

Appeals against a decision made by the Financial Assistance Scheme

If you're not satisfied with a decision made by the Financial Assistance Scheme (FAS) you can get help to sort it out.

First you need to give them a chance to put things right. But if you've done that, and aren't satisfied with the outcome, you can ask us to look into it.

We are an independent organisation set up by law to investigate pension matters. We look at the facts, without taking sides. And we have legal powers to make decisions that are final, binding and enforceable in court. Our service is free.

This factsheet has information on our role and what we do. It includes details of:

- How we can help
- What you need to do
- What we will do
- Other organisations that can help
- Feedback and complaints about us

How we can help

We can look at decisions made by the FAS Scheme Manager. These are known as appeals of FAS decisions.

Before you can ask us to look into it you must ask the FAS to review their decision. If you need help to do this you can contact The Pensions Advisory Service. If you've asked the FAS to review their decision and aren't satisfied with the outcome you can ask us to investigate.

You can ask us to look at a problem if:

You have received a copy of a decision made by the FAS Scheme Manager and you are not satisfied with the outcome. We can accept applications from anyone who has had a decision made by the FAS Scheme Manager.

What we can look at

We can look at FAS decisions about a pension scheme or about something that affects an individual member of a scheme.

FAS decisions about pension schemes

Generally we can look at:

- scheme notification decisions – whether or not the relevant pension scheme details have been provided to the FAS within the required timescale.
- scheme eligibility decisions – whether or not a pension scheme is a qualifying pension scheme under the FAS.

FAS decisions about individuals

Generally we can look at:

- individual eligibility – whether or not someone is a qualifying member under the FAS
- individual assessment – payments someone is, or might be, entitled to receive under the FAS.

We can't look at general complaints about the FAS – for example delays in making a decision. These are dealt with by the Parliamentary Ombudsman (see page 4 for contact details).

What you need to do

You must bring your appeal to us no more than 2 months after the FAS Scheme Manager has sent a decision about your appeal.

Bringing your appeal to us

You'll need to send us an application form along with any documents related to your appeal.

By law we may not be able to accept your appeal unless you:

- provide all the relevant information asked for on the application form
- include a copy of the FAS final decision about your appeal
- include any other documents relevant to your application.

You can appoint someone (a representative) to help you with your application.

What we will do

First we'll decide whether or not your application is something we can deal with (see pages 1 and 2). We may need to get more information from you or elsewhere to do this.

Usually it will take seven weeks for us decide whether or not we can deal with your application and if we can't we will explain why.

If your application is something we can deal with, we will appoint an adjudicator who will be your main point of contact.

An adjudicator may contact you, the FAS Scheme Manager or anyone else we think can help to ask for more information. Any information you provide will be shown to the FAS Scheme Manager and any information they provide will be shown to you.

If you are appealing a scheme notification or scheme eligibility decision and there are other applications similar to yours we may decide to look at them together. If we do we will let you know. You, the FAS Scheme Manager and any other parties involved in the case will be given the opportunity to object.

Interested persons

If your appeal relates to a scheme notification or scheme eligibility decision we have to notify any 'interested persons' that an appeal has been made. Broadly this is anyone who is, or might be, affected by the outcome of your case. Usually we will do this by publishing details of your case on our website. All the information related to your case will be made available to any interested persons.

Interested persons can also apply to become a party in a case. If we accept their application they will have the same rights and responsibilities as you - this includes making representations to us and requesting an oral hearing.

Oral hearings

Any party to a case can ask us to hold an oral hearing – though it will be our decision, and we may hold one even if we aren't asked. For example we might decide, or agree, to hold a hearing if there is a significant conflict of evidence that can't be decided based on the papers, or if we think that a party may have been dishonest. If you think we should hold an oral hearing for your case you should write to us explaining why.

Making a decision about your case

Some appeals can be resolved in a few months, others may take longer depending on the number of people who need to be contacted or the complexity of the case. Our website has more information about what to expect if we can investigate your case.

Once we have enough information we usually send all parties an adjudicator's view of the case. All parties will have a chance to comment and should any party disagree, they can ask an Ombudsman to review the case papers and make a final and binding decision. This is called a determination.

In some cases an Ombudsman will issue a preliminary decision and invite all parties to comment on it. The Ombudsman will then review any comments and ask for more information if needed before making a final determination.

After a decision has been made

If an Ombudsman makes a determination in your favour it will usually include instructions to the FAS Scheme Manager to put things right.

An Ombudsman's determination can be enforced in the courts (unless there is a successful appeal on a point of law) and is binding on you, the FAS Scheme Manager and (if applicable) the trustees or managers and any interested persons.

Unless there are special circumstances we publish all determinations on our website.

For more information on our privacy and personal information policy visit www.pensions-ombudsman.org.uk

Other organisations that can help

The Pensions Advisory Service

For help and advice while you are asking the FAS to review a decision.

11 Belgrave Road
London SW1V 1RB
Telephone 0300 123 1047
www.pensionsadvisoryservice.org.uk

Parliamentary and Health Service Ombudsman

For general complaints about the FAS.

Millbank Tower
London
SW1P 4QP
Telephone 0345 015 4033
www.ombudsman.org.uk

Feedback and complaints about us

If you have some feedback on how we could improve our service or think something may have gone wrong please contact us.

You should start by contacting the person who is dealing with your case. If you're not able to resolve the matter, contact their line manager and ask them to look into it.

We hope you won't need to, but if you're not happy with a line manager's response (other than a complaint that the outcome of your case should have been different), then you can write to:

The Casework Director
The Pensions Ombudsman
11 Belgrave Road
London SW1V 1RB

This factsheet is a basic guide to our role and how we work. It does not provide a comprehensive description of the legislation that governs our work.

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