

VETERANS ADVISORY & PENSIONS COMMITTEES

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VETERANS ADVISORY & PENSIONS COMMITTEE

Introduction

- 1 Veterans Advisory & Pensions Committees (VA&PCs) previously known as War Pensions Committees are established under the War Pensions Act 1921 and the Social Security Act 1989. The functions and procedures are described in The War Pensions Committees Regulations Statutory Instruments 2000 No. 3180, 2005 No. 3032 and 2006 No. 3152 (See *Appendix 1*).
- 2 VA&PCs are voluntary bodies independent of the Department. The Secretary of State appoints the Chairman and members of the VA&PC.
- 3 In general, VA&PCs regulate their own business. For this purpose they are able to create sub-committees, groups or panels who may meet at venues other than the one normally used for the main VA&PC meetings. VA&PCs and their sub-committees meet at varying intervals depending on the volume of business to be transacted.

4 - 9

Appointment

- 10 VA&PC members are appointed by the Secretary of State (SoS). The appointment is for 3 years, which is the lifetime of the Committee or until reconstitution, whichever is first. The SoS will consider the balance of representation on the committee, and recruit members in line with the Code of Practice from the Office of the Commissioner for Public Appointments (OCPA).
- 11 All appointments must be made on merit, that is the well-informed choice of individuals who, through their abilities, experience and qualities, match the needs of the Committee and on the basis of opportunities for all. The criteria for selection and job specification for appointment to the Committee are at *Appendix 8*.
- 12 A wide field of candidates must be established. Selection of candidates should be made on the basis of a paper sift and a conversation with a purpose of short listed candidates. A list of the current Chairmen is at *Appendix 4*.
- 13 All procedures must be 'proportionate', that is appropriate for the nature of the post and the size and weight of the responsibilities. The appointments process must be transparent, and all appointments should be announced.

14 The Commissioner audits appointments which have been made and has the power to investigate complaints.

15-19

Functions

20 In amplification of SI 2000 No 3180, Article 8(1), see *Appendix 1*, the functions of the VA&PC include the following.

Consultation

21 Based on their involvement in the wider process and their contact with individuals in the local areas, act as a conduit for local consultation by Ministers, the Ministry of Defence and the Service Personnel and Veterans Agency (SPVA) on issues affecting recipients of pension from the War Pensions Scheme and Armed Forces Compensation Scheme.

Awareness of War Pensions and the Veterans Welfare Service

22 Raising awareness of the War Pensions Scheme, Armed Forces Compensation Scheme (AFCS), the services of the Veterans Welfare Service (VWS) in the Committee's area and the availability of cross government support to the Armed Forces, their families and Veterans.

Welfare

23 Support the SPVA by monitoring its welfare service, raising awareness of the service it provides and liaising with other organisations with a view to ensuring that the welfare needs of pensioners, surviving spouses, surviving civil partners and their dependants are suitably addressed.

Advising and representing

24 Assisting individuals with any problems or complaints they have regarding war pensions or AFCS claims process, where there is no formal recourse to an independent body and acting on their behalf when appropriate, whilst liaising closely with SPVA.
Offer an independent explanation of the War Pensions and AFCS schemes as they relate to an individual, assessing issues in response to specific complaints.

Providing a formal independent review of complaints, convening an Independent Complaints Panel where necessary, as outlined by the SPVA complaints procedure.

25 **Welfare Pathway**

- a. Support the Ministry of Defence by acting as advocates for the implementation of cross government support to injured personnel, their dependants and veterans. Highlighting gaps or issues in provision and feeding these back initially through SPVA or any mechanism put in place by the service provider.
- b. Understand the Welfare Provision network in the local areas and assist Veterans and dependants in accessing local service as envisaged under the Service Personnel Command Paper, where individuals are unable to obtain the required support – i.e work with all parties to act as advocates for individuals experiencing difficulty in accessing services.
- c. The committees do not provide welfare support themselves but can support individuals and should refer cases for SPVA welfare assessment where appropriate.
- d. Support the SPVA by monitoring its welfare service and liaising with other organisations with a view to ensuring the welfare needs of veterans and their dependants are addressed.

Composition

- 30 Each Revocation and Reconstitution Order specifies the number of members and constitution of the Committee.

Reconstitution

- 31 The commencement date of a reconstituted VA&PC is laid down in the War Pensions Committees (Revocation and Reconstitution) Order. The lifetime of a VA&PC is for a 3 year period.

Meetings – frequency and venue

- 32 The day, time, venue and frequency of VA&PC meetings are for the VA&PC Chairmen to decide. The frequency of the meetings will vary with the activity of the Committee and the use they make of sub-committee meetings. The number of main committee meetings should not normally exceed 3 times a year.

Ministerial responsibility

- 33 Ultimate responsibility for appointments rests with Minister. To ensure Minister can fulfil his/her role properly, the Agency must:
- agree appointment criteria and the process to be followed with Minister at the outset to avoid disruption of the process at a later stage

- ensure that once the process is under way these criteria are not changed:
and
- ensure that all candidates under consideration for approval meet the criteria and the standards required by the seven principals of public life (see *Appendix 3*).

Letter and announcement of appointment

- 34 A letter will be issued by Minister inviting the candidate to take up the appointment. Appointees should confirm that they accept the appointment.
- 35 The appointment should be announced publicly. However, the nature of war pensions work and the connections with the Military give special dispensation to the amount of information and width of publicity required.
- 36 Statutory Instrument 2000 No 3180 (see *Appendix 1*) lays down the procedures to be followed when Vice Chairmen are elected. The Committee elects its own Vice Chairmen from within its membership.

37-38

The model of practice for board members

- 39 For the model see *Appendix 2*

The seven principles of public life

- 40 The seven principles of public life are the principles that underpin the Code of Practice. They come directly from recommendations by the Committee on Standards in Public Life (Nolan: First Report, May 1995). They are the foundations of the public appointments process and are designed to ensure appointment on merit and a quality outcome – see *Appendix 3*.
- 41 The relevant procedural points relating to each principle are set out below.

Merit (and diversity)

- 42 Appointment on merit is the overriding principle within the appointments process. However, in line with the Nolan Committee's original recommendations, criteria for selection can take account of the need to appoint members who include a balance of skills and background. Nonetheless:

- the Committee's must guard against positive discrimination

- political balance is only a consideration where there is a statutory requirement, or in certain strictly limited instances where the nature of a public body makes it essential that individual political parties are represented on it (e.g. the Committee on Standards in Public Life, the House of Lords Appointments Commission).

43 To ensure that existing members standing for re-appointment meet the current criteria and can compete, when appropriate, in an open competition, Committees must have in place a meaningful performance appraisal system.

Independent scrutiny

44 The Code of Practice from the Office of the Commissioner for Public Appointments (OCPA) states that:

“independent scrutiny is a mandatory element of every competition. No appointment may be made unless an independent assessor has been involved in the process.”

Equal opportunities

45 The principles of equal opportunity and diversity are not only socially just, but will benefit any committee to which they are applied. Individuals from all sections of society may have much to offer a public body by virtue of their diverse experience and background.

Therefore:

“the principles of equal opportunity and diversity must be inherent within the appointments process. Care must be taken, at every stage, not to discriminate on the grounds of gender, race, age, disability, religion, marital status, sexual orientation or community background. Appointments in Northern Ireland must comply with any relevant statutory obligations under the Northern Ireland Act 1998”.

46 There should be positive action taken wherever possible to attract suitable candidates from all sections of society and this in turn, should lead to wider representation on public bodies. Those involved in the appointments process must however ensure that any initiative or positive action they take to encourage or achieve wider representation is within the law.

Probity

47 Both VA&PC and the Agency must ensure that the individuals they appoint are committed to the principles and values of public service. The problem most

likely to arise is that of actual or perceived conflict of interest. Therefore, as early as possible in the recruitment process, all candidates must be asked to disclose information or personal connections which, if they were to be appointed, could be misconstrued or cause embarrassment to the appointing authority. Departments (MoD officials), in consultation with the bodies themselves. Chairmen are best placed to judge what might constitute a conflict of interest. If it appears that a possible conflict might exist or arise in the future, this must be fully explored with the member to establish whether it is sufficiently significant to prevent the individual from carrying out the duties of the post. The discussions and decisions must be fully documented and publicly justified if challenged.

48 In relation to conflicts of interest there are 4 issues most frequently encountered:

- financial interests or share ownership
- candidates who are actively sought from within a field of expertise in which the public body works. Such a connection does not preclude an appointment, but it might well be perceived by the public as a conflict of interest and will need to be handled sensitively
- membership of societies (e.g. Freemasons). In some instances, such membership may be cited as creating an obvious conflict of interest, but it must not be an automatic bar to appointment. It must be established whether there is a genuine conflict of interest and if it would hamper the individual in carrying out the requirements of the post
- candidates must be assessed on merit and not treated more or less advantageously because of the activities, associations or employment of a partner or friend, nor must that relationship influence their actions if appointed. Again, such relationships should not automatically preclude appointment but committees must be sensitive to a situation that might create an actual or perceived conflict of interest.

49 Appointees must be made aware of the need to notify the Agency if there is any relevant change in their situation or connections during the period of the appointment.

Openness and transparency

50 To gain public confidence the workings of the appointments system must be clearly visible. All stages of the process, including relevant conversations, must be documented and the information readily available for audit. Information should be stored for a minimum of 2 years. However:

- personal information about applicants and panel members must remain confidential, unless the individual concerned gives permission for its release
- data protection legislation must be considered in relation to all recorded information.

Proportionality

51 A degree of proportionality is built into the appointments process. The Code of Practice from OCPA sets out the minimum measures that the Agency is required to implement. However, within this framework there is the flexibility to adopt the approach considered to be most suitable and effective.

(51) A number of factors will influence that approach. These will include:

- the nature of particularly high profile or potentially contentious appointments
- availability (and non-availability) of sufficient suitable candidates
- special circumstances relevant to the appointment (e.g. the need to appoint quickly or in unusual circumstances).

52 Proportionality arguments must not be used to circumvent proper procedures. All deviations from the process must be fully recorded and the Agency will consult the Commissioner or OCPA in advance of any significant departure.

53 The Commissioner can grant specific exemptions where it is judged they are justified by exceptional circumstances.

54 - 59

Total Period in Post

60 The number of terms an individual may serve and the conditions for re-appointment are set out below. However the maximum period in office must not exceed 10 years on the same committee. If a member wishes to move to another committee then they must go through an open recruitment exercise and their period in post starts again.

Re-appointments

61 Appointees may serve any number of terms subject to the 10 year rule, providing their performance has been continuously assessed as satisfactory.

Member of Parliament nominated

- 62 The House of commons Disqualification Act lists, in Schedule 1, a number of appointments that Members of Parliament (MPs) and Members of the European Parliament (MEP's) are not entitled to hold. They can take up any other public appointment. However, as with all candidates, departments will need to consider the time required for carrying out the functions as a member of a board and its compatibility with their other commitments as an MP or MEP. Members of the Welsh Assembly and Scottish Parliament are barred from certain appointments listed in respective Orders in Council. MPs and members of the devolved legislatures should receive no remuneration for appointments to Non-Departmental Pubic Bodies (NDPBs) held in that capacity as they are already in receipt of monies from the public purse.

Civil servant nominated

- 63 Civil servants can sit on NDPB boards as ex-officio members because of the particular function they carry out in their work as a civil servant. However, it would be unusual for civil servants to be board members in a private capacity as it could potentially give rise to tensions in their role of serving Ministers and that of overseeing the work of an NDPB at arms-length from Ministers. Civil servants are also restricted by their terms and conditions of service in outside work activities they can be involved in and by the civil service management code and by their own staff codes.

References

- 64 References will be obtained as these can provide additional background information and can flag up any areas of particular strength or areas of concern, which may not have come to light during the selection process.

65 - 69

Appraisal

- 70 Committees must have in place regular and transparent performance assessment processes that will provide the necessary, robust evidence for considering re-appointments:

- no one can be re-appointed unless they have performed satisfactorily during their current term
- it is essential that, for audit purposes and the investigation of complaints, all performance assessments are fully recorded and documented.

Appraisal and re-appointment

- 71 Once the number of forthcoming vacancies has been identified, departments will need to establish how many of the members whose terms of office are due to end are eligible for a further term of appointment and meet the current requirements of the board. The benefits of re-appointment include continuity, the retention of skills and experience, and the economy of avoiding a full competition. However, these should always be balanced against the advantages of having new “blood” and fresh ideas introduced to a body. There is no guarantee of any re-appointment being favourably considered and re-appointments will be governed by the time and performance criteria set out below. The decision to re-appoint must be taken in a timely manner, and in all cases before the current term expires. Where members are seeking re-appointment, departments should take the opportunity to ask them to update the information on them which is held by the department and, as a minimum, the department should obtain updated monitoring information and a new political activity questionnaire. Appointees may serve any number of terms subject to the 10-year rule, providing their performance has been continuously assessed as satisfactory.
- 72 As a matter of good practice, members should be appraised on their performance on a continual basis and especially before any consideration or re-appointment takes place. As a minimum there should be a brief resume of each member’s contribution and assessment of their performance. Generally the chair should undertake the appraisal of members. See the pro-forma at *Appendix 9* for guidance.

73 - 79

Non attendance

- 80 The committee secretary will keep a record of members’ attendance at VA&PC meetings. If a member has been absent for 3 meetings without reasonable excuse and it is clear he has lost interest in the work, the Chairman will write to

the member to ascertain his future intentions.

- 81 If a reply is received, act according to the member's wishes. If no reply is received one month after the date given in the letter, the member's appointment is considered to be terminated – no further letter is sent. The Chairman may wish to initiate action to fill the vacancy according to current best practices and this should be progressed by the VA&PC through the Focal Point.

82 - 89

Vacancies

- 90 A vacancy occurring in the membership of a VA&PC will, if possible, be filled by the appointment of a new member.

Travel and subsistence rates

- 91 Please see *Appendix 6*

92-199

Support

200 The Veterans Welfare Service (VWS), through the Regional Manager, and the VA&PC Focal Point will provide support to the Chairmen of the VA&PC's. Secretarial support will be provided by a secretary from within the membership of the committee. For further details of the provision of support you can expect, see *Appendix 7*.

201-209

VA&PC Paper

210 The paper supplied for the use of each VA&PC should be headed with the title of the committee and the name of the Chairman. No reference is made to the Service Personnel and Veterans Agency (SPVA).

211 The paper is for the use of the Chairman and members when writing letters on Committee business on the Committee's behalf. It is always used when writing to a complainant about representations to the committee. Letters written on this notepaper are sent at the Agency's expense.

212-219

Meetings

Agenda

220 The agenda of a VA&PC meeting is a matter for the Committee.

221 The agenda will be sent to the Committee members as soon as possible but at least 7 working days before the meeting.

Record of proceedings at meetings

222 The Chairman will determine what form the record of proceedings at the committee meetings takes, minutes, notes or a record of decisions. The Chairman will satisfy himself that they are promptly and accurately prepared in accordance with the following general principles:

a the heading will incorporate the names of the Committee members present and the names and status of the officers of the Agency shown as 'in attendance'

b the time the meeting starts and the time it ends

- c they will be as brief as possible but sufficiently descriptive for the facts and the decisions reached to be understood by a non-attending member
- d will not use abbreviations
- e set out resolutions verbatim
- f include the date of the next meeting
- g once agreed by the Chairman, they should be sent to all attendees, Focal Point and an electronic copy placed on the internet (if the Chairman agrees).

223-229

Resolutions and Recommendations

- 230 Para 9 of the Statutory Instruments 2000 No 3180 (see *Appendix 1*) requires that any recommendations made by a Veterans Advisory & Pensions Committee to the Secretary of State are submitted in the form of a resolution to the Minister. Recommendations, which do not require the attention of Minister but relate to Pension or Compensation matters are to be forwarded to the VA&PC Focal Point.

Resolutions by Sub Committee

- 231 Resolutions on general policy and procedure passed by a sub-committee (or Panel) require endorsement by the full Committee, unless general powers have been delegated to the sub-committee. When the resolution of a sub-committee is prepared for submission it will need to show whether the resolution had been endorsed by the full Committee or the sub-committee was acting under delegated powers.

Reply to resolutions/recommendations

- 232 The reply to a resolution is a formal letter sent by Minister or the Head of Veterans Services to the committee. A response to VA&PC recommendations will be answered at the appropriate level by SPVA.

233-239

Representations to Members of Parliament

- 240 If the VA&PC proposes to express their view on any matter to a Member of Parliament (MP), the VA&PC Regulations provide only for representations to be made by way of a resolution to the Minister. Committee representations receive the same care and attention from the Minister as from an MP. The Minister for Veterans should always be the primary recipient of any proposal or resolution from a VA&PC. In the case of an MP representing a Veteran writing direct to a

VA&PC, the committee may communicate directly with the correspondent but copies of the correspondence should be sent to the VA&PC Focal Point.

241-249

Presence of public and media at VA&PC meetings

250 The VA&PC panel is to sit in closed session when discussing individual cases. It is important on confidentiality grounds that VA&PC members be particularly alert on those occasions when the public or media are present at a meeting.

251-259

VA&PC Focal Point

260 At the request of VA&PC Chairmen, a focal point for VA&PCs has been established to act as one central point of contact within SPVA for VA&PC Chairmen. It facilitates the communication between Chairmen and the agency and is strategically placed in the Head of Veterans Services support team in recognition of the importance of that relationship.

261 The main duties of the VA&PC Focal Point are:

- lead responsibility for all issues relating to the support of VA&PCs
- lead responsibility for Public Appointments
- issue of all communications and guidance to VA&PCs
- act as secretary to the VA&PC CAC sub-committee (for information on the CAC please see *Appendix 5*)
- organisation of the twice yearly VA&PC conference
- maintenance of the VA&PC handbook
- processing nominations for honours.

262 - 299

Complaints to VA&PC

Introduction

- 300 The VA&PC has no statutory powers in the resolution of complaints and cannot give a legally binding ruling as the Tribunals can. The function of the VA&PC is to consider those complaints made by individuals against a decision of the Agency, where there is no formal right of appeal. A panel of 3 committee members will generally hear and consider a case. The panel can request the Agency to reconsider the decision if they feel the complaint is justified and make recommendations accordingly.
- 301 If a customer is dissatisfied with a decision and there is a right of appeal, **it is proper that the pensioner exercises this right**. When there is no right of appeal, the letter of rejection will advise that he can ask the VA&PC in his area to consider the decision and gives the address of the Focal Point for them to address their complaint to.
- 302 The Focal Point will inform any complainant seeking assistance or advice that the Committee is an independent statutory body and that arrangements will be made for him to present his complaint to the Committee either in person or in writing.
- 303 Examples of cases where there is no right of appeal to a Tribunal against a rejection are; application for medical expenses or any necessary treatment expenses in connection with a war disablement (eg: Skilled Nursing Care, education allowances).
- 304-309

Statement of Case (SOC)

Preparation of SOC

- 310 Decisions on claims and allowances resulting in a complaint to the VA&PC are, on receipt of the complaint, reviewed by SPVA. If the decision is maintained an SOC will be prepared within a maximum of 28 days. On completion it will be sent to the VA&PC Focal Point who will forward it to the Chairman for the confidential information of the VA&PC panel. On receiving the SOC, the Panel Chairman will write to the pensioner stating that the case will be discussed at the next VA&PC meeting or panel and the VA&PC's findings will be sent to the pensioner after the meeting.
- 311 If a medical board is required to complete the SOC, the SPVA will send a letter to the complainant and to the Focal Point for information.

312 The SOC is prepared from medical and lay information and provides a clear summary of the history of the case with the reasons for the Agency's decision. It will identify the issue in dispute and the appropriate regulations or eligibility criteria.

Issue of SOC

313 SOC's are issued to the VA&PC members who are expected to attend the meeting and to the complainant in advance of the meeting. The confidential nature of the statement requires that the following safeguards are observed:

- VA&PC members are asked to return the SOC to the Chairman if they are unable to attend the meeting
- statements are collected from VA&PC members at the end of the meeting, if a conclusion has been reached. In other cases, they will be retained until the case has been concluded.

Issue of modified SOC

314 There are occasions when SOC's contain information, which cannot be disclosed to the complainant. Information of the following nature is omitted from the complainant's statement:

- medical information which would be undesirable for the complainant to be aware of or which might jeopardise the doctor/patient relationship
- information, other than medical, given under a seal of confidentiality e.g. from an employer
- information contrary to the public interest or prejudicial to a third party.

315 In such cases the statement will have an appendix for the VA&PC members headed 'Information not to be disclosed to the complainant'.

316 - 319

SOC received by the Focal Point

320 When the SOC is received by the Focal Point it will be:

- 1 carefully checked, to take up any points which require clarification with the appropriate section
- 2 issued to the Chairman with a note attached inviting the Chairman to contact the Focal Point if there is anything requiring clarification.

321 Queries of a medical nature are referred to the team that prepared the SOC via the Focal Point. A supplementary SOC is prepared and issued if the Chairman raised the query.

322 The SOC prepared will have the essential information required by the Committee for the case to be discussed, but it may be that additional background information will be required. This may be lay, or medical information. The Chairman should contact the Focal Point for advice if required.

323 -329

Notification to complainant to attend VA&PC Meeting

330 When the SOC has been received the Chairman will send a letter to the complainant asking if he would like to personally attend a panel meeting.

Non-attendance of complainant

331 If the complainant is unable to attend the meeting because of illness, the meeting will be arranged for a time when the complainant has recovered. On the occasions when it becomes apparent that the complainant will be indisposed for a long time or where they are housebound through age or infirmity, a domiciliary visit may be arranged.

332 Alternatively the panel can decide to ask a member of the Committee to call upon the complainant and report back to the next main meeting or Panel, who will consider the case in the complainant's absence.

333 When the complainant does not attend the meeting where the complaint was to be heard and gives no explanation for his absence, consideration is deferred. A letter should be sent to him from the Panel Chairman inviting him to attend another meeting he should be informed that if he fails to attend the re-arranged meeting, the case will be considered in his absence.

Attendance of solicitor or other representative

334 A complainant may be accompanied by a solicitor or other representative at the hearing of his case by the VA&PC. If the complainant indicates his intention to be represented, the Panel Chairman will advise the:

- Panel in advance and tell him the status of the representative e.g. name of the ex-service organisation or solicitor
- complainant that the committee is unable to meet the fees or travelling expenses of the representative.

Duties of the Chairman when a complaint is heard

- 335 As well as organising the taking of the minutes, he/she will take responsibility for:
- giving such information and guidance on technical matters obtained earlier from the Focal Point if necessary
 - ensuring that the complainant leaves the meeting before the case is discussed.
 - collecting the SOCs from the members at the end of the meeting unless they are required by the panel to bring the matter to a conclusion.

Adjournment for more information

- 336 If the VA&PC adjourn their consideration for further information to be obtained, the Panel Chairman via the Focal Point will advise the operational team enclosing the relevant minutes and requesting the information needed.
- 337 When the VA&PC consider a medical opinion is necessary, this can be obtained through SPVA Medical Services via the Focal Point. If the Committee insist that a direct approach be made to a consultant or medical practitioner, the letter requesting the information will be on VA&PC notepaper and must be signed by the Panel Chairman. No funds are available to meet any expenses incurred.

338 - 339

VA&PC recommendations on complainants' cases

- 340 After the meeting, the Panel Chairman will deal with any outcome as follows:
- a. send a copy of the final report to the Focal Point, to issue to the team
 - b. send a letter to the complainant explaining that the matter is receiving attention and giving any factual information (eg: awaiting further document etc). This action will be taken every 6 weeks until a decision is reached. The Focal Point will keep the Chairman informed of the up-to-date position of each complaint.

Recommendations by a Panel or Sub-Committee

- 341 Any recommendations made by a panel or sub-committee will need to be endorsed by the main Committee unless the committee have delegated powers to that sub-committee.

VA&PC do not support the complaint

342 The Chairman will convey their decision in writing to the complainant.

Replies to recommendations

343 Policy replies are sent to the Chairman by means of a formal letter via the Focal Point. Additionally in the case of a recommendation relating to an individual's complaint, the result will be sent by SPVA to the complainant and a copy will be sent to the Chairman via the Focal Point.

Independent Complaints Panel (ICP)

344 ICP Terms of Reference see *Appendix 10*. Individuals will only be able to apply to the ICP when they have been through the internal complaints procedures operated by SPVA. Advice regarding referring a complaint to the ICP will be given when the individual receives a reply from the Chief Executive. Complaints will only be referred to the ICP at the customer's request.

345 Complaints may be considered either individually or collectively by the panel. Complaints will be referred to the ICP within 7 days of receipt. The ICP will seek to complete its review and report back to the Agency within 28 days. The Agency will respond to the individual within 7 days of receipt of the ICP's report and will copy the responses to the ICP.

346 The ICP will be asked to comment on the Agency's procedures for complaint handling on an as and when basis and will be asked to furnish an annual report on the cases with which it has dealt.

347-349

Crown Indemnity

Indemnities for personal liability of NDPB board members

350 In December 1998, the Treasury laid a Departmental Minute giving Parliament notice of the arrangements for the provision of government indemnities to NDPB members. "The Government has indicated that an individual board member who has acted honestly and in good faith will not have to meet out of his or her own personal resources any personal civil liability which is incurred in the execution or purported execution of his or her board function, save where the person has acted recklessly".

351 The level of cover provided is comparable with both the cover that would be available in a commercial insurance policy and with that which is given to those

civil servants who, as part of their official duties, act as directors of companies. The cover excludes any personal criminal liability. Nor will it protect the reckless or those who have acted in bad faith.

352-359

Monitoring role

360 As a result of VA&PCs direct involvement with War Pensioners and their dependants coupled with their close working relationship with the Veterans Welfare Service, they are well placed to monitor the Welfare Service at local level. The efficient performance of this role not only benefits SPVA by inviting their attention to deficiencies in the system, but ensures that appropriate customer comment is made known to senior management or to other external agencies.

361 See *Appendix 11* for a copy of the complete monitoring role.

Visiting Protocol

362 The VA&PCs have a role to play in monitoring the quality and standard of service provided by the Veterans Welfare Service to pensioners and where appropriate, their dependants. To facilitate that role, VA&PC members are permitted to accompany a Welfare Manager (WM) on a visit or to conduct an independent follow-up to a client where a WM visit has already been carried-out. The protocols to aid the process are shown in *Appendix 11*.

Reporting Activities

363 Reporting the benefits of the new VA&PC role will be critical to the future of the committees. Members need to keep a record of their activities and regularly feed back to their Chairman. The Focal Point will request this information from Chairmen in time to collate and submit to the CAC.

364-
399

 STATUTORY INSTRUMENTS

2000 No. 3180**PENSIONS**

The War Pensions Committees Regulations 2000

Made 1st December 2000

Laid before Parliament 8th December 2000

Coming into force 1st January 2001

The Secretary of State for Social Security in exercise of the powers conferred on him by sections 25 and 29 of the Social Security Act 1989(a) and section 175(2) of the Social Security Contributions and Benefits Act 1992(b) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1. (1) These Regulations may be cited as the War Pensions Committees Regulations 2000 and shall come into force on 1st January 2001.
- (2) In these Regulations -
 "committee" means a war pensions committee or, where the context so requires, the war pensions committee for the relevant area;
 "member" means member of a committee or, where the context so requires, a member of the relevant committee; and "widow" means a widow in receipt of a war widow's pension.
- (3) Any reference to Schedule 1 or to Schedule 2 is a reference to the Schedule so numbered in these Regulations and any reference to the area of a committee is a reference to the area for which the committee is established pursuant to regulation 3, 4, 5 or 6.

Revocation of regulations and abolition of existing committees

2. The following Regulations are hereby revoked:
 The War Pensions Committees Regulations 1990(c);
 The War Pensions Committees (Amendment) Regulations 1995(d); and
 The War Pensions Committees (Amendment) Regulations 1996(e),
 and the committees established and operated thereunder shall be abolished.

Committees for England

3. In England, there shall be established for each group of local government areas specified in column 1 of Schedule 1 a committee bearing the name specified in respect of that group in column 2.

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- (a) 1989 c.24 Section 29 was amended by the Social Security (Consequential Provisions) Act 1992 c.6 section 4 and Schedule 2 paragraph 106.
 (b) 1992 c.4.
 (c) S.I. 1990/1349.

(d) S.1. 1995/3119.

(e) S.1. 1996/1790.

Committee for Wales

4. There shall be established for Wales a committee named the Wales War Pensions Committee (Pwyllgor Penslynnau Rhyel Cymru).

Committee for Northern Ireland

5. There shall be established for Northern Ireland a committee named the Northern Ireland War Pensions Committee.

Committees for Scotland

6. In Scotland, there shall be established for each group of local government areas specified in column 1 of the following Table a committee bearing the name specified in respect of that group in column 2 -

TABLE

1. Group comprising -	2. Name of committee
City of Aberdeen, Aberdeenshire, Angus, The Borders, Clackmannan, City of Dundee, City of Edinburgh, Falkirk, Fife, Highland, East Lothian, Midlothian, West Lothian, Moray, Orkney Islands, Perthshire and Kinross, Shetland Islands, Stirling, Western Isles.	East Scotland War Pensions Committee.
Argyll and Bute, East Ayrshire, North Ayrshire, South Ayrshire, Dumfries and Galloway, Dumbarton and Clydebank, East Dumbartonshire, City of Glasgow, Inverclyde, North Lanarkshire, South Lanarkshire, Renfrewshire, East Renfrewshire.	West Scotland War Pensions Committee.

Membership, constitution, proceedings, etc of committees

7.-(1) Each committee shall consist of not fewer than 12 nor more than 20 members who shall be appointed by the Secretary of State.

(2) The provision of Schedule 2 shall have effect with respect to committees.

Functions of a committee

8.-(1) in its area, a committee shall-

- (a) enable and foster local consultation by the Secretary of State on issues affecting war pensioners or widows;
- (b) help to increase awareness about war pensions;
- (c) support, monitor and help to increase awareness about the services provided by War Pensions Agency (a) and by other organisations with a view to ensuring that the welfare needs of pensioners, widows and their dependants are suitably addressed; and
- (d) assist war pensioners and widows with any problem or complaint regarding pensions or the welfare services provided by the War Pensions Agency.

(a) An executive agency of the Department of Social Security

- (8)-(2) In its area, a committee may, in particular-
- (a) assist any individual war pensioner or widow in pursuing any problem or complaint mentioned in paragraph (1)(d);
 - (b) make representations and recommendations to the Secretary of State about any problem or complaint mentioned in paragraph (1)(d);
 - (c) report to the Secretary of State on any matter arising pursuant to its functions under paragraph (1); and
 - (d) receive and disburse funds from charitable or other sources for the sole purpose of provision of social activities for war pensions and widows.
- (3) Where funds are received as mentioned in paragraph (2)(d), the committee shall keep proper accounts of all receipts and disbursements and it shall provide a copy of those accounts to the Secretary of State as soon as is practicable after:
- (a) the end of each financial year; and
 - (b) at any other time, on receipt of a written request from the Secretary of State.

Recommendations and representations

- (9) Any recommendations or representations which a committee makes to the Secretary of State shall be by way of a resolution submitted to him.

Signed by authority of the Secretary of State for Social Security.

1st December 2000

Hugh Bayley
Parliamentary Under-Secretary of State,
Department of Social Security

SCHEDULE 1

Regulation 3

COMMITTEES IN ENGLAND

1. <i>Group comprising-</i>	2. <i>Name of committee</i>
The counties of Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Norfolk and Suffolk	Eastern War Pensions Committee
Greater London	London War Pensions Committee
The counties of Derbyshire, Leicestershire, Lincolnshire, Northamptonshire and Nottinghamshire	East Midlands War Pensions Committee
The counties of Herefordshire, Shropshire, Staffordshire, Warwickshire and Worcestershire; and the metropolitan county of West Midlands	West Midlands War Pensions Committee
The counties of Cleveland, Durham and Northumberland; and the metropolitan county of Tyne and Wear	North East War Pensions Committee
The counties of Cheshire, Cumbria and Lancashire; and the metropolitan counties of Greater Manchester and Merseyside	North West War Pensions Committee
The counties of Berkshire, Buckinghamshire, East Sussex, Hampshire, Isle of Wight, Kent, Oxfordshire, Surrey and West Sussex	South East War Pensions Committee
The counties of Avon, Cornwall, Devon, Dorset, Gloucestershire, Somerset and Wiltshire; and the Isles of Scilly	South West War Pensions Committee
The counties of Humberside and North Yorkshire; and the metropolitan counties of South Yorkshire and West Yorkshire	Yorkshire and Humber War Pensions Committee.

SCHEDULE 2

Regulation 7(2)

PROCEEDINGS, ETC. OF COMMITTEES

MEMBERS

1. Subject to paragraphs 2 and 3, a member shall hold office for a period not exceeding 3 years in any term of appointment and may be re-appointed.
2. A member may resign from a committee by notice in writing sent to the Secretary of State.
3. The Secretary of State may remove a member from office if he has reasonable grounds to believe that the member is unable, unfit or unsuitable to discharge the functions of a member.
4. The Secretary of State may, subject to regulation 7(1), appoint a new member at any time, whether to fill a casual vacancy or otherwise.

CHAIRMAN AND VICE-CHAIRMAN

5. The Secretary of State shall appoint a Chairman for each committee. The appointment shall be in writing and shall specify the term of office, which shall not exceed the appointee's term as a member. A Chairman may be re-appointed.
6. The power in paragraph 5 is exercisable both on the establishment of a committee and to fill any vacancy arising thereafter.
7. The committee shall elect a Vice-Chairman from among their number, who shall hold office for such period (not exceeding the appointee's term as a member) as the committee by resolution determines.
8. An election of a Vice-Chairman shall be conducted by ballot.
9. The following shall preside over any committee meeting-
 - (a) the Chairman; or
 - (b) in the Chairman's absence, the Vice-Chairman, but if neither of those officers is present, the members present shall elect one of their number to act as Chairman for the purposes of that meeting only.

PROCEEDINGS

10. The committee shall hold a meeting at least twice a year.
11. The Secretary of State shall decide the time and place of the first meeting of each committee. Thereafter, each committee shall decide the time and place of its meetings.
12. One-third of the members may requisition a meeting by giving written notice to the Chairman, who shall call the meeting within 4 weeks of receipt of the notice.
13. The quorum of a committee shall be one quarter of its members, disregarding any fractions, or 4 members, whichever is the greater.
14. Subject to paragraph 8, a committee shall make decisions by a simple majority of members present and voting. In the event of equality of votes, the person presiding over the meeting shall have a casting vote.
15. Minutes of a meeting shall:

- (a) be recorded in a minute book;
- (b) include the names of members present at the meeting;
- (c) be signed by the person presiding at the meeting at which those minutes are approved as correct; and
- (d) be open to inspection by the Secretary of State.

16. An official of the Secretary of State may attend any meeting of any committee as an observer.

SUB-COMMITTEES

- 17. A committee may, from among its members, appoint a sub-committee to assist the committee in carrying out any of its functions.
- 18. A sub-committee shall consist of no fewer than 3 members and no more than four fifths of the total number of members.
- 19. The committee shall appoint from among its number a Chairman for the sub-committee. The Chairman for the sub-committee shall preside over any sub-committee meeting, but in the Chairman's absence the members of the sub-committee present shall elect one of their number to act as Chairman for the purposes of that meeting only.
- 20. Decisions of the sub-committee shall be by a simple majority of the sub-committee members present and voting and in the event of equality of votes the Chairman of the sub-committee shall have a casting vote.
- 21. Paragraphs 15 and 16 shall apply to any meeting of a sub-committee.
- 22. A sub-committee shall act in accordance with any directions of the committee.
- 23. A sub-committee which considers a complaint made to the committee by a person receiving or claiming a war pension shall, as soon as reasonably practicable, submit to the committee a report of any hearing it has held into the complaint together with a copy of any representations it has made to the Secretary of State.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make changes to the constitution and functions of war pensions committees. Such committees were established by regulations pursuant to section 25 of the Social Security Act 1989. Existing committees are abolished and new ones set up. Except in the case of Northern Ireland (for which there continues to be one committee), the new committees generally cover larger areas and they are fewer in number. There is one committee for Wales (regulation 4), one for Northern Ireland (regulation 5) and two for Scotland (regulation 6). Nine regional committees are set up for England (regulation 3 and Schedule 1).

Regulation 7 and Schedule 2 provide for the appointment of committee members and for constitution and proceedings of committees and regulation 8 sets out a committee's functions.

These Regulations do not impose a charge on business.

STATUTORY INSTRUMENTS

2005 No. 3032

PENSIONS

The War Pensions Committees (Amendment) Regulations 2005

Made----- 26th October 2005

Laid before Parliament ----- 1st November 2005

Coming into force ----- 5th December 2005

The Secretary of State, in exercise of the powers conferred upon him by sections 25 and 29 of the Social Security Act 1989 (a) and sections 175(2) to (5) of the Social Security Contributions and Benefits Act 1992(b), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1. – (1) These Regulations may be cited as the War Pensions Committees (Amendment) Regulations 2005 and shall come into force on 5th December 2005.

(2) In these Regulations “the principal Regulations” means the War Pensions Committees Regulations 2000(c).

Amendments to the principal Regulations and application

2. The amendments to the principal Regulations contained in the Schedule to these Regulations shall have effect.

Signed by authority of the Secretary of State for Defence

26th October 2005 *Don Touhig*
 Parliamentary Under Secretary of State
 Ministry of Defence

- (a) 1989 c.24.
- (b) 1992 c.4.
- (c) S.I 2000/3180.

SCHEDULE

Amendment of regulation 1 (citation, commencement and interpretation)

3. Regulation 1 shall be amended as follows -

- (1) in regulation 1(2) omit the word “and”;
- (2) for “widow” means a widow in receipt of a war widow’s pension” substitute “surviving spouse” means a widow or widower in receipt of a war pension; and”; and
- (3) after the definition of “widow” there shall be inserted the following definition “surviving civil partner” means a surviving civil partner in receipt of a war pension”.

Amendment of regulation 8 (functions of a committee)

4. Regulation 8 shall be amended as follows -

(1) in sub-paragraph (1)(a) for “pensioners or widows” substitute “pensioners, surviving spouses or surviving civil partners”;

(2) in sub-paragraph (1)(c) for “widows” substitute “surviving spouses, surviving civil partners”;

(3) in sub-paragraphs (1)(d) and (2)(d) for “pensioners and widows” substitute “pensioners, surviving spouses and surviving civil partners”; and

(4) in sub-paragraph (2)(a) for “pensioner or widow” substitute “pensioner, surviving spouse or surviving civil partner”.

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations amend the War Pensions Committees Regulations 2000 (“the principal Order”) in consequence of the introduction of civil partnerships by the Civil Partnership Act 2004 (2004 c.33).

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

 STATUTORY INSTRUMENTS

2006 No. 3152**PENSIONS**

The War Pensions Committees (Amendment) Regulations 2006

Made----- 27th November 2006

Laid before Parliament ----- 1st December 2006

Coming into force ----- 1st January 2007

The Secretary of State, in exercise of the powers conferred by sections 25 and 29 of the Social Security Act 1989 (a) and sections 175(2) to (5) of the Social Security Contributions and Benefits Act 1992(b), makes the following Regulations:

Citation, commencement and interpretation

1. – (1) These Regulations may be cited as the War Pensions Committees (Amendment) Regulations 2006 and shall come into force on 1st January 2007.

(2) In these Regulations “the principal Regulations” means the War Pensions Committees Regulations 2000 (c).

Amendments to the principal Regulations

2. – (1) The Table in regulation 6 shall be amended as follows –

(a) in column 1 the word “Stirling” shall be deleted;

(b) in column 1 after the words “East Renfrewshire” there shall be inserted “,Stirling”.

2) Regulation 8 shall be amended as follows –

(a) For paragraph (1)(c) there shall be substituted -

“(c) support the Veterans Agency by monitoring its welfare service, raising awareness of the service it provides and liaising with other organisations with a view to ensuring that the welfare needs of pensioners, surviving spouses, surviving civil partners and their dependants are suitably addressed; and”.

(b) In paragraph (1)(d) for the words “War Pensions Agency” there shall be substituted “Veterans Agency”.

(3) For the table in Schedule 1 to the principal Regulations there shall be substituted the table set out in Schedule 1 to these Regulations.

Signed by authority of the Secretary of State for Defence

Derek Twigg
Parliamentary Under Secretary of State
Ministry of Defence

Date 27th November 2006

- (a) 1989 c.24.
 - (b) 1992 c.4.
 - (c) S.I. 2000/3032, to which there are amendments not relevant to these Regulations.
-

SCHEDULE 1

TABLE TO BE SUBSTITUTED FOR THE TABLE SET OUT IN SCHEDULE 1 TO THE PRINCIPAL REGULATIONS

“Table”

COMMITTEES IN ENGLAND

<i>Column 1</i>	<i>Column 2</i>
<p><i>Group Comprising</i> The counties of Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Norfolk and Suffolk; and the non-metropolitan districts of Luton, Peterborough, Southend-on-Sea and Thurrock.</p>	<p><i>Name of Committee</i> Eastern War Pensions Committee</p>
<p>Greater London.</p>	<p>London War Pensions Committee.</p>
<p>The counties of Derbyshire, Leicestershire, Lincolnshire, Northamptonshire and Nottinghamshire; and the non-metropolitan districts of Derby, Leicester, Nottingham and Rutland.</p>	<p>East Midlands War Pensions Committee.</p>
<p>The counties of Shropshire, Staffordshire, Warwickshire and Worcestershire; and the metropolitan districts of Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton; and the non-metropolitan districts of Herefordshire, Stoke-on-Trent and Telford and Wrekin.</p>	<p>West Midlands War Pensions Committee</p>

The counties of Durham and Northumberland; the metropolitan districts of Gateshead, Newcastle upon Tyne, North Tyneside, South Tyneside and Sunderland; and the non-metropolitan districts of Darlington, Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton-on-Tees.

North East War Pensions Committee.

The counties of Cheshire, Cumbria and Lancashire; the metropolitan districts of Bolton, Bury, Knowsley, Liverpool, Manchester, Oldham, Rochdale, St Helens, Salford, Sefton, Stockport, Tameside, Trafford, Wigan and Wirral; and the non-metropolitan districts of Blackburn with Darwen, Blackpool, Halton and Warrington.

North West War Pensions Committee.

The counties of Buckinghamshire, East Sussex, Hampshire, Isle of Wight, Kent, Oxfordshire, Surrey and West Sussex; and the non-metropolitan districts of Bracknell Forest, Brighton and Hove, the Medway Towns, Milton Keynes, Portsmouth, Reading, Slough, Southampton, West Berkshire, Windsor and Maidenhead and Wokingham.

South East War Pensions Committee.

The counties of Cornwall, Devon, Dorset, Gloucestershire, Somerset and Wiltshire; the non-metropolitan districts of Bath and North East Somerset, Bournemouth, Bristol, North Somerset, Plymouth, Poole, South Gloucestershire, Swindon and Torbay; and the Isles of Scilly.

South West War Pensions Committee.

The county of North Yorkshire; the metropolitan districts of Barnsley, Bradford, Calderdale, Doncaster, Kirklees, Leeds, Rotherham, Sheffield and Wakefield; and the non-metropolitan districts of the East Riding of Yorkshire, Kingston upon Hull, North East Lincolnshire, North Lincolnshire and York.

Yorkshire and Humber War Pensions Committee."

Model code of practice for board members of advisory non-departmental public bodies

Public service values

The board of this advisory non-departmental public body must at all times.

- observe the highest standards of **impartiality, integrity and objectivity** in relation to the advice they provide and the management of this public body'
- be **accountable** to Parliament and the public more generally for its activities and for the standard of advice it provides; and
- in accordance with Government policy on **openness**, comply fully with the Code of Practice on Access to Government information.

The minister of the sponsoring department is answerable to Parliament for the policies and performance of this body, including the policy framework within which it operates.

Standards in Public Life

All board members must;

- follow the Seven Principles of Public Life set out by the Committee on Standards in Public Life (annexed);
- comply with this Code and ensure they understand their duties, rights and responsibilities and that they are familiar with the function and role of this body and any relevant statements of Government policy. New board members should consider attending relevant training or induction courses.
- not misuse information gained in the course of their public service for personal gain or for political purpose, nor seek to use the opportunity of public service to promote their private interests or those of connected persons, firms, businesses or other organisations; and
- not hold any paid or high-profile unpaid posts in a political party and not engage in specific political activities on matters directly affecting the work of this body. When engaging in other political activities, board members should be conscious of their public role and exercise proper discretion. These restrictions do not apply to MPs (in those cases where MPs are eligible to be appointed), to local councillors, or to Peers in relation to their conduct in the House of Lords.

Role of board members

Members of the board have collective responsibility for the operation of this body. They must:

- engage fully in collective consideration of the issues, taking account of the full range of relevant factors, including any guidance issued by the sponsor department or the responsible minister;
- ensure that the code of Practice on Access to Government Information (including prompt responses to public requests for information) is adhered to; agree an Annual Report; and where practicable and appropriate, hold at least one meeting a year in public;
- respond appropriately to complaints, if necessary with reference to the sponsor department; and
- ensure that the board does not exceed its powers or functions.

Communications between the board and the minister will generally be through the chair except where the board has agreed that an individual member should act on its behalf. Nevertheless, any board member has the right of access to ministers on any matter, which he or she believes raises important issues relating to his or her duties as a board member. In such cases the agreement of the rest of the board should normally be sought.

Individual board members can normally be removed from office by the minister if they fail to perform the duties required of them in line with the standards expected in public office.

The role of the chair

The chair has particular responsibility for providing effective leadership on the issues above. In addition, the chair is responsible for:

- ensuring that the board meets at appropriate intervals and that the minutes of meeting and any reports to the Secretary of State accurately record the decisions taken and where appropriate, the views of individual board members;
- representing the views of the board to the general public; and
- ensuring that new board members are briefed on appointment (and their training needs considered), and providing an assessment of their performance, on request, when members are considered for re-appointment to the board or for appointment to the board of some other public body.

Handling conflicts of interests

The purpose of these provisions is to avoid any danger of board members being influenced, or appearing to be influenced, by their private interests in the exercise of their public duties. All board members should therefore declare any personal or business interest which may, or may be perceived (by a reasonable member of the public) to, influence their judgement. This should include, as a minimum, personal direct and indirect pecuniary interests and should normally also include, such interests of close family members and of people living in the same household¹². The register of interests should be kept up to date and be open to the public. A declaration of any interest should also be made at any board meeting if it relates specifically to a particular issue under consideration for recording in the minutes (whether or not a board member also withdraws from the meeting).

Board members should not participate in the discussion or determination of matters in which they have an interest and should normally withdraw from the meeting (even if held in public) if:

- their interest is direct and pecuniary; or
- their interest is covered in specific guidance issued by this body or the sponsor department which requires them not to participate and/or to withdraw from the meeting.

¹² Indirect pecuniary interests arise from connections with bodies, which have a direct pecuniary interest, or from being a business partner of, or being employed by, a person with such an interest. Non-pecuniary interests include those arising from membership of clubs and other organisations. Close family members include personal partners, parents, children (adult and minor), brothers, sisters and the personal partners of any of these.

Personal liability of board members

Legal proceedings by a third party against individual board members of advisory bodies are very exceptional. A board member may be personally liable if he or she makes a fraudulent or negligent statement which results in a loss to a third party; or may commit a breach of confidence under common law or a criminal offence under insider dealing legislation, if he or she misuses information gained through their position. However, the Government has indicated that individual board members who have acted honestly, reasonably, in good faith and without negligence will not have to meet out of their own personal resources any personal civil liability which is incurred in execution or purported execution of their functions. Board members who need further advice should consult the sponsor department.

The seven principles of public life

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisation that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interests.

Leadership

Holders of public office should promote and support these principles by leadership and example.

Veterans Advisory & Pensions Committee Chairmen

John Davies	Northern Ireland
Gary Gray	West of Scotland
Tony Phillips	Yorkshire and Humber
Tom Frizell	Wales
Lynn Verity	London
Jim Keating	West Midlands
Ray Holland	Eastern England
David Wright	South East England
Paul Kingham	North East England
Bill Taylor	North West England
David McGrath	East of Scotland
Peter Poole	East Midlands
Stephen Coltman	South West England
Sean Murphy	Republic of Ireland
**Norman Butler	Isle of Man War Pensions Committee

** The Isle of Man WPC is governed by the Isle of Man Government

Central Advisory Committee on Pensions and Compensation

The Central Advisory Committee on Pensions and Compensation (CAC) was established by the War Pensions Act 1921 “to consider such matters as may be put before them by the Minister for their advice”. Currently comprises of national representatives of ex-service organisations (such as Royal British Legion, British Limbless Ex-Service Men’s Association, War Widows’ Association and Soldiers, Sailors and Airmen’s Families Association – Forces Help, Forces Pensions Society) and Veterans Advisory & Pensions Committee Chairmen. Single Service Pay Officers also serve on the Committee.

Meetings normally take place twice a year (June and December), chaired by the Under Secretary of State for Defence.

The Chairmen of the Veterans Advisory & Pensions Committees form a sub-committee of the Central Advisory Committee on Pensions and Compensation.

Travel and subsistence rates for Veteran Advisory & Pension Committee Chairmen & Members

1. Subsistence Allowance

- 1.1 VA&PC members will be able to claim the **actual cost** of meals and drinks which they necessarily have to purchase when away from home for 5 hours or more, whilst undertaking Committee or visiting duties on behalf of the Service Personnel and Veterans Agency.
- 1.2 To qualify for reimbursement the expense claimed must:
- (a) be reasonable in nature and value and not excessive
 - (b) relate directly to the visit
 - (c) constitute expenditure, which would not have been incurred except for the visit.
- 1.3 Reimbursement will not be made for the cost of alcoholic drinks except where they are purchased as part of an evening meal when the member claiming has to stay away from home overnight.
- 1.4 The following levels of expenditure should be used as general guidance on what the Agency will accept as reasonable expenditure:

Breakfast

A breakfast may be purchased where official travel necessitates an early start. The total cost of the breakfast, including drinks, should normally not exceed £10.00.

Lunch

Lunch will usually comprise a 2-course meal with non-alcoholic drinks. The total cost will not normally exceed £12.00.

Dinner

Dinner will usually comprise of a 3-course meal with drinks. The total cost will not normally exceed £15.00.

If a member has to stay away from home overnight the total cost of dinner should not normally exceed £25.00.

Drinks and Snacks

Drinks and snacks purchased outside normal meal times may also be claimed, however we would expect the cost to be incorporated within the specified maximum allowance for meals.

2. Night Subsistence Allowance

2.1 Accommodation and breakfast:

Actual cost per night up to - £85.00 (London)
 £60.00 (Elsewhere)

Staying with friends or relatives in non-commercial accommodation:

Actual cost up to - £25.00

3. Mileage Allowance Rates

3.1 For those members travelling by car the standard rate for all vehicles is 40p per mile (comprehensive insurance should cover use for voluntary work where repayment of expenses is made).

4. Loss of Earnings Allowance

4.1 Loss of earnings payments are:

- only payable when it is clear that there has been a break in work which will result in an unavoidable loss of earnings and if the person had not been called upon for Committee work their gross earnings would have been at least as much as the amount claimed.
- no payment can be made for loss of earnings for subsidiary occupations such as evening employment or casual overtime earnings nor can claims be allowed for days when the employee's works/offices are closed because of holidays and which they have taken as leave
- normally a person is entitled to claim loss of earnings for up to a maximum of 15 days per year when they carry out Committee work and as a result lose money, either because their employer does not pay them for their absence and they would otherwise have been at their place of work or because they would have been self-employed in a remunerative capacity

- the number of hours claimed should be reasonable according to the nature and conditions of the person's occupation, their normal hours of duty on the day in question, the time they were required to be in attendance and the time necessarily spent on travelling.

4.2 It is important to note that loss of earnings payments are intended to recompense for **actual** financial loss.

4.3 Rates payable from 1 January 2001:

Up to 4 hours of absence £25.77

Over 4 hours of absence £51.54

5. Claim Forms and Receipts

5.1 Receipts must be obtained, whenever it is reasonable, to support claims for reimbursement. This includes receipts for hotels, taxis, bus fares, sandwiches, drinks etc. Receipts must be included with completed claim forms at the time of claim.

5.2 Members should also be aware that the arrangements for reimbursement of expenses have altered and the options available for payment will now be directly into a Bank Account (not Building Society).

5.3 Claim for reimbursement of expenses should be claimed on the following claim form:

- WPA1077

This form should be used by VA&PC Chairmen and Members when claiming expenses incurred whilst attending VA&PC meetings or undertaking visits to war pensioners/widows on behalf of the Veterans Welfare Service. Completed claim forms WPA1077 **with receipts** should be signed by the secretary and then forwarded to the Focal Point who will make arrangements for payment.

The role of Administrative Support

1 Role of the secretary of the committee

- Arranging venue and refreshments for committee meetings - Completion of form MOD1199a
- The Chairman will produce an agenda for committee meetings, secretary may then distribute.
- Taking Minutes at the meeting
- Distribution of minutes to members and person responsible for submitting to VA&PC website (after agreement by Chairman)
- Distribution of expense claim forms (WPA1077) to attendees and confirm attendance by signing appropriate part, then send to the Focal Point.
- Arranging venue for panel cases to be heard
- Inform Focal Point of any changes to members i.e. retirement, address changes etc

2

Role of the RWM

- Provide the committee , when requested, local/regional literature or information
- Provide a written local/regional report at committee meetings
- If committee meetings can be held in VWS centres, provide assistance to arrange booking
- Assistance distributing hard copy mail can be provided by arrangement with RWM

3 Role of the Focal point

- Liaising with operational teams regarding Statements of Cases, sending WPA1028 to veteran obtaining permission. Providing the Chairman with SoC.
- Provide support to the Chairmen on reconstitution and recruitment following the guidelines laid down by OCPA
- Maintain a record of committee expenses and administer payment of committee members T&S. Pay invoices.
- Maintaining member's database and PPPA database.
- Organise twice yearly conferences
- Maintenance of the members Handbook
- Maintenance of the Training manuals
- Maintenance of Press and Publicity File
- Preparing and sending Notes for Chairmen

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August 2010

Appendix 7

Veterans Advisory & Pensions Committees job and person specification

Veterans Advisory & Pensions Committees are Non-Departmental Public Bodies (NDPBs) whose main functions are to:

Raise Awareness

Raise awareness especially at local level of the War Pensions Scheme, Armed Forces Compensation Scheme, Veterans Welfare Service and the availability of cross government support to the Armed Forces, their families and Veterans. This could be achieved by for example following up proactively on local press articles/letters promoting VA&PC and SPVA at local events and giving presentations/briefings on the available support.

Welfare Pathway

Support the MOD by acting as advocates for the implementation of cross government support to injured personnel, their dependants and veterans. Highlight gaps or issues in provision and feeding back initially through SPVA. Understand the Welfare Provision Network in their local areas and assist Veterans and dependants in accessing local services as envisaged under the Service Personnel Command Paper, where individuals are unable to obtain the required support i.e work with all parties to act as advocates for individuals experiencing difficulty in accessing services. The committees do not provide welfare support themselves but can support individuals by referring cases for SPVA Welfare assessment where appropriate. Support the SPVA by monitoring its welfare service and liaising with other organisations with a view to ensuring the welfare needs of veterans and their dependants are addressed.

Advising and representing

Assisting individuals with any problems or complaints they have regarding the war pensions or AFCS claims process, where there is no formal recourse to an independent body, liaising closely with SPVA. Offering an independent explanation of the scheme as it relates to an individual, assessing issues in response to specific complaints. Providing a formal independent review of complaints, convening an Independent Complaints Panel where necessary, as outlined by the SPVA complaints procedure.

Consultation

Based on their involvement in the wider process and their contact with individuals in the local areas, act as a conduit for local consultation by Ministers, the MOD and the SPVA on issues affecting recipients of pension from the War Pensions Scheme and Armed Forces Compensation Scheme.

The Job

The VA&PC Members play a central role in promoting the interests and welfare of war pensioners and war widow(er)s. The main committee meetings should not normally exceed more than 3 a year and members are expected to be involved in a wide ranging agenda of issues relating to the functions of the committee set out above.

There is also considerable scope for individual VA&PC members to involve themselves in the wider support of war pensioners and war widows/widowers outside the VA&PC meetings. This can involve working alongside the VWS visiting pensioners or assisting with promotional and advice work.

The Person

Suitable candidates may come from a wide range of backgrounds. Whilst a knowledge of service life would be useful, what is most important is that the applicant should have a real commitment to supporting disabled ex-service personnel and their dependants. Specific requirements for the positions are;

- the ability to contribute in a committee setting;
- promote the interests of war pensioners and war widow(er)s in the area covered by the committee;
- an understanding of the needs of disabled ex-service personnel and the services available to support them
- good communication skills, the ability to consider complex issues providing comment to the VA&PC Chairman on their impact upon war pensioners and war widow(er)s.

The position is an unpaid appointment but travelling and loss of earnings allowances can be paid.

VA&PC APPRAISAL

**VA&PC
NAME
DATE**

SUBJECT	REMARKS
Attendance	
Input into Consultative docs/papers	
Participation in Sub Group meetings	
Willingness to undergo training and input into training needs	
General contribution into discussions at meetings	
Chairman's Remarks	

Chairman's signature

Member's signature

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Independent Complaints Panel (ICP) – Terms of Reference

- 1 The role of the ICP is to review the Agency's action in relation to the complaint to see if:
 - (a) it was dealt with promptly at all stages
 - (b) a thorough and fair investigation was carried out
 - (c) the reply given was full and accurate
 - (d) appropriate action has been taken to remedy errors or shortcomings in service.
- 2 The ICP will be able to consider any complaint about the quality of service provided to an individual but will be excluded from considering those issues for which there are alternative arrangements, ie:
 - (a) dissatisfied with a decision to which there is a right of appeal
 - (b) dissatisfaction with a decision which is subject to review by a VA&PC panel
 - (c) complaints about the actions or conduct of other organisations and their staff, eg: Appeal Tribunals, Medical Examining doctors at medical boards, audiology testing staff.
- 3 Complaints may be considered either individually or collectively by the panel.
- 4 Complaints will be referred to the ICP within 7 days of receipt of the request being received. The ICP will seek to complete its review and report back to the Agency within 28 days.
- 5 The Agency will respond to the complainant within 7 days of receipt of the ICP's report and will copy the responses to the ICP.
- 6 The ICP will be asked to comment on the Agency's procedures for complaint handling on an as and when basis and may be asked to furnish an annual report on the cases with which it has dealt.

MONITORING ROLE

VA&PC Monitoring Role

SI 2006 No 3152 amended SI 2000 No 3180 by restricting the monitoring role of VA&PCs to the Veterans Welfare Service.

Monitoring Tasks

As a result of VA&PCs direct involvement with War Pensioners and their dependents coupled with their close working relationship with the Veterans Welfare Service, they are well placed to monitor the Welfare Service at local level. The efficient performance of this role not only benefits SPVA by inviting their attention to deficiencies in the system, but ensures that appropriate customer comment is made known to senior management.

The Monitoring role will cover:

- The quality of welfare support to pensioners, widows etc.
- The efficiency of local marketing and publicity.
- The applicability and standard of staff training.
- Customer complaints/ comments and procedures.
- Adequacy of resource levels.
- Vulnerable Service Leavers and Death in Service cases.

Method of Monitoring

Monitoring must be carried out in the most cost effective way. This can be achieved by:

- Receipt of performance Data Reports from Regional Welfare Managers.
- By visiting welfare centres and having discussion with welfare staff.
- Accompanying welfare staff on visits to customers.
- Seeking views from Welfare staff employed by those ex-Service organisations working with the Veterans Welfare Service.
- VA&PC Chairmen or Vice Chairmen attending meetings of the Regional Welfare Managers and staff within their local area.
- Involvement with, or attending, publicity events.

Chairmen whose regional responsibilities involve more than one VWS Centre, should liaise to ensure that only one chairman or VA&PC member visits in any given period.

Frequency of Monitoring

- Formal visits should not exceed two per year and these should take place within two months prior to the biannual chairmen's' conference. This does not preclude informal visits in connection with welfare cases in which VA&PCs may be involved.
- VA&PC members accompanying welfare staff on visits to war pensioners and their dependants should not exceed 6 per year unless requested to do so by the Veterans Welfare Service staff.

Results of Monitoring- Reporting

- Where local problems are encountered or performance is an issue, the respective VA&PC should raise the matter initially, with the Regional Welfare Manager. Where comments are committed to writing, a copy should be sent to the Focal Point.
- In certain situations it may be necessary to refer specific issues to Senior Management who may be the only people in a position to resolve the problem. Additionally, this level of Management require assurance that local management are responding positively to comments raised by VA&PCs and that where appropriate, lessons learned are promulgated more widely across the Agency.
- Committee chairmen are to produce a short report annually, summarising the committee's view of Veterans Welfare Service performance in it's area of responsibility. Reports are to be forwarded to the local RWM with copies to the VA&PC Focal Point and the Officer in Charge of VWS.
- Annual reports are to be completed as at 31st March and submitted to reach RWMs and other interested parties by 30th April.

Date for Introduction of the VA&PC Monitoring Role

VA&PCs formally commenced their monitoring role on 1st April 2008.

VA&PC MEMBERS VISITING PROTOCOL

The VA&PC have a role to play in monitoring the quality and standard of service provided by the Veterans Welfare Service to pensioners and where appropriate, their dependants. To facilitate that role, VA&PC members are permitted to accompany a Welfare Manager (WM) on a visit or to conduct an independent follow-up to a client where a WM visit has already been carried-out. The following protocols are to aid the process.

Agreeing Visits

- The VA&PC Chairman and the RWM should agree, at the outset, the total number of visits to be undertaken over the coming year. This total, which will include both accompanied and independent visits, should be for the whole of the committee area and should be spread fairly and evenly amongst the Welfare Managers covering that area.
- Visits, which have been declined, cancelled or ineffective during the year, will count towards the agreed total.
- Each Welfare Manager will be responsible for identifying the pensioner/s to be visited within his/her area and for notifying the VA&PC member accordingly.

Arranging Visits

- a. All visits involving VA&PC members must have the prior consent of the pensioner.
- b. Where an accompanied visit is proposed, the Welfare Manager should, after confirming the VA&PC member's availability, phone the pensioner to;
 - confirm the visit,
 - explain the role of the VA&PC where necessary,
 - obtain verbal consent for the presence of the VA&PC member
- c. Where telephone contact is not possible, a consent form should be sent, with the visit notification, for signature and return. Note the date of the visit on the tear-off section prior to issue. The VA&PC information flyer should also be sent.
- d. Independent follow-up visits should be identified by the WM at the initial visit and the consent obtained at that time. The WM should have the pensioner sign Part 2 of the VA&PC visit report form. That form should be sent to the VA&PC at the appropriate time.
- e. If consent is not received either verbally or in writing, the VA&PC may not accompany the WM or visit independently.
- f. The WM will set the timetable for independent follow-up visits. These should be within four (4) weeks of the WM visit. The VA&PC member will contact the pensioner directly to arrange the visit.
- g. Arrangements for travel or transport to and from the visit address on accompanied visits should be agreed between the WM and the VA&PC member and should be the most cost effective and efficient method available.

At the Visit

- If written consent was not received prior to the visit, the WM should have the pensioner sign the relevant section of the visit report pro-forma on arrival and before the visit commences.

- It is important to remember that the VA&PC function is one of monitoring the standards of the service provided and that the member is there in no other capacity. VA&PC members will be instructed in this role by their committee chairman.
- On accompanied visits the WM should introduce the member and explain the role to the pensioner.
- If during the course of an accompanied visit the member requires clarification this should be raised with the WM immediately after the visit. Should any concerns arise from that, the member should refer the matter to the appropriate RWM via the VA&PC chairman.
- All welfare problems/issues, bar none, that are identified by a member during an independent visit must, in the first instance, be reported by phone to the appropriate WM as soon after the visit as possible. Issues identified as proper to a particular ex-service group, for example a request for a holiday through the RBL, will be referred on by the WM. A written record of the problems or issues identified must be included in the visit report. The member must also note in the report that the WM has been made aware of the matter. The RWM should send a copy of the report to the WM to update the pensioner's records and for any necessary follow-up action.

Post-Visit Action

After the visit the VA&PC member should complete the visit report and note any issues or concerns, which arose during the visit. The report should then be forwarded to the appropriate RWM via the VA&PC chairman. The chairman should sign-off the report in the box on the reverse of the form. The RWM should make the WM aware of any welfare issues identified and also sign-off the report on the reverse of the form. Form at Appendix 12.