



**Financial Assistance Scheme
How the Pension Protection Fund
Ombudsman can help you**

FINANCIAL ASSISTANCE SCHEME – APPEALS TO THE PENSION PROTECTION FUND OMBUDSMAN

You can appeal to the Pension Protection Fund Ombudsman (the PPF Ombudsman) against a decision made by the *scheme manager* after it has been considered under the Financial Assistance Scheme's (the FAS) internal review procedure.

The Deputy Pension Protection Fund Ombudsman has the same powers as the PPF Ombudsman to determine appeals. References to the PPF Ombudsman in this booklet should be taken to include the Deputy Pension Protection Fund Ombudsman.

This booklet explains how you can appeal to the PPF Ombudsman, what the PPF Ombudsman can do, and how he will deal with your appeal. The booklet is meant only as a basic guide to the PPF Ombudsman's services. It does not aim to set out in full all the rules laid down by Parliament as these are complicated. Some of the terms used in the booklet have particular meanings. Where this is the case the words are shown in italics and a glossary is provided at the end of the booklet.

If you need any further help, please contact the PPF Ombudsman's office.

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ABOUT THE PPF OMBUDSMAN

1. What can the PPF Ombudsman do?

If the *scheme manager* has, under the FAS's internal review procedure, reviewed a determination and you disagree with the outcome of that review, you may be able to appeal to the PPF Ombudsman. If, after considering your appeal, the PPF Ombudsman decides it is appropriate, he will direct the *scheme manager* to change or replace their decision.

The courts can make sure that the PPF Ombudsman's determinations are carried out. The PPF Ombudsman is impartial and operates with legal powers. His decision is final and binding on you, the *scheme manager* and, where it relates to a *scheme notification decision* or a *scheme eligibility decision*, also on all other *interested persons*, unless there is a successful appeal to the courts on a point of law.

2. Who can appeal to the PPF Ombudsman?

Any *interested person* who has been sent a copy of the *scheme manager's* decision on completion of the FAS's internal review procedure may appeal to the PPF Ombudsman.

If you are eligible to appeal, you may appoint a representative to assist you. If you appoint a representative we will deal with that person only.

3. What can't the PPF Ombudsman consider?

The PPF Ombudsman can only consider a decision made by the *scheme manager* on completion of a review under the FAS's internal review procedure.

The PPF Ombudsman may not be able to look at the decision if your appeal to him against the *scheme manager's* decision has not been made properly. Please carefully read section 4 'When and how can I appeal?'.

If your complaint is about maladministration, that is, you are dissatisfied with the way that the FAS has dealt with you or handled your case (as opposed to disagreeing with the decision reached), you can complain to the Parliamentary Commissioner for Administration via your Member of Parliament. Before doing so you should contact the Customer Services Manager of the FAS Operational Unit, whose address can be found in section 13 'Other useful addresses'. Please see also the FAS's leaflet "The Financial Assistance Scheme – Reviews and Appeals".

HOW TO APPEAL

4. When and how can I appeal?

An appeal to the PPF Ombudsman should be made within **two months** of the date of the *scheme manager's* decision. The law requires specific information to be provided to the PPF Ombudsman before an appeal can be considered. Your appeal will be properly made if the PPF Ombudsman has the necessary information and it is received by him in time. Careful completion of the PPF Ombudsman's appeal form should ensure that he has the necessary information. There is an appeal form with this booklet or you can complete and send the form on-line on the website www.ppfombudsman.org.uk. Please remember to sign and date the form if you are sending it by post.

You can appoint someone to help you with your appeal. This person will be your representative and there is space on the appeal form for you to appoint them.

5. After my appeal is received

We will write to you to acknowledge your appeal. If the PPF Ombudsman cannot accept your appeal we will tell you why.

Where your appeal is accepted the PPF Ombudsman will consider and decide what action, if any, *the scheme manager* should take.

Where your appeal relates to a *scheme notification decision* or a *scheme eligibility decision*, the PPF Ombudsman must take steps to publicise to all other *interested persons*, for example, that an appeal has been made, the existence of representations, or scheduled oral hearings.

Papers provided by you will be copied to all the other *parties*. Where the appeal relates to a *scheme notification decision* or a *scheme eligibility decision* they will also be made available to all other *interested persons*. There will be an opportunity for comments to be made. Further details of how and when you and others can do this will be provided as the appeal progresses.

Where there are similar appeals to yours relating to a *scheme notification decision* or a *scheme eligibility decision*, the PPF Ombudsman may decide to deal with them together. If the PPF Ombudsman intends to deal with appeals in this way he will say so and you, *the scheme manager* and all other *interested persons*, will be given an opportunity to object.

For more information about the rights of all other *interested persons* in respect of an appeal against a *scheme notification decision* or a *scheme eligibility decision*, please see the PPF Ombudsman's website www.ppfombudsman.org.uk.

It will not usually be possible to take account of any information supplied by you which has not been made available to others. The PPF Ombudsman will also not usually be able to take account of information supplied by others unless it has also been shown to you.

You may ask, in writing, to change or withdraw your appeal at any time.

The PPF Ombudsman will be helped in each appeal by members of his staff and you will be given a point of contact. Those staff will make the necessary enquiries to ensure that the PPF Ombudsman has the facts needed to decide what action, if any, the *scheme manager* should take. These enquiries are usually made by letter or e-mail but we might speak with you (usually by telephone), or with the *scheme manager*, or with anyone else we think can make it clearer what has happened.

When it appears that the relevant facts have been established, a reasoned preliminary opinion will be sent to you. You and the other *parties* will be invited to comment. You will be able to ask the PPF Ombudsman to review the preliminary opinion before a final determination of your appeal is issued. The PPF Ombudsman may ask for further enquiries to be made, otherwise he will let you have his formal determination.

6. Can I see the PPF Ombudsman or his staff?

In a small number of cases, the PPF Ombudsman or his staff will ask to see you or the other *parties* to the appeal, or everyone. This may be informally or it may be at a formal hearing (an oral hearing).

You, the *scheme manager* and, where the appeal relates to a *scheme notification decision* or a *scheme eligibility decision*, all other *interested persons*, may ask the PPF Ombudsman to hold an oral hearing. Further details of how and when this can be done will be provided. If the PPF Ombudsman decides not to agree to a request for an oral hearing he will give his reasons in writing. The PPF Ombudsman will issue a notice if he decides it is right to hold an oral hearing.

An oral hearing will usually only be held when there is a conflict of evidence which the PPF Ombudsman thinks a hearing will help resolve. If an oral hearing is held, you, the *scheme manager* and, where your appeal relates to a *scheme notification decision* or a *scheme eligibility decision*, all other *interested persons*, may be heard and represented at the hearing and may bring witnesses.

7. How much will it cost me to appeal to the PPF Ombudsman?

There is no charge for using the PPF Ombudsman's services.

The PPF Ombudsman may pay reasonable costs and expenses approved by him beforehand in connection with your or others' attendance at an oral hearing.

Where an oral hearing is held and a person's conduct is unreasonable or vexatious the PPF Ombudsman can direct the person concerned to pay the costs and expenses of others. The PPF Ombudsman would not make such an order without giving the person concerned the opportunity to make representations.

8. How long will it take?

It can take some time to consider an appeal. This may be because of the number of people who may have to be contacted or the complicated nature of the appeal.

REMEDIES AND OTHER MATTERS

9. What will happen if my appeal is successful?

If the PPF Ombudsman considers it appropriate he will direct the *scheme manager* to either change or replace their decision. The PPF Ombudsman's determination will be sent to you and to all the other *parties* to the appeal and may be posted on his website. Where the appeal relates to a *scheme notification decision* or a *scheme eligibility decision* the determination (or its outcome) will always be posted on his website.

Where the PPF Ombudsman has directed the *scheme manager* to take some action, the *scheme manager* should send a copy of their resulting decision to you and to any other *parties* to the appeal. Where the appeal related to a *scheme notification decision* or a *scheme eligibility decision* the *scheme manager* will also publicise the resulting decision on the FAS website.

10. Confidentiality

Any information made known will usually be shared with the other *parties* to the appeal and, in the case of a *scheme notification decision* or a *scheme eligibility decision*, will usually also be made available to all other *interested persons*.

Any information obtained during the appeal process may only be used by you for the purposes of your appeal (or, if your appeal has been combined with others, such other appeals) and should not otherwise be disclosed. The same confidentiality provisions will apply to any other *parties* to the appeal.

The PPF Ombudsman's formal determinations are public documents and are likely to be published on his website. Except in very few situations, personal information that you and others provide to the PPF Ombudsman (e.g. your name, age, salary or health details) if relevant to the appeal will form part

of the determination. If you or others do not want this information to be published you should let the PPF Ombudsman know this (and the reason why) as soon as possible.

11. What if I am unhappy with the PPF Ombudsman's service?

If you wish to complain formally about the PPF Ombudsman's service and you have been unable to sort matters out with the person dealing with your appeal or their manager, please write to the Casework Director at the Office of the PPF Ombudsman.

If you remain unhappy you can ask your Member of Parliament to refer the matter to the Parliamentary Commissioner for Administration (the Parliamentary Ombudsman). The Parliamentary Ombudsman may review the way that the case was handled but will not consider formal decisions made on your appeal. The Parliamentary Ombudsman's address can be found in section 13 'Other useful addresses'.

12. How to contact the PPF Ombudsman

- The Pension Protection Fund Ombudsman can be contacted at:

Office of the Pension Protection Fund Ombudsman
11 Belgrave Road
London SW1V 1RB
Telephone: 020 7834 9144
Fax: 020 7821 0065
E-mail: enquiries@ppfombudsman.org.uk
Website: www.ppfombudsman.org.uk

13. Other useful addresses

- *To complain about a government department or agency or the PPF Ombudsman*

Parliamentary Commissioner for Administration
Millbank Tower
Millbank
London SW1P 4QP
Telephone: 0845 015 4033
Website: www.ombudsman.org.uk

- *For complaints about mis-selling of pensions or other financial products*

Financial Ombudsman Service
South Quay Plaza
183 Marsh Wall
London E14 9SR
Telephone: 0845 080 1800
Website: www.financial-ombudsman.org.uk

- *For advice on pensions*

The Pensions Advisory Service (TPAS)
11 Belgrave Road
London SW1V 1RB
Telephone: 0845 601 2923
Website: www.pensionsadvisoryservice.org.uk

- ***For state pension enquiries***

Department for Work and Pensions
The Pension Service
Telephone: 0845 606 0265
Website: www.thepensionservice.gov.uk

- ***For information about Ombudsmen***

British and Irish Ombudsman Association
94 Milner Drive
Twickenham
Middlesex TW2 7PJ
Telephone: 020 8894 9272
E-mail: secretary@bioa.org.uk
Website: www.bioa.org.uk

- ***For information about applications from the Pension Protection Fund***

The Office of the Pension Protection Fund Ombudsman
11 Belgrave Road
London SW1V 1RB
Telephone: 020 7834 9144
Fax: 020 7821 0065
E-mail: enquiries@ppfombudsman.org.uk
Website: www.ppfombudsman.org.uk

- ***For information about pension tracing***

Pension Tracing Service
The Pension Service
Tyneview Park
Whitley Road
Newcastle upon Tyne
NE98 1BA
Telephone: 0845 6002 537
Website: www.thepensionservice.gov.uk

■ **Others**

Financial Assistance Scheme

PO Box 702

York

YO32 9XR

Telephone: 0845 601 9941

Textphone: 0845 601 9942

E-mail: FAS-Operational-Unit@dwp.gsi.gov.uk

Website: www.dwp.gov.uk/fas

The Pensions Regulator

Napier House

Trafalgar Place

Brighton BN1 4DW

Telephone: 0870 606 3636

Website: www.thepensionsregulator.gov.uk

The Pension Protection Fund

Knollys House

17 Addiscombe Road

Croydon

Surrey

CR0 6SR

Telephone: 0845 600 2541

Fax: 020 8633 4903

Textphone: 0845 600 2542

E-mail: information@ppf.gsi.gov.uk

Website: www.pensionprotectionfund.org.uk

Citizens Advice

Website: www.citizensadvice.org.uk

APPENDIX

Glossary

scheme manager means the Secretary of State for the Department for Work and Pensions. However, decisions may be issued by someone acting on behalf of the Secretary of State, in which case references to the *scheme manager* also apply to that person.

interested person means a person who is entitled to apply for a review of a decision under the FAS. For appeals about a *scheme notification decision* or a *scheme eligibility decision* this will be the trustees or managers (if any) of the pension scheme and include a person who is receiving or may receive benefits under the pension scheme in or after wind up. Please see the PPF Ombudsman's website www.ppfombudsman.org.uk for more details. For appeals regarding a decision under the FAS's internal review procedure about eligibility for a payment or the amount of the payment under the FAS this will be the *beneficiary* or a *potential beneficiary* affected by the FAS's decision.

parties to the appeal means the person making the appeal and the *scheme manager*. Where the appeal relates to a *scheme notification decision* or a *scheme eligibility decision*, it also means the trustees or managers (if any) of the pension scheme including any person who satisfies the PPF Ombudsman that they are receiving or may receive benefits under the pension scheme and so are treated as a *party*.

beneficiary means, broadly, someone who is a member, or former member, of a pension scheme, qualifying for a payment under the FAS or, on the death of that member, their widow, widower or civil partner, or a person already in receipt of death benefits.

potential beneficiary means someone about whom information must be supplied to the *scheme manager* in relation to their membership of the pension scheme but who has not yet been determined to be a *beneficiary* by the *scheme manager*.

scheme notification decision means a decision by the *scheme manager* under the FAS's internal review procedure as to whether or not the relevant pension scheme details have been provided to the FAS within the required timescale.

scheme eligibility decision means a decision by the *scheme manager* under the FAS's internal review procedure as to whether or not the pension scheme is a qualifying pension scheme under the FAS.





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