

FINANCIAL ASSISTANCE SCHEME (FAS) APPEALS

ORAL HEARINGS

General Guidance for the Parties to an Appeal

An oral hearing may be held as a result of a request from a party to an appeal or on the Pension Protection Fund (PPF) Ombudsman's direction. You will be a party to an appeal if you are the person making the appeal or the scheme manager. Where the appeal relates to a scheme notification decision or a scheme eligibility decision parties to the appeal will include the trustees or managers of the scheme (if any) and any person who satisfies the PPF Ombudsman that they are receiving or may receive benefits under the scheme.

The most common situation in which an oral hearing will be arranged is when the PPF Ombudsman believes that oral evidence will resolve a conflict about a matter of fact. There may also be times when the PPF Ombudsman will find it helpful to have all parties present in order to examine and discuss issues concerning the appeal. A hearing will normally be open to the public and will be arranged at a place and time as convenient as possible to the parties and to the PPF Ombudsman. It is likely that most hearings will be held in the PPF Ombudsman's office in Central London.

Your right to request an oral hearing

If you believe that an oral hearing should be held, you may apply to the PPF Ombudsman in writing explaining your reasons. You must apply no later than within **28 days**² of the date of the PPF Ombudsman's acknowledgement of the appellant's appeal. (Special time limits may apply if you are a person receiving or who may receive benefits under the scheme and are treated as a party. Please contact us for more information.)

The PPF Ombudsman will consider your request for a hearing but he is not obliged to agree to one. If he decides not to call a hearing he will write to you giving his reasons.

When an oral hearing is called

All parties (not just yourself) will be invited to attend, and will be notified of the date of the hearing at least **21 days** beforehand. You will be told if there are any subsequent alterations to the arrangements. The hearing will normally be completed within a day, but the PPF Ombudsman may decide to adjourn to a future time.

The PPF Ombudsman will explain the purpose of the hearing when he invites the parties to attend. You must write to the PPF Ombudsman at least **14 days** before the hearing takes place telling him whether you or your representative will attend. You may appoint a representative to attend the hearing on your behalf if you have not already done so. Any appointment must be in writing and must give the representative's name and full address. A form is available from the PPF Ombudsman's office.

Right to call witnesses

Anyone attending an oral hearing may call witnesses to give relevant evidence on their behalf. If you want to call a witness or witnesses, you must write to the PPF Ombudsman at least **14 days** before the hearing takes place. You must tell him the names of the witnesses, and provide him with a summary of the evidence each witness intends to present. You should therefore ask your witnesses to prepare witness summaries in good time to enable you to send them to the PPF Ombudsman before the 14 day deadline passes.

Copies of witness summaries will be sent to all other parties to the appeal before the oral hearing is held. The PPF Ombudsman will give reasons if he decides not to hear the witnesses. This may be because for example their evidence is not being contested and can be accepted in written form.

Conduct at the hearing

The PPF Ombudsman may ask anyone whose conduct has disrupted a hearing to leave and may refuse to allow anyone whose conduct is likely to disrupt a hearing to attend. If a party is vexatious or the scheme manager or appellant's conduct (or their representative's conduct) is unreasonable, the PPF Ombudsman can direct the disruptive or vexatious person(s) to pay the costs and expenses of others. The PPF Ombudsman would not make such an order without giving the disruptive or vexatious person(s) the opportunity to make representations.

Not attending the hearing

If you decide not to attend but you wish to make representations, you must send your written representations to the PPF Ombudsman not later than **14 days** before the oral hearing. A copy of your representations will be sent to all other parties to the appeal before the hearing is held. If you subsequently decide not to attend and have not sent written representations, the PPF Ombudsman may adjourn the hearing or proceed with the hearing in your absence and decide the appeal on the evidence available to him.

Interested Persons

For information about interested persons and the arrangement of, or attendance at, oral hearings about a scheme notification decision or a scheme eligibility decision, see separate guidance: Financial Assistance Scheme – Interested Persons who are not treated as parties to the appeal.