7 Feb 22	Sense check with Minister, CO on strength of field
February Recess - 10 February 2022 to 215 February 2022	
Thu 17 Feb 22	Vacancy closes
w/c 21 Feb 22	Long list sift - send to CO/DWP SpAds for comment in advance of sift
w/c 21 Feb 22	Longlist proforma to No10
w/c 07 March 22	Short list sift - send to CO/DWP SpAds for comment before panel validation
w/c 14 March 22	Shortlist proforma to No10
Easter Recess - 31 March 2022 to 19 April 2022 TBC	
w/c 11 April 22	Shortlist Sub to be sent
w/c 16 May	Interviews - allow 2 days
w/c 23 May 22	Appointable candidate proforma to No10 (allow 3 weeks)
Whitsun Recess - 26 May to 6 June 2022	
w/c 13 June 22	Sub and panel report to Minister (Minister to meet candidates)
w/c 11 July 22	WPSC hearing
w/c 18 July 22	Final decision made, outcome letters issued to successful candidate, start dates negotiated & agreed, contracts prepared & issued
August 2022 onwards	Ombudsman to start