The Financial Assistance Scheme – reviews and appeals
The Scheme Manager is the Secretary of State for the Department for Work and Pensions, who is also manager of the Financial Assistance Scheme (FAS).

There are a number of matters that the Scheme Manager has to consider to work out whether or not you are eligible for payments from the FAS. These are as follows.

**Information provided about the scheme**

To work out if an occupational pension scheme is a qualifying pension scheme, you need to give us (the FAS Operational Unit) some basic information about the scheme. This is called ‘notification’. The notification procedure is explained in more detail in leaflet FAS P1, *The Financial Assistance Scheme – a guide for individual pension scheme members*, which also includes details of who can give us that information. The leaflet is available on our website at [www.dwp.gov.uk/fas](http://www.dwp.gov.uk/fas) or from the address given on page 6.

**Eligibility of the scheme (qualifying pension schemes)**

For an occupational pension scheme to be a qualifying pension scheme, it must meet a number of qualifying conditions. For example, the scheme must:

- have completed the notification procedure (as described above);
- not be a *money purchase scheme* (also known as a defined contribution scheme, where a member’s benefits are based on the contributions they have paid or their employer has paid for them); and
• have begun the winding-up process between 1 January 1997 and 5 April 2005.

Also, the principal employer must have become insolvent (unable to pay their debts) on or before 28 February 2006.

There are more details of the qualifying conditions in leaflet FAS P2, *The Financial Assistance Scheme – an in-depth guide for trustees and pension professionals*, which is available on our website at [www.dwp.gov.uk/fas](http://www.dwp.gov.uk/fas) or from the address given on page 6.

### Eligibility of members

As a scheme member, you will be eligible to be considered for a payment from the FAS if you:

• belong (or have belonged) to a qualifying pension scheme; and

• were within three years of your normal retirement age (as shown in your pension scheme rules) or older than your normal retirement age on 14 May 2004. (In other words, if your normal retirement age is 62, you must have been born before 14 May 1945 to be considered. If your normal retirement age is 65, you must have been born before 14 May 1942.) If your normal retirement age is 66 or above, we will treat it as 65.

Surviving husbands, wives and civil partners of members who have died but who met the above conditions (or would have met them if they had not died) may also be eligible for an award. (A civil partnership is a formal arrangement that gives same-sex partners the same legal status as a married couple.)
Amount of FAS we will pay

If you are eligible, we will work with the trustees or managers of your scheme, using pension scheme records, to work out how much to pay you. We will pay you up to 80% of the ‘core pension benefits’ you would have received had your pension scheme not started to wind up. (‘Core pension benefits’ are the benefits that a pension scheme promised to pay you when you retire.) We pay this amount on top of any pension you receive from your scheme, up to a maximum of £12,000 a year. This means, for example, that if 80% of what you would have received is £15,000 and you get a pension of £10,000, your FAS award will be £2,000 a year (to bring your pension up to the maximum of £12,000). We will not make payments of less than £520 a year.

Reviews

If the Scheme Manager makes a decision that affects you, he will send you his decision in writing. (The written decision is known as a ‘reviewable determination’. ) The reviewable determination could cover any or all of the matters already mentioned in this leaflet, depending on the type of decision made. If you think the decision is wrong or you do not understand the reviewable determination, you can ask us to explain it either verbally or in writing. If you are not satisfied with the explanation, you can ask us to look at our decision again. We call this a review.

If you ask for a review, the Scheme Manager must give you a review decision. If you are still not satisfied, you may be able to appeal against a review decision to an independent organisation (see the section Making an appeal on page 9 of this leaflet) which has the power to change the Scheme Manager’s review decision if they think that it is wrong. You must go through the review process before you can appeal.
There are time limits for asking us to review decisions and for making an appeal. We tell you about these time limits in this leaflet.

**Who can ask for a review?**

For decisions relating to the notification procedure and the eligibility of the scheme, where the scheme has not completed winding up, the following people can ask for a review:

- the trustees or managers of that scheme, or their representative (where they have notified the Scheme Manager in writing);
- anyone who could receive payments from the FAS and is affected by that decision; and
- the representative (appointed by the Scheme Manager) of anyone who could receive payments from the FAS.

For decisions relating to the notification procedure and the eligibility of the scheme, where the scheme has been wound up, the following people can ask for a review:

- anyone who could receive payments from the FAS and is affected by that decision; and
- the representative of anyone who could receive payments from the FAS.

For decisions relating to a member’s eligibility or entitlement to an award, or early payment due to terminal illness the following people can ask for a review:

- anyone who will, or could, receive payments from the FAS and is affected by that decision; and
- the representative of anyone who could receive payments from the FAS.
Anyone who can ask for a review can write to the Scheme Manager to ask for a person to be appointed to act as their representative for the purposes of the review. The Scheme Manager may also choose to appoint a representative in some circumstances.

If you want us to explain any of the decisions we have sent you

If you want to discuss a decision or ask us to explain it, please contact us.

Financial Assistance Scheme Operational Unit (FAS OU)
PO Box 702
York YO32 9XR
Phone: 0845 601 9941
Textphone: 0845 601 9942
Email: FAS-Operational-Unit@dwp.gsi.gov.uk
Website: www.dwp.gov.uk/fas

Opening hours: 9am to 5.30pm, Monday to Friday

We may record phone calls for staff training purposes and to make sure we provide a consistent level of service.

If you want to ask us to review a reviewable determination

To ask us to review a decision, you should contact us as soon as possible after receiving the written determination from the Scheme Manager. If you want us to review a decision which relates to the notification procedure or your scheme’s eligibility, you must ask for the review within two months of the date shown at the top of the written (reviewable) determination.
If you ask us to review a decision which relates to your eligibility or the award you are entitled to or early payment due to terminal illness, you must ask for the review within **one month** of the date shown at the top of the written (reviewable) determination.

If you do not ask us for a review within these time limits, you must explain why you did not apply for the review within the time limit.

In exceptional circumstances, we may review a decision relating to the notification procedure or the scheme’s eligibility outside the normal time limits. We will only do this if the Scheme Manager thinks it is reasonable, and no later than 12 months from the date of our written (reviewable) determination.

If you want to apply for a review, you should write to us. You must include the following information in your letter:

- the name and address of the person making the application;
- the date on the written (reviewable) determination setting out the decision you want us to review;
- why you feel the decision is wrong;
- if you are acting as a representative of a person, you must provide your name and address and tell us if we should use your address if we need to contact someone about the application; and
- the reasons why you couldn’t ask for a review earlier (if you are asking us to review a decision which relates to the notification procedure or your scheme’s eligibility outside the normal time limit).

Normally the trustees or managers ask us to review decisions relating to the notification procedure or a scheme’s eligibility. If the trustees or managers are not happy with a decision, they will ask us to review it.
If you are a scheme member and you feel that a decision relating to the notification procedure is wrong, you may want to contact the trustees or managers of the scheme to discuss your concerns and to check whether or not the trustees or managers will ask us to review the decision. Please contact us if you would like more information on this.

For an occupational pension scheme, if the Scheme Manager receives two or more requests to review a decision about the scheme’s eligibility or the notification procedure, and the requests are made for the same reasons and supported by mainly the same evidence, he may give a single review decision for those applications.

**What happens next?**

When you ask us to review a decision, you should send us any evidence you have to support why you think our decision is wrong. We will look at the decision again and check whether it is correct. If the decision is wrong, we will change it.

**If we change the decision**

If we can change the decision, we will change it from the date of the original decision. We will send you a letter setting out our review decision.

If you do not agree with the outcome of the review, you can appeal against it (see the section **Making an appeal** on page 9 of this leaflet).
If we cannot change the determination

If we cannot change the determination, we will send you a letter setting out our review decision. The letter will confirm the original determination. It will also tell you how you can appeal against our review decision. If you want to appeal, you can do so in writing within **two months** from the date of our review decision. If you are not sure about making an appeal, you can contact us for more information. For contact details, see the section *If you want us to explain any of the decisions we have sent you* on page 6 of this leaflet.

Making an appeal

If you want to appeal against a review, you should contact the Pensions Ombudsman. You can get more information from:

Office of the Pensions Ombudsman
11 Belgrave Road
London SW1V 1RB

Phone: 020 7834 9144
Fax: 020 7821 0065
Email: enquiries@pensions-ombudsman.org.uk
Website: [www.pensions-ombudsman.org.uk](http://www.pensions-ombudsman.org.uk)
Further advice

The Pensions Advisory Service (TPAS) is an independent non-profit organisation that provides information and guidance on all types of pensions, including the State Pension and occupational, personal and stakeholder schemes. It can also help you if you have a problem with, a complaint about, or a dispute with your occupational or private pension scheme.

TPAS gets involved before the Ombudsman, who is normally the final stage in the matter. TPAS does not have legal powers and can only talk to you and your pension provider to try to settle any problems. The Ombudsman, on the other hand, has similar powers to a court of law.

There is more information about TPAS on the website www.opas.org.uk

Other formats

You can get this leaflet in other formats, including:

• in Welsh;
• in languages other than English and Welsh;
• in Braille;
• in large print; and
• on audio tape.

Please contact us for more details.