



Department
for Education

Teachers' Pension Scheme Pension Board

Conflict of Interest Policy

February 2019

Conflict of Interest Policy

1. The scheme manager must be satisfied that any person (to be) appointed to the Pension Board does not have a conflict of interest, which, where it relates to a person, is defined as:

A financial or other interest which is likely to prejudice the person's exercise of functions as a member of the [Pension Board] (but does not include a financial or other interest arising merely by virtue of membership of the scheme or any connected scheme).

2. It is the responsibility of (proposed) Pension Board appointees to provide the scheme manager with information that is reasonably required to confirm that there are no conflicts of interest.
3. For this policy and procedure to work effectively the members of the Pension Board must agree to:
 - acknowledge any potential conflict of interest they may have;
 - be open with each other on any potential conflicts of interest;
 - adopt practical solutions; and
 - plan ahead and agree on how they will manage any potential conflicts which arise.

Conflict of Interest Procedure

4. To support these objectives the following three stage procedure will be adopted :

Identify

- a. A register of interests, recording those interests which could give rise to a potential conflict of interest for the Chair and members of the Pension Board, will be maintained by the Secretariat.

Monitor

- b. The Secretariat will circulate the Register ahead of each TPSPB meeting for individuals to review. Changes should be notified to the Secretariat, and the register will be updated and circulated as a Board paper ahead of each meeting. Review of the Register will be a standing item on the TPSPB agenda.
- c. Individuals should report any potential conflicts to the Chair and Secretariat if these arise during the year and should be sure to include details the next time the Register is shared for review.
- d. The Chair will complete the Register in the same way as other Board members and should report potential conflicts of interest, if these arise between meetings, to the Scheme Manager via the Secretariat.

Manage

- e. Individuals will liaise with the Secretariat and the Chair to help identify any potential conflicts of interest, via completion, review and update of the Register. The Chair (or Scheme Manager in respect of the Chair) will then decide on any action that may be required and will update other members of the Pension Board.
- f. The Secretariat will record the nature and extent of the conflict of interest, an outline of any discussions undertaken and the actions taken to manage the conflict.

Conflict of Interest Process

- 5. Any member of the Pension Board who feels that they, another Pension Board member, or other invited attendee of a meeting has a potential conflict of interest on a particular subject, must advise the Secretariat and Chair - prior to the meeting where possible. Alternatively, they should raise this at the start of the meeting when the standing conflict of interest agenda item is discussed.
 - a. If a potential conflict of interest is identified outside a Pension Board meeting the Chair should decide on the action required and inform members of the Pension Board of any actions taken.
 - b. If the potential conflict is identified at a Pension Board meeting, the Chair should consult with the other members of the Board before making a decision. Actions may include asking the individual to leave the meeting whilst the issue is discussed, or, if the issue relates to a member of the Board, asking them to withdraw from voting on the matter.
 - c. The Secretariat will record the nature and extent of the potential conflict of interest, an outline of the discussion and the actions taken to manage the issue in the meeting minutes.
- 6. Any actions as a result of a potential conflict of interest materialising will be designed to ensure, and demonstrate, that the individual's TPS Pension Board and non-TPS Pension Board activities do not amount to an unmanageable conflict, even where an individual has openly declared their interest.
- 7. Where a member of the Pension Board has a potential conflict of interest, which becomes an actual conflict of interest incompatible with membership of the Pension Board, the member of the Pension Board in question will be in contravention of the Public Service Pension Act 2013 and will therefore need to resign their position on the Board.

Conflict of Interest Scenarios

- 8. It is recognised that members of the Pension Board may have dual interests and responsibilities. For example, a finance officer appointed to the Pension Board can offer their knowledge and make substantial contributions to the operational effectiveness of the scheme, but they may, from time to time, be required to take or scrutinise a decision which may be, or appear to be, in opposition to another interest or responsibility.

- They may be required to scrutinise a decision which involves the use of departmental resources to improve scheme administration, whilst at the same time being tasked, by virtue of their employment, with reducing departmental spending. A finance officer may not be prevented from being a member of the Pension Board, but the scheme manager must be satisfied that his/her dual interests and responsibilities would not prejudice the member in the exercise of any particular function.
 - an individual is in a position to influence policy or administration strategy development where that individual, or any organisation or body with links to that individual, wishes to bid for contracts that flow from the policy or administration development;
 - an individual is involved in the decision to award a contract to another organisation that that individual has an interest in, in financial, market or other terms;
 - an individual who is involved in a decision that financially benefits that individual's spouse, partner or close family member;
 - making decisions that could potentially impact upon the interests of a fellow member of the Pension Board;
 - the management of confidential or commercially sensitive information divulged in the course of Pension Board activities;
9. There are also some relationships which would, though not amounting to a conflict of interest, should ideally be kept fully in the open to avoid any suggestion that they might involve partiality on anyone's part. For example:
- a member of the Pension Board sits on the Board of, or carries out work for, another organisation in the education or pension administration sector.
 - a family member of someone on the Pension Board is a serving or retired teacher and a beneficiary of the Scheme.

This does not imply that these situations are improper, or amount to a conflict; rather, it is helpful for the chair to be aware of and manage any possible presentational issues arising from a perceived conflict of interest.

Appointments

10. Potential conflicts of interest will be tested as part of the application process for future Board appointments through completion of a Declaration of Interests form.
- a. The information must be provided by the applicant.
 - b. Actual conflicts of interest incompatible with membership of the Board are prohibited by the Public Service Pensions Act 2013; they cannot be managed and if identified would preclude appointment to the Board.

Register of Interests

11. The purpose of the Register is to provide information to the Pension Board Chair, Secretariat and fellow Board members about the relevant interests of the Pension Board. These are personal or business interests that might influence their judgement, deliberation or action as members of the Pension Board, or which might be perceived by a reasonable member of the public as doing so.
 - a. Members must consider whether they need to disclose personal involvement with people or organisations which members of the public might reasonably think could influence their judgement.
 - b. Where there is uncertainty about whether a particular interest should be declared, advice should be sought from the Secretariat.
 - c. It is each member's responsibility to review and update the Register, to reflect any relevant changes, when it is circulated.
 - d. Where there is a complaint about a failure to disclose a relevant interest, the complaint will be referred to the Chair and Secretariat.

Disclosure of Interests (Upon appointment to the TPSPB)

Teachers' Pension Scheme Pension Board Disclosure of Interests (for inclusion in a Register of Interests)

The Public Service Pensions Act 2013, Section 5(4b) requires that any member of the Teachers' Pension Scheme Pension Board must not have a conflict of interest, which is defined (Section 5(5)) as a "financial or other interest which is likely to prejudice the person's exercise of functions as a member of the Board, but does not include a financial or other interest arising merely by virtue of membership of the scheme or any connected scheme."

New members of the Teachers' Pensions Scheme Pension Board should use this form to provide details of all relevant interests that might affect the carrying out of their duties as part of the Pension Board, and ensure that the conflict of interest requirement in the Public Service Pensions Act 2013 is fulfilled. If you are in doubt about whether to disclose a particular interest, please seek advice from the Pension Board Secretariat.

Name:

1. Please give details of any relevant remunerated or non-remunerated directorships.

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2. Please give details of any relevant employment (other than held in teaching) - that is any remunerated employment, offices held, professions etc. that might affect the carrying out of your duties as part of the Pension Board.

Name of organisation	Nature of organisation	Position within organisation

Please give details of any voluntary and/or public offices held.

Name of organisation	Nature of organisation	Position within organisation

3. Please give details of any sponsorships or financial or material support that you receive from any relevant organisation.

4. Please give details of any personal investments of over £25,000, that you or your immediate family may hold as shares in pension providers or life assurance providers (N.B immediate family is defined as a partner or spouse with whom you have regular contact).

5. Please give details of any significant political activity that you are involved in, for example holding office in a political party or standing as a nominated candidate for a political party.

6. Please give details of any other relevant interests, including significant interests of close family members, i.e. ones which might influence your judgment, deliberation or action as a member of the Pension Board, or which might be perceived by a reasonable member of the public as doing so.

Data Protection

The information provided will be processed in accordance with data protection principles as set out in the Data Protection Act 1998. Data will be processed only to ensure that Pension Board members and Pension Board meeting attendees act in the best interests of Teachers' Pensions. The information provided will not be used for any other purpose.

TPS Pension Board Register of Interests

This will be compiled by the Secretariat and will include information declared by new appointees to the TPSPB. It will be circulated ahead of every TPSPB meeting for review and update by Board members.

Name	Position	Date advised of interest	Interest disclosed	Nature of potential conflict and estimated value (if known)	Action taken / recommendations	Date implemented	Review / comments