

## SPSO decision report

**Case:** 201700651, Scottish Public Pensions Agency  
**Sector:** Scottish Government and devolved administration  
**Subject:** failure to provide information  
**Decision:** upheld, recommendations

### Summary

Mrs C was in receipt of a public pension and the administration of her pension was taken over by the Scottish Public Pensions Agency (SPPA). On P60s issued to members at the end of the tax year, the figure in the red box marked 'Figures shown here should be used for your tax return, if you get one' showed only the amount paid since SPPA took over administration of the fund. Another figure on the P60 showed the amount paid by the previous pension administrators. SPPA were aware of this but did not inform members, as the correct tax was being deducted on a monthly basis and paid to HM Revenue and Customs (HMRC). Mrs C followed the instructions on the P60 and, as a result of having included the figure in the red box on her tax return, received a tax refund from HMRC. HMRC then investigated the matter as there were discrepancies between her tax return and the information received from SPPA. Mrs C had to repay the tax refund, with interest. She was unable to pay it back straight away, so interest accrued.

When she complained to SPPA, they said it was her responsibility to provide HMRC with the correct information about her income. Mrs C then complained to us that SPPA had unreasonably failed to provide her with clear guidance regarding the information displayed on her P60. We accepted that the P60 form itself could not be changed. However, we thought that SPPA could have included a covering letter highlighting the issue with the P60 for clarification. Given the clear instruction on the P60 to use the figure in the red box on her tax return, we thought it reasonable that Mrs C had done that. We considered it unreasonable for SPPA not to have provided clear guidance regarding the information displayed on the P60. We recommended that SPPA apologise and reimburse Mrs C for the interest she had been charged on the overpaid tax refund.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to Mrs C for providing confusing information on the P60, without any accompanying guidance.
- Reimburse Mrs C for the interest charged by HMRC on her overpaid tax refund, on receipt of proof of interest charges paid by her.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.