

FSCS Appeals Policy

Updated 21 February 2024

Appealing FSCS's decision on a claim

1. FSCS decisions are subject to a two-stage internal appeal process culminating in an escalated appeal. After which the customer may bring a claim for judicial review in the High Court. Examples of FSCS decisions include not only decisions to accept or reject a claim but also decisions about the amount of compensation we are awarding on a claim, terms on which a payment is made or decisions on the exercise of FSCS discretions.
2. If a customer is still unhappy after discussing their compensation claim decision with FSCS, they can submit an appeal (an "Appeal") by sending the basis of appeal to appeals@fscs.org.uk.
3. The Appeal will be reviewed by someone who was not involved in making the original claim decision.
4. FSCS will acknowledge receipt of an Appeal within two working days and aim to respond within 20 working days.
5. A three-month time limit will apply for any Appeal by a customer in relation to a claim decision issued by FSCS on or after 21 February 2024. For the purposes of this time limit, a claim decision issued by FSCS prior to 21 February 2024 will be treated as if it was issued on 21 February 2024.
6. The time limit for an Appeal in relation to a claim decision will run from the date of the communication from FSCS to the customer or their representative containing the claim decision.
7. If a customer tries to submit an Appeal after this three-month period, FSCS will be unable to consider it (subject to paragraphs 16 and 17 below).

Escalating an Appeal

8. If a customer is still unhappy with FSCS's decision after an Appeal, they may submit a further appeal (an "Escalated Appeal"). They can do this by contacting FSCS's Customer Escalations Team at appeals@fscs.org.uk.
9. FSCS will acknowledge receipt of an Escalated Appeal within two working days and aim to respond within 20 working days.
10. A separate three-month time limit will apply for an Escalated Appeal by a customer in relation to an Appeal decision issued by FSCS on or after 21 February 2024. For the purposes of this time limit, an Appeal decision issued by FSCS prior to 21 February 2024 will be treated as if it was issued on 21 February 2024.
11. The time limit for an Escalated Appeal will run from the date of the communication from FSCS to the customer or their representative containing the Appeal decision.
12. If a customer tries to submit an Escalated Appeal after this three-month period, FSCS will be unable to consider it (subject to paragraphs 15 and 16 below).

Time limits

13. FSCS is introducing these time limits for four main reasons:
 - a. finality and certainty in FSCS decision making;
 - b. the public interest in the good administration of the scheme;
 - c. FSCS's responsibility to ensure it is carrying out its functions in an efficient and effective manner; and
 - d. concerns about the evidential quality of appeals submitted significantly after a decision.
14. FSCS is satisfied that the introduction of a three-month time limit for the bringing of an appeal at each stage of its two-stage appeal process is compatible with its responsibilities under [COMP2.2.1R](#) to administer the scheme in accordance with the European Convention on Human Rights and that our decision making process on claims for compensation remains procedurally fair.
15. FSCS may, in its discretion, decide to consider an Appeal or Escalated Appeal which it receives after the expiry of the time limit, if FSCS is satisfied that the failure to comply with the time limit was the result of exceptional

circumstances which, in FSCS's view, unavoidably prevented the Appeal or Escalated Appeal being submitted within the time limit. Exceptional circumstances may include, for example, the serious ill health of the customer or delays due to the appeal being continued by the Estate of the customer.

16. Exceptional circumstances do not include circumstances in which there is a different legal basis for the claim, which was not available to the customer before the expiry of the time limit. For example, if a judgment is handed down by the court after the expiry of the time limit and that judgment might otherwise have influenced the outcome of the claim or Appeal, this is not an exceptional circumstance and FSCS will not consider the Appeal.

New/different basis of claim

17. Customers may seek to make an Appeal or Escalated Appeal using a new or different basis of claim (e.g. a different regulated activity, cause of action, civil liability, regulatory rule breach). FSCS will not consider an Appeal or Escalated Appeal, whether within the three month appeal period or outside of it, if it considers that the new or different basis of claim being raised could have been raised with FSCS by the customer or their representative previously. The fact that a customer or their representative was not aware of the new or different basis of claim at the time they submitted their claim for compensation is not sufficient reason to allow a new or different basis of claim on Appeal or Escalated Appeal.

New evidence

18. However, customers may seek to make an Appeal or Escalated Appeal on the basis of new evidence. FSCS will not consider any new evidence unless it is reasonably satisfied that the new evidence:
 - a. could not previously have been obtained with reasonable diligence by the customer or their representative;
 - b. will most likely have an important influence on the outcome of the Appeal or Escalated Appeal, although it need not be decisive; and
 - c. presents as credible.
19. These conditions reflect the test applied in civil litigation. These requirements apply also if the new evidence is submitted within the relevant time limit.

20. In addition, if the new evidence is submitted after the relevant time limit, approval will be needed from the Chief Customer Officer or the Chief Counsel (or a member of staff delegated by them) in order to treat the submission of new evidence as an exceptional circumstance, such that the relevant time limit would not apply.
21. Payment of compensation by FSCS is ordinarily on a full and final settlement basis (with some limited exceptions, where FSCS makes it clear when communicating its claim decision that the compensation is offered as an interim payment of the customer's claim).
22. Whilst FSCS will not require repayment of the compensation sum in order to consider an Appeal or Escalated Appeal, this should not be taken as an indication that FSCS has waived the full and final settlement terms to which the customer has agreed. For more details on this, see our [FAQ page](#).

Judicial review

23. If after exhausting the two-stage appeal process the customer wishes to challenge the decision further they may be able to challenge our decision in court. FSCS performs a public function, so our decisions can be challenged by [judicial review](#). If a customer gets to this stage, we will let them know.

Complaints

24. For complaints about FSCS's service or its staff, visit our [complaints page](#). Please note that a complaint cannot change the outcome of our decision on a claim.

Confidentiality

25. We hold all personal information in line with our [data protection statement](#) and [privacy notice](#). You can also ask us to send you these documents in the post.