Pension Protection Fund

Manager of the Financial Assistance Scheme

What happens if you're paid too much?

Protecting people's futures

Register on our FAS member website

We've developed a secure website for the exclusive use of our members.

Please register as soon as you can because the website gives you the freedom to access and manage information about your benefits, and make informed decisions, at a time that best suits you.

Once you've set up an account, you can do lots of things online.

If you haven't started taking your assistance payments, you can use the website to plan your retirement by seeing how much you could receive.

You may also be able to retire online, using our Quote and Retire service, which means less paperwork for you to complete.

Once retired, you can also view your payslips and P60s online.

You can also use the website to update your contact and personal details, at any time.

To register, please go to the website at **www.ppf.co.uk/fasmembers** and follow the simple registration instructions. It should only take a few minutes.

If you have any questions or concerns about anything included in this booklet, please visit our FAS member website or get in touch with us. Contact details are at the back of this booklet.

Overpayments

Sometimes our members receive more money than they're entitled to, often through no fault of their own. We call this an overpayment.

Overpayments can happen for a number of reasons, one of the most common causes being inaccuracies in the data provided to us by the former scheme's administrators. Because we're reliant on the data that a scheme's administrators provide to us, some members may be overpaid if there are calculation errors or administrative mistakes, which can often be beyond our control.

Overpayments can also be made because of uncertainty about the amount of pension the trustees should pay to a member while the pension scheme is winding up and before final payments can be worked out. Unfortunately, until a scheme has finished winding up and the benefits have been finalised, it isn't possible to say for certain what the scheme can afford to pay and members can end up receiving more than they should.

Repaying the amount

Because the FAS is partly funded by taxpayers' money, we need to ask for overpayments to be repaid in line with the principles set out in HM Treasury's 'Managing Public Money'. You can find this document at **www.gov.uk/government/publications/managing-public-money**.

We recognise that asking for overpayments to be repaid can be unwelcome news, and we want to treat our members appropriately. So, if we find that you've been overpaid, we'll aim to work with you to agree a reasonable repayment plan.

This would usually involve repayment as a lump sum where it's affordable, or repayment over a longer period by reducing the amount we pay you each month, or by you paying the amount in monthly instalments.

If you receive a letter from us letting you know that you've been overpaid, or if you discover it yourself, please get in touch with us as soon as you can so that we can discuss all of the options available with you.

Appealing against our overpayment decision

If you're asked to repay some of the money you've received from us, or if we've automatically reduced the amount we pay you to recover an overpayment and you think that our overpayment calculation is wrong, you can ask us to review the decision. Your review application should be made in writing and include:

- your name, postal address, phone number, email address, National Insurance Number or FAS number and name of the pension scheme;
- the capacity in which you're making the appeal (for example, if you're a FAS member or representing a FAS member). If you're a representative, please also provide the name and address of the person you're representing and evidence that you've been authorised to act on their behalf;
- why you think your FAS payment amount or the requested overpayment is wrong; and
- any documents that show why you think your FAS payment amount or requested overpayment is wrong. This could be in the form of letters from the scheme, benefit statements, payslips or P60s.

We'll review our calculations and write to you with our findings. If our review finds that you've been overpaid and that you should be asked to repay it, you've the right to appeal against the recovery of the overpayment on certain grounds.

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Appealing against the recovery of an overpayment

There are circumstances where we can consider waiving the extra money you've received and we have an appeal process in place to manage this. Each case will be dealt with on its own merit and any decision will depend on individual circumstances.

We'll agree to waive all or part of the recovery of an overpayment if you show that hardship, or one or more of the legal reasons below, applies to you. Further details of these defences are below. If you want to appeal against the recovery of an overpayment, you should write to us explaining how and why it isn't possible for you to make the repayment, with clear reference to one or more of the reasons stated in this booklet.

Hardship

One reason why we may consider waiving all or part of the overpayment would be if repaying the money would cause you or your family hardship.

Because individual circumstances are different, there are no fixed rules about what constitutes hardship. That's why we'll ask you to provide as much information as possible about your circumstances so we can come to an appropriate decision.

We'll normally ask you to complete an 'income and expenditure' form with details such as your household income, which will help us to understand what impact repaying the money will have on you and your family.

Your broader circumstances, such as personal health, may also be taken into consideration.

Legal reasons

There may be legal reasons why we'd consider waiving all or part of the overpayment. We'd need you to demonstrate that one of the following applied to you:

Change of position

Change of position can be used when somebody has changed their position so much, as a result of receiving some money, that it would be unfair to require them to pay it back.

This could apply where you've bought things or made improvements to your lifestyle because of the money you were receiving, that you wouldn't have done if you were receiving less. It could be that you bought a car, went on holiday, took out a loan or started spending more on grocery shopping.

We'd ask you to provide evidence, where possible, of the purchases you've made as a result of the payments you've been receiving. We'll only be able to consider expenses you've incurred during the time you thought you were correctly entitled to the increased amounts. We don't insist on receipts or invoices as proof of purchase as we appreciate that you may no longer have this information available. If this is the case, we'll ask you for an idea of costs and dates, and under what circumstances these purchases were made. We'll consider any expenditure, big or small.

Estoppel

Estoppel is a defence that can be used when someone reasonably relies on the promise of another party and will suffer a loss if the promise isn't honoured. This could apply where you were promised a certain monthly payment and took actions or made financial commitments, such as taking on a mortgage, based on that promise.

We'd ask you to provide evidence of a strong link between the amount you were promised by either the trustees of your former scheme or the FAS, and the loss that the change to that amount – and the repayment we're asking for – would cause you.

Limitations Act 1980

The Limitations Act 1980 sets out the time periods in which certain claims can be pursued. Based on this, we'll waive an overpayment where you can prove that six years or more have passed since it was, or should reasonably have been, discovered.

This could apply where your former scheme or the FAS were aware that they were overpaying you, and the date which the scheme or the FAS first became aware was more than six years ago.

Under these circumstances we'd ask you to provide evidence, such as letters or announcements, of when the trustees or the FAS became aware that you were being overpaid.

Good faith

Whatever your legal grounds for appealing against the recovery of an overpayment, it's important that we can see that you, as a FAS member, have acted in good faith. In other words, you genuinely believed your payment was correct, and that had you suspected it was wrong you'd have let us know.

However, good faith alone isn't a sufficient reason for us to waive the recovery of an overpayment.

Fraud

If we find out that you, as a FAS member, have given false information or haven't told us about relevant information affecting payments, then we'd seek to recover any money owed and consider criminal action, if appropriate.

Group overpayments

Although a group of members who have been overpaid due to the same issue will be treated consistently, we'll consider individual circumstances when coming to any decisions about who we ask to repay the money owed.

All members in that group are entitled to appeal against the recovery of their overpayment for any of the reasons described in this booklet.

If you have a complaint or concern

If you're unsure or unhappy about any of your dealings with us, please let us know as soon as you can. This helps us to solve problems quickly and stops similar issues arising in the future.

Most of the time, we're able to sort out any problems informally. But if that isn't possible, you can make a formal complaint or, in certain circumstances, ask for a formal review.

If you want to know more, please take a look at our complaints booklet. You can find it on our FAS member website **www.ppf.co.uk/fasmembers**.

Do you need assistance

We understand that some of our members may need some extra assistance from time to time and so we have a number of services and tools in place to help.

- If you need, or would prefer, to have a representative contact us on your behalf, we can send a Letter of Authority form for you to complete and return. The form is also available on our member website **www.ppf.co.uk/fasmembers**.
- If you need, or would prefer, to have a representative make decisions or amend personal information on your behalf, please send us a Power of Attorney. More information on how to make or register a lasting Power of Attorney can be found on the government website **www.gov.uk/power-of-attorney**.

- If you have a sight impairment, we can provide letters and other communications in large print or Braille.
- For members who have a hearing or speech impairment Relay UK will enable you to communicate with companies over the phone. This service is regulated by Ofcom and is fully compliant with the General Data Protection Regulation (GDPR). Our staff can provide further information on how Relay UK can assist you and how we work together with them to support our members. Alternatively, you can find more information on their website **www.relayuk.bt.com/about-relay-uk**.
- To help British Sign Language (BSL) users communicate with us, you can make a call to us via an interpreter at Convo, which is a free service. All you have to do is register for Convo once, through their website or app. When you contact us via Convo, an interpreter relays the call between you and us. You can find more information on their website **www.convo.io/uk**.
- For members experiencing mental health issues, our Contact Centre staff are trained to provide supportive conversations and know how best to assist members facing a number of difficulties and problems. All staff are familiar with the right organisations to signpost people to, where necessary.
- Our member website **www.ppf.co.uk/fasmembers** is available to all of our members and can make it easier for you to access information, such as viewing our correspondence on screen. You can also contact us via the website through our secure messaging service. We're always finding ways to develop the website further and offer more online services to our members.

If you'd like to talk to us about any of these services, please contact us using the details at the end of this booklet. If the assistance you need isn't mentioned on this list, please don't hesitate to contact us so we can discuss how we can help. You can also use our secure messaging service to let us know of any vulnerability you may have and how we can further support you.

Pension Protection Fund

Manager of the Financial Assistance Scheme

Contact us

FAS Member Services Team
FAS Member Services
Financial Assistance Scheme
PO Box 287
Wymondham NR18 8EZ

Telephone
0330 678 0000 (Monday to Friday, 09.00 to 17.30)

Overseas Members
+44 (0)208 406 2121

Email
fasmembers@ppf.co.uk

FAS Member website
www.ppf.co.uk/fasmembers

Resolutions Team
Resolutions Team
Financial Assistance Scheme
PO Box 287
Wymondham NR18 8EZ

Telephone
0330 678 0000 (Monday to Friday, 09.00 to 17.30)

Overseas Members
+44 (0)208 406 2121

Email
resolutionsteam@ppf.co.uk

FAS Member website
www.ppf.co.uk/fasmembers

Protecting your data

We take care to handle your personal data in compliance with data protection legislation.

We process your personal data correctly and lawfully, to enable assistance payments to be made to you, to keep you up-to-date with developments and to seek your feedback about ways we could improve our service.

We won't rent, swap or sell your personal data to any other organisation.

You can view our full privacy policy at: **www.ppf.co.uk/fasmembers** or you can request a printed copy of the privacy policy be sent to you by using our contact details.

This booklet is for guidance only. It's necessarily simplified and not a definitive statement of law or entitlement.

Information in this document is based on our current understanding of the legislation governing the FAS in force at the time of writing. Payments will always have to be calculated in accordance with legislation which will, therefore, override in the case of any conflict.

Keeping your personal data secure is very important to us. That's why we're now asking you not to email us with any changes you want to make to your personal information. Your personal details, either in the email or on any attached documents, are the type of information fraudsters look for. So for your safety, we provide a secure messaging service through our member website. We can also reply back to your web account and you'll be notified when you have a new message from us. You can also safely upload documents to our member website using our Send Us a Document Tool. As well as being quick and simple to use, you'll know your details are secure.