

PPF Restructuring and Insolvency Team

Guidance note 12

Completing forms for claims on the Redundancy Payments Service

Contents

1. Background.....	1
2. What can be claimed?.....	2
3. The statutory position and general principles	2
4. Overview of the forms.....	3
5. Detailed pointers to the completion of the forms.....	4
6. Supporting evidence.....	10
7. Submission of the forms.....	10
Contact details	11
Appendix 1: form RP15.....	12
Appendix 2: form RP15A	14
Appendix 3: form RP16.....	15

1. Background

- 1.1. It is a standard task for pension scheme trustees and administrators during a Pension Protection Fund (PPF) assessment period to consider making a claim on the National Insurance Fund for unpaid contributions to the scheme via the Redundancy Payments Service (RPS).
- 1.2. Claims can also be made by trustees of schemes that are not eligible for the PPF, such as defined contribution occupational schemes.
- 1.3. Claims are made using forms available on the Insolvency Service's website. The forms need to be completed and signed by the scheme's trustees or administrators, and an insolvency practitioner dealing with the insolvent employer. If the scheme concerned is a defined benefit or hybrid scheme, an actuary will also need to complete and sign a form.
- 1.4. The RPS is generally sympathetic to claims for unpaid contributions due from insolvent employers, but it needs to ensure that they are legitimate and comply with the statutory framework. Accurately completed forms and the relevant supporting information where required help the RPS to make that assessment.
- 1.5. This note sets out best practice for the completion of the forms, which require considerable care and diligence to be accurate and consistent. The aim of this guidance is to help to reduce the number of instances in which the RPS is obliged to reject claims for technical reasons.

2. What can be claimed?

- 2.1. Unpaid employer and “worker” (or “employee”) contributions due in respect of an occupational pension scheme or a personal pension scheme may be recovered via the RPS when the scheme’s employer has become insolvent.
- 2.2. In addition to unpaid contributions in respect of the ongoing accrual of pension benefits, the following overdue but unpaid items are potentially recoverable:
 - agreed scheme deficit reduction contributions under a schedule of contributions;
 - scheme expenses that the employer has agreed to pay; and
 - PPF levy.

3. The statutory position and general principles

- 3.1. The sum recoverable from the RPS in respect of unpaid **employer** contributions is set out in section 124(3) of the Pension Schemes Act 1993 (PSA93). It is restricted to the lowest of the following amounts:
 - a. the balance of relevant contributions (including expenses and PPF levy) remaining unpaid on the date when the employer became insolvent and payable by the employer on its own account to the scheme in respect of the 12 months immediately preceding that date;
 - b. the amount certified by an actuary to be necessary for the purpose of meeting the liability of the scheme on dissolution to pay the benefits provided by the scheme to or in respect of the workers of the employer (i.e., the buyout deficit under section 75 of the Pensions Act 1995); and
 - c. an amount equal to 10% of the total amount of remuneration paid or payable to those workers (see paragraph 3.3) in respect of the 12 months immediately preceding the date on which the employer became insolvent.
- 3.2. Paragraph (b) above does not apply to claims in respect of defined contribution (or, in the language of the PSA93, “money purchase”) schemes.
- 3.3. The most likely limiting factor to any claim is (c) above. The RPS interprets those workers’ remuneration as meaning 10% of the remuneration paid to workers who were also members of the pension scheme in the 12 months preceding the date on which the employer became insolvent. These workers do not need to have been active members, i.e., continuing to accrue benefits and/or paying contributions to the scheme in respect of current service. Most defined benefit schemes are closed to future accrual, so it is unusual for such schemes to have active members.
- 3.4. “Remuneration” includes holiday pay, statutory sick pay, statutory maternity pay and any such payment as is referred to in section 184(2) of the Employment Rights Act 1996.
- 3.5. Claims for partial periods will be considered by the RPS. For example, if a pension contribution falling due annually on 31 March was paid, and insolvency then occurs on 30 April, a claim for 30/365ths of the contribution due to the next 31 March payment is admissible. The same rationale applies to contributions due at alternative intervals, for example, monthly or quarterly.

- 3.6. The sum recoverable from the RPS in respect of unpaid **employee** contributions is set out at section 124(5) of the PSA93. It is limited to the amount deducted from the pay of the worker in respect of their contributions to the scheme during the 12 months immediately preceding the date on which the employer became insolvent. A claim cannot be made in respect of a worker's contributions to the scheme unless they were actually deducted from that worker's pay.
- 3.7. If the insolvency has occurred after 6 April 2016, unpaid **employer** contributions are not preferential within the meaning of schedule 6 of the Insolvency Act 1986 and schedule 4 of the PSA93. There is an exception in the legislation for an employer's contributions to certain Northern Ireland schemes under schedule 4, paragraph 2(1) to the PSA93. This is relevant because the forms require claimants to specify which element(s) are preferential, if any.

4. Overview of the forms

- 4.1. Claims are processed via the following forms:

- RP15 Part 1 is completed by the scheme trustees or administrators, setting out among other things the unpaid sums due to the scheme.
Part 2 is completed by the IP. It confirms some of the information in Part 1 and provides the remuneration paid to employees in the 12 months ending with the date prior to the date of insolvency.
- RP15A Completed by the scheme trustees or administrators to set out the remuneration and the unpaid contributions in relation to individual members.
- RP16 Completed by the actuary and includes a certificate of the buyout deficit due to the scheme.

- 4.2. The forms are all available on the Insolvency Service's website. See:

Form	Format	Link
RP15	Word	www.gov.uk/government/publications/redundancy-payments-rp15-pension-contribution-form
RP15A	Excel	www.gov.uk/government/publications/redundancy-payments-spreadsheet-for-pension-contribution-applications
RP16	Word	www.gov.uk/government/publications/redundancy-payments-form-rp16-redundancy-payments-actuarial-certificate

Copies of these forms may be found at the appendices to this note.

- 4.3. The forms are designed to provide the information needed by the RPS to process claims for unpaid contributions. It is therefore imperative that they are completed accurately and consistently.
- 4.4. The statutory provision refers to "workers" but the forms themselves seek information in relation to "employees". Although there is a legal distinction between the two terms, they may be treated interchangeably for the purposes of the claim forms.
- 4.5. IPs are asked to complete, countersign and return their section of claim forms sent to them as soon as possible. They are expected to have retained sufficient employer records, or access to the records, to enable them to complete the relevant section of form RP15.

- 4.6. All claims should be supported by the relevant evidence where required. See also section 6.

5. Detailed pointers to the completion of the forms

- 5.1. This guidance is not intended to cover every box on the forms. Some items should need no further explanation, such as the name of the scheme, its Pension Scheme Registry (PSR) number and the name of the insolvent employer. However, some of the areas that tend to cause difficulties are explained in further detail.
- 5.2. Users of the forms should always download them from the Insolvency Service's website to ensure the latest version is being completed. The RPS is particularly explicit that its version of form RP15A should be completed, and that it will reject other versions.

Form RP15 – Part 1

- 5.3. Part 1 of form RP15 should be completed by the pension scheme trustees or scheme administrators.

Employee and employer contributions

Employees contributions

Grand total

Preferential amount

Employers contributions

Grand total

Preferential amount

- 5.4. The amounts to be inserted by the trustees or scheme administrators in part 1 of the form are the unpaid contributions, expenses and levy in the 12 months ending with the date prior to the employer's insolvency. Completing this information on the form is designed to draw out the information required to comply with the statutory position set out the PSA93, sections 124(5) and 124(3)(a) respectively. See also paragraphs 3.5 and 3.1(c) of this note.
- 5.5. Unless the insolvency occurred prior to 6 April 2016 or the claim relates to a Northern Irish scheme, no unpaid **employer** contributions will be preferential. It is possible that claims for unpaid contributions in respect of pre-April 2016 insolvencies will be statute barred now in any case.

Payee details

Payment details

Please give the bank details of where the payment should be sent:

Account name:	
Sort code:	
Account number:	
Bank:	
Reference:	[name of payee]

- 5.6. The details of the payee must match the details of the pension scheme trustees held by the government's Pension Service. See www.gov.uk/find-pension-contact-details.
- 5.7. The RPS will make payments directly to the PPF when it has received notice that a scheme has transferred to the PPF, but transfer should not have occurred at the time that the claim forms are prepared and submitted to the RPS.

Form RP15 – Part 2

- 5.8. Once part 1 has been completed, the form should be sent to the insolvency practitioners dealing with the insolvent employer so they can fill in and sign part 2.

Employee and employer contributions

What amounts of contribution appear to be unpaid on the date of insolvency?

Employees'	
Employer's	

For what contributions do you accept entitlement?

Employees'

Preferential amount	
Non-preferential amount	
Employees' total	

Employer's

Preferential amount	
Non-preferential amount	
Employer's total	

Grand total (employees' and employer's)

--	--

- 5.9. There are more boxes to complete because non-preferential amounts owed also need to be specified, but the basic information must match the unpaid employer and employee contributions set out in part 1 of the form RP15. See also paragraphs 5.4 and 5.5.
- 5.10. If the insolvency office holder disagrees with the sums inserted in part 1 of the form by the trustees or administrators, they should be challenged with the trustees at this stage. The purpose behind the RPS requesting the information twice is so that it can see that the scheme's records and the employer's records match, and that the insolvency practitioner, as the representative of the employer, has corroborated the scheme's claim.

Employees' (or Workers') pay

What is the total employees' amount paid or payable for the 12 months ending on the day before the insolvency date?	
Is the pension no more than 10% of this total?	Yes/No
Do the periods claimed for the pensions overlap a period already paid as arrears of pay by Insolvency Service?	Yes/No

- 5.11. The question about the “employees’ amount paid” refers to the value of their remuneration, not to scheme contributions. This section is designed to test the statutory provisions of section 124(3)(c) of the PSA93. See also paragraph 3.1(c) of this note. If the unpaid contributions exceed 10% of employees’ remuneration, the claim will be restricted to the latter.
- 5.12. The RPS interprets “workers’ remuneration” as meaning 10% of the remuneration paid to workers who were also members of the pension scheme in the 12 months preceding the date before the employer became insolvent. It should be remembered that remuneration can include items such as holiday pay, statutory sick pay and statutory maternity pay.
- 5.13. If there is an overlap with a period already paid as arrears of pay, the RPS cannot pay employee contributions in relation to that overlapping period. It can pay employer contributions.

Requirement for an actuarial certificate

Is an actuarial certificate (RP16) required for this pension claim? (if Yes , attach a copy of the certificate)	Yes/No
If Yes , is the amount above more than that shown on the actuarial certificate?	Yes/No

- 5.14. A certificate completed by the scheme actuary as form RP16 will be required for any claim for unpaid employer contributions to an occupational scheme with a defined benefit element.
- 5.15. The reason is that, if the full buyout deficit of the scheme is lower than both the unpaid employer contributions and 10% of workers’ remuneration, the RPS will restrict the sum paid in respect of the claim to the buyout deficit section in accordance with section 124(3)(b) of the PSA93.
- 5.16. In practical terms, that is very unlikely to be the limiting factor, but the RPS still needs to check that what it pays complies with the statute.

Form RP15A

- 5.17. Form RP15A should be completed by the scheme trustees or administrators. It requires the relevant scheme members to be listed, so it may be necessary to check with the insolvency practitioner which members of the scheme were also receiving remuneration from the employer in the 12 months preceding insolvency. Only those members should be included in the form.
- 5.18. The information in form RP15A provides more detail to support form RP15. The aggregate of the figures in the RP15A should reconcile with the corresponding boxes in the RP15.

Personal Information

	A	B	C
1	NI Number	Surname	Forename
2	AB123456A	Bloggs	Joe
3	AB1235678A	Brown	Betty
4			

- 5.19. As there is personal information in the form, the requirements of the Data Protection Act 2018 (General Data Protection Regulation) should always be followed. As a minimum, the RP15A spreadsheet should be password protected.
- 5.20. The “personal information” provided in the template on the Insolvency Service’s website is an example. Accurate member data should be used in its place. This may sound obvious but there has been an instance of a claim being made in respect of “Betty Brown” because a members’ name was not amended from the template version!

Total remuneration in the last 12 months

D
Total remuneration received in last 12 mths
25000
32000

- 5.21. The total of all remuneration in column D should be the same as the sum inserted in the “total employees’ amount paid or payable in the 12 months ending on the day before the insolvency date” box in part 2 of form RP15. The RPS will not pay more than 10% of the aggregate amount in this column.

Employee from and to dates and employee amount

E	F	G
Employee from date	Employee To Date	Employee Amount
12/05/2014	18/05/2015	2501.00
12/05/2014	18/05/2015	3000.00

5.22. The dates are **not** the dates between which the member in question was an employee of the employer entity. They are the dates to which the claim for unpaid employee contributions relates.

5.23. It should be remembered that claims may only be made:

- for the 12-month period ending with the date prior to the insolvency of the employer; and
- in respect of sums deducted from employees' pay but not paid across to the scheme.

5.24. Claims for more than one period can be made for the same employee by adding extra lines to the spreadsheet and listing the different periods for which a claim is being made. This is subject to the overriding condition that no claim can be made in relation to a period that is more than 12 months prior to, or any period after, the insolvency.

5.25. The aggregate of employee amounts set out in column G of form RP15A should reconcile to:

- the "Grand total" of "Employees contributions" in part 1 of form RP15; and
- the "Employees' total" of unpaid contributions in part 2 of the same form.

Employer from and to dates and employer amount

H	I	J
Employer From Date	Employer To Date	Employer Amount
12/05/2014	18/05/2015	2910.00
12/05/2014	18/05/2015	3000.00

5.26. These are the dates to which the claim for unpaid employer contributions relates rather than the individual employee's/member's length of service.

5.27. Claims may only be made for the 12-month period ending with the date prior to the insolvency of the employer. For example, if the date of the insolvency is 24 November

2023, only unpaid contributions falling due between 24 November 2022 and November 2023 will be considered.

- 5.28. Claims for unpaid employer contributions in respect of defined benefit schemes usually relate to items such as deficit reduction contributions, expenses and the PPF levy. If that is the case, they are therefore contributions to the scheme as a whole and there is no direct correlation with unpaid sums for individual members.
- 5.29. Nevertheless, the RPS will expect these items to be apportioned to the membership, so it is recommended that some sort of pro rata calculation is made for the aggregate unpaid amount, with the appropriate sum being "allocated" to each member. It is recognised that it is a slightly artificial exercise but unless the process is followed, the RPS may well reject the claim.
- 5.30. Claims for more than one period can be made in respect of the same employee by adding extra lines to the spreadsheet and listing the different periods for which a claim is being made. This is subject to the overriding condition that no claim can be made in relation to a period that is more than 12 months prior to, or any period after, the insolvency.
- 5.31. The aggregate of employer amounts set out in column J of form RP15A should reconcile to:
- the "Grand total" of "Employers contributions" in part 1 of form RP15; and
 - the "Employer's total" of unpaid contributions in part 2 of the same form.

Form RP16

- 5.32. Form RP16 should be completed by the actuary instructed in relation to the scheme. It is not required if the claim relates to a defined contribution/money purchase scheme.

Winding up or dissolution clause and declaration of the sum required to pay benefits on scheme dissolution

Pension Scheme winding up or
dissolution clause

Please ensure that a copy of the relevant winding-up or dissolution clause of the pension scheme provisions is attached with the claims form and this certificate.

Declaration

I declare that the amount necessary for meeting the liability of the scheme on dissolution to pay benefits provided by the scheme to or in respect of employees of the employer is:

- 5.33. Because one of the tests of the sum payable under a claim for employer's contributions is the amount certified by an actuary as being required to meet the full deficit upon the dissolution of the scheme, the RPS will need to check that winding-up or dissolution has been engaged.
- 5.34. The actuary's declaration of the sum required to meet the liability of the scheme on dissolution is effectively the buyout deficit under section 75 Pensions Act 1995. This information is required to comply with section 124(3)(b) of the PSA93.

6. Supporting evidence

- 6.1. As prompted in form RP16, the relevant winding-up or dissolution clause should be provided whenever a claim is being made for unpaid contributions to a defined benefit scheme.
- 6.2. If the value of the claim is less than £50,000, no further evidence is required.
- 6.3. If the claim is for £50,000 or more, the RPS will check if the scheme is registered on the gov.uk website at www.findpensioncontacts.service.gov.uk. If it is not registered on that website, a document must be supplied to the RPS to show the contractual link between the pension scheme or provider and the employer. The RPS requires evidence that the scheme has a connection to the employer and that the scheme is genuine.

7. Submission of the forms

- 7.1. The fully completed and signed RP15, the RP15A spreadsheet and, if applicable, the signed RP16 actuarial certificate should be emailed to the RPS pensions team at RPS.Pensions@insolvency.gov.uk with the subject line "[Employer name] [CN reference] RP15 and RP15A".
- 7.2. The CN reference is the reference number issued by the RPS in relation to any previous RPS claims, e.g., employees' claim for unpaid pay, holiday pay, redundancy and pay in lieu of notice.
- 7.3. A separate email should be sent to the same RPS mailbox with the password for the RP15A spreadsheet, using the subject line "[Employer name] [CN reference] RP15A".

8. Monitoring

- 8.1. Trustees should monitor to ensure that submitted claims are settled by the RPS.
- 8.2. If a claim is rejected, trustees should check the reason given by the RPS. If the reason for rejection can be addressed, trustees should do so and re-submit the form(s), which the RPS will be prepared to reconsider.
- 8.3. There have been instances of the RPS notifying insolvency office holders or scheme trustees of rejection, but this information not being passed to the PPF. If the scheme is in a PPF assessment period or has been transferred to the PPF, the recipient of the rejection notification is asked to notify their usual contact at the PPF of the rejection and, if relevant, the resubmission.

Contact details

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Please note this leaflet seeks to assist stakeholders and insolvency professionals on our approach to restructuring and insolvency cases. It is an accompaniment to existing publications from the PPF published on our website, not a substitute. We encourage restructuring & insolvency practitioners and trustees to seek appropriate, specific case guidance. See **www.ppf.co.uk** for further information.

Appendix 1: form RP15

Part 1



Application for payment of pension scheme contributions RP15

Part 1 to be completed by the administrator of the pension scheme

This is a payment validation form for a pension scheme. Please use this form to validate a claim for missing pension contributions.

For information on pensions, we have [guidance](#) to help you on GOV.UK.

Name of scheme	<input type="text"/>
Type of scheme (if this is a defined benefit or hybrid scheme, an actuarial certificate (RP16) is required)	<input type="text"/>
Scheme number	<input type="text"/>
RPS case reference	<input type="text" value="CN"/>
Employer name	<input type="text"/>
Address of insolvent employer	<input type="text"/>
Date of insolvency	<input type="text"/>
Total number of employees on the RP15A spreadsheet .	<input type="text"/>
Employees contributions	
Grand total	<input type="text"/>
Preferential amount	<input type="text"/>
Employers contributions	
Grand total	<input type="text"/>
Preferential amount	<input type="text"/>
Have you made a claim in respect of this scheme previously? (if yes, please give details)	<input type="text" value="Yes/No"/>



Payment details

Please give the bank details of where the payment should be sent:

Account name:	<input type="text"/>
Sort code:	<input type="text"/>
Account number:	<input type="text"/>
Bank:	<input type="text"/>
Reference:	<input type="text" value="name of payee"/>

Declaration

I declare that the information given in this form is correct and complete to the best of my knowledge.

Signature	<input type="text"/>
Date	<input type="text"/>
Your name	<input type="text"/>
Your email address	<input type="text"/>

In what capacity have you signed?
For example, trustee, administrator,
or person competent to act

Email this form and the completed [RP15A spreadsheet](#) to the insolvency practitioner.

Use the subject line: RP15 and RP15A.

Part 2



Part 2: to be completed by the insolvency practitioner

This is a payment validation form for a pension scheme. Use this form to validate a claim for missing pension contributions.

What amounts of contribution appear to be unpaid on the date of insolvency?

Employees'	
Employer's	

For what contributions do you accept entitlement?

Employees'

Preferential amount	
Non-preferential amount	
Employees' total	

Employer's

Preferential amount	
Non-preferential amount	
Employer's total	

Grand total (employees' and employer's)	
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What is the total employees' amount paid or payable for the 12 months ending on the day before the insolvency date?	
---	--

Is the pension no more than 10% of this total?	Yes/No
--	--------

Do the periods claimed for the pensions overlap a period already paid as arrears of pay by Insolvency Service?	Yes/No
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Is an actuarial certificate (RP16) required for this pension claim? (if Yes, attach a copy of the certificate)	Yes/No
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If Yes, is the amount above more than that shown on the actuarial certificate?	Yes/No
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I declare that:

- the information given in this form is correct and complete to the best of my knowledge
- I have examined the claim, including the [RP15A spreadsheet](#) and the [actuarial certificate \(RP16\)](#) if applicable, in accordance with section 125 of The Pension Schemes Act 1993
- I hold the applicant's signed agreement to the amount of the entitlement shown above
- I have not notified this entitlement before

Signature	
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Date	
------	--

Your name	
-----------	--

Email address	
---------------	--

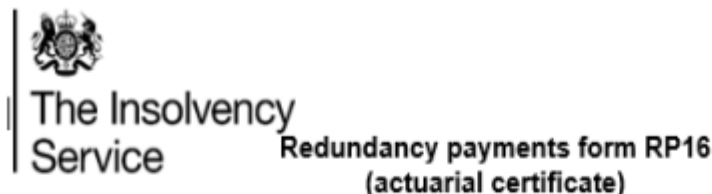
Email this form, the completed [RP15A spreadsheet](#) and if applicable, the [actuarial certificate \(RP16\)](#) to the [RPS Pensions team](#).

Use the subject line: **[Employer name]** [CN reference] RP15 and RP15A.

Appendix 2: form RP15A

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q
1	NI Number	Surname	Forename	Total remuneration received in last 12 mths	Employee from date	Employee To Date	Employee Amount	Employer From Date	Employer To Date	Employer Amount							
2	AB123456A	Bloggs	Joe	25000	12/05/2014	18/05/2015	2501.00	12/05/2014	18/05/2015	2910.00							
3	AB1235678A	Brown	Betty	32000	12/05/2014	18/05/2015	3000.00	12/05/2014	18/05/2015	3000.00							
4																	
5																	
6																	
7																	
8																	
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32																	
33																	
34																	

Appendix 3: form RP16



An actuarial certificate is required for claims to the National Insurance Fund for an unpaid employer's pension contributions to a defined benefit or a hybrid scheme.

This form should be completed by an actuary.

For information on pensions, we have [guidance](#) to help you on GOV.UK.

Employer	<input type="text"/>
Name of pension scheme	<input type="text"/>
Scheme reference number	<input type="text"/>
Pension Scheme winding up or dissolution clause	<input type="text"/>

Please ensure that a copy of the relevant winding-up or dissolution clause of the pension scheme provisions is attached with the claims form and this certificate.

Declaration

I declare that the amount necessary for meeting the liability of the scheme on dissolution to pay benefits provided by the scheme to or in respect of employees of the employer is:

Signature	<input type="text"/>
Date	<input type="text"/>
Name	<input type="text"/>
Actuarial Qualification	<input type="text"/>
Name of your employer	<input type="text"/>

Sign and return this form to the pension provider.

Data Protection Act 1998

We will use the information you provide to help us deal with the claim from the pension scheme trustee. We may also give this information to any relevant government departments or agencies to check the claim and work out payment.