

Ombudsman's Determination

Applicant	Mrs N
Scheme	Transport for London (TfL) Pension Fund (the Fund)
Respondent	TfL Trustee Company Limited (the Trustee)

Outcome

1. I do not uphold Mrs N's complaint and no further action is required by the Trustee.

Complaint summary

2. Mrs N has complained that it took too long for the administrator of the Fund (**the Administrator**) to put her spouse's pension into payment, following the death of her late husband, Mr N, in December 2020. Mr N had been a pensioner member of the Fund prior to his death.
3. Mrs N said the delay caused her financial difficulty, as well as distress and inconvenience.

Background information, including submissions from the parties

4. The sequence of events is not in dispute, so I have only set out the main points. I acknowledge that there were other exchanges of information between all the parties.
5. On 1 August 2021, Mrs N's son, acting as Mrs N's personal representative (**the Representative**), emailed the Administrator. The Representative asked for an update on the spouse's pension which he considered was payable from the Fund to Mrs N. He said they had provided all the information that had been requested. This included a copy of Mr N's death certificate, as well as Mr and Mrs N's marriage certificate.
6. On 8 September 2021, the Administrator emailed the Representative. It said a letter was to be issued to Mrs N which would confirm her benefit entitlement from the Fund.

7. On the same day, the Administrator wrote to Mrs N (**the September 2021 Letter**) to confirm that she was entitled to a spouse's pension of £3,433.83 per year. It enclosed a payment of pension form (**the Form**) for Mrs N to complete with details of the bank account into which the pension should be paid. The Form included a request that once complete, it should be returned to a postal address in London. The Administrator explained that it was yet to verify Mrs N's date of birth, so it requested a copy of either her birth certificate or passport.
8. On 27 September 2021, the Representative emailed the Administrator. He attached an electronic copy of the Form, which had been completed by Mrs N, and a copy of her passport.
9. On the same day, the Administrator responded by email to the Representative. The salutation referred to Mrs N, but it was sent to the Representative's email address. The Administrator requested a recent utility bill, showing the same home address that it held on record. It said that once this was provided, it could accept the Form that had been submitted electronically.
10. On 2 December 2021, the Administrator emailed the Representative. The salutation referred to Mrs N, but the email was sent to the Representative's email address. The Administrator said it was yet to receive a response to its previous email.
11. On 19 March 2022, the Administrator emailed the Representative. The salutation referred to Mrs N, but it was sent to the Representative's email address. The Administrator said it was conscious that Mrs N was not yet in receipt of her benefit entitlement from the Fund. It again requested a recent utility bill in Mrs N's name to confirm her address.
12. On 30 July 2022, the Administrator wrote to Mrs N. The Administrator said it had received the Form, on 27 September 2021, which included her bank details for payment. However, as this was submitted electronically, the Trustee required additional address identification (**ID**) through a recent utility bill. The Administrator said the correspondence it received from the Representative had not included a recent utility bill. The Administrator enclosed a blank Form and asked that Mrs N complete this, then return it by post using the enclosed pre-paid envelope.
13. On 5 August 2022, Mrs N wrote to the Administrator. She said the correspondence was in relation to her previous complaint. She asserted that she had provided all the information that had been requested in order for her to receive a spouse's pension from the Fund. She said she was unhappy about the process and the time it had taken, particularly given her age.
14. On 28 August 2022, the Administrator wrote to Mrs N. It apologised for any additional distress that she had been caused. It reiterated what was required to put the spouse's pension into payment. It said that as the Form had been returned electronically, it was a requirement of the Fund that a recent utility bill was also provided. However, if she returned the Form by post, then a utility bill would not be required.

15. On 1 October 2022, Mrs N wrote to the Administrator, referring to the subject of the correspondence as a complaint. Mrs N considered that she had complied with all that was required of her. She said she had provided her bank account details for her pension payments to begin and was unhappy this was being delayed. She explained that it had added further distress when she was dealing with the loss of her husband.
16. On 18 October and 18 November 2022, the Administrator wrote to Mrs N to chase the documentation it had previously requested.
17. On 17 December 2022, the Administrator emailed the Representative. It said that, initially, Mrs N needed to provide her bank details on the Form to facilitate payment of her spouse's pension; and this information had been submitted via email. The Administrator subsequently explained that with electronic submission of the Form, the Trustee also required a recent utility bill. The Administrator said a utility bill was yet to be provided.
18. On 1 March 2023, Mrs N wrote to the Administrator. She said she had previously submitted complaints but received no response. She said she was still waiting to receive the spouse's pension to which she was entitled, and she needed this to fund her day-to-day living expenses.
19. On 15 April and 10 July 2023, the Administrator wrote to Mrs N to chase the documentation it had previously requested.
20. On 9 October 2023, the Administrator received a paper version of the Form by post from Mrs N.
21. On 11 October 2023, the Administrator wrote to Mrs N. It said that the initial payment for her spouse's pension, including any arrears if applicable, would be paid into her nominated bank account on 2 October 2023. Her initial gross annual pension was £3,433.83, which would increase to £4,100.57 on 1 April 2023, paid in equal instalments every four weeks in advance.
22. On 23 October 2023, Mrs N's spouse's pension was put into payment.
23. On 13 December 2023, Mrs N registered a complaint, regarding the delayed payment of her pension, under the Fund's Internal Dispute Resolution Procedure (**IDRP**).
24. On 29 December 2023, the Administrator issued a response to Mrs N's complaint under stage one of the IDRP. It considered that the delay in putting Mrs N's pension into payment was not due to any actions it had undertaken. It said it had to follow the requirements of the Fund in obtaining the appropriate documentation. It added that it had made a number of attempts to explain to Mrs N and the Representative what was needed. The Administrator apologised that there had been a typographical error in its previous correspondence, dated 11 October 2023. This had incorrectly stated that the first instalment of Mrs N's pension would be paid on '2 October 2023', when it should have been '23 October 2023'. It said that this error had not caused any further delay.

25. On 5 June 2024, the Representative held a meeting with the Fund's Appeals Committee, as part of the consideration of Mrs N's complaint under the IDRP (**the Hearing**).
26. On 19 June 2024, the Trustee issued a response to Mrs N's complaint under stage two of the IDRP. It confirmed that it had paid the arrears which had accrued from the date Mrs N became eligible to receive her pension from the Fund. The Trustee's response to the points of complaint raised by Mrs N are summarised as follows:-
- The September 2021 Letter confirmed Mrs N's entitlement to a spouse's pension. It included a request for completion of the Form and a copy of Mrs N's birth certificate or passport to verify her date of birth. Had this been returned by post, there would have been no further delay. However, the documents were submitted electronically, in an email from the Representative dated 27 September 2021.
 - Given that the documents had been returned electronically, its policy was to obtain additional evidence, such as a recent utility bill, as proof of residency. This was to ensure that payment would be made to the correct beneficiary. It acknowledged that this request could, theoretically, have been made earlier in the process, but it only became necessary when the Form was submitted electronically.
 - It did not receive a letter from Mrs N or the Representative, highlighting concerns about the additional request for information, in either late September or early October 2021. It said this was unfortunate, as it may have avoided some of the delay in this case.
 - The Administrator sent a number of follow-up requests for proof of address, but did not receive a response.
 - It received an original version of the Form from Mrs N on 9 October 2023. This meant it no longer required a utility bill as proof of address.
 - It did not accept that it had sought to prevent Mrs N from accessing her spouse's pension. If it had been notified that Mrs N was finding it difficult to provide a recent utility bill, it could have explained what alternative form of evidence would also have fulfilled its requirement.
 - It apologised for the misunderstandings that had occurred. It said that with the benefit of hindsight, it would have been better if the Administrator had telephoned Mrs N, after the exchange of emails on 27 September 2021, to explain what was required.
27. Following referral of the complaint to The Pensions Ombudsman, the parties made further representations which are summarised below.

Mrs N's position

28. There was a recording of the Hearing, which includes evidence that should be considered for the complaint.
29. All necessary information was provided to the Administrator from the outset of the period in question. There was no need for payment of her spouse's pension to be delayed for so long. She should be compensated for this delay.

The Trustee's position

30. Following the pandemic, and due to delays with the postal system, the Fund introduced a process to accept documentation by email, if it was accompanied by proof of ID and a recent utility bill. There is no written guidance to this effect, but it is a known practice within the Fund that a utility bill is needed if an electronic copy of a payment form has been submitted.
31. Payment forms are sent to many pensioners/beneficiaries each year. Blank copy forms could be created and used by third parties to email fraudulent claims. An additional proof of address document, in cases where a form is returned electronically, would typically reduce the risk of fraud.
32. A utility bill is not required if a hard copy of a payment form is returned in the self-addressed envelope with a wet-ink signature. This is considered reasonable proof that the form was received at the address on the Fund's records.
33. Its standard practice is to request proof of ID and address, if necessary, after the pension entitlement has been established.
34. Mrs N was contacted on a number of occasions with a new payment form and prepaid envelope, which could have been returned instead of providing a utility bill. At no time was the Administrator informed that providing a utility bill would not be possible for Mrs N. Had Mrs N explained that she was unable to do this, then a council tax bill or electoral letter would have been suggested as alternative options.
35. The Administrator's actions were not intended in any way to make it difficult for Mrs N to receive her pension.
36. The Hearing took place through Microsoft Teams, but it was not recorded.

Adjudicator's Opinion

37. Mrs N's complaint was considered by one of our Adjudicators, who concluded that no further action was required by the Trustee. The Adjudicator's findings are summarised below:-
 - The Administrator and/or the Trustee could have explored alternative options to resolve the matter more quickly, for example a telephone call to Mrs N, but there was no evidence of any maladministration.

- It was a matter for the Trustee, in cooperation with the Administrator, to determine the Fund's anti-fraud measures.
- The Trustee's requirement for additional address verification from Mrs N was not unreasonable in the circumstances. The Administrator contacted Mrs N and the Representative on a number of occasions to explain what was required.
- The Trustee said it would normally expect a payment form to be returned by post, using the pre-paid envelope. It was able to accept an electronic submission, but it would then require additional address verification in order to proceed. It said this was to ensure that payment is made to the correct party. The need for address verification only became relevant once the Form had been returned electronically, rather than to the postal address specified.
- The Trustee confirmed that its policy regarding ID and address verification is not written down and instead is generally understood by the Administrator. The Adjudicator's view was that it would perhaps have been better for this process to have been formally documented, but this would not amount to maladministration.
- Mrs N first made reference to her complaint in her letter to the Administrator, dated 5 August 2022, then again in correspondence dated 1 October 2022 and 1 March 2023. The complaint was not registered for consideration under the IDRP until 13 December 2023. While the Administrator should have treated the matter as a formal complaint earlier than it appeared to have done, the Adjudicator's view was that the Administrator's correspondence with Mrs N after 5 August 2022 represented a genuine attempt to resolve the cause of her dissatisfaction.
- The evidence did not support a conclusion that if the Administrator had treated the matter as a formal complaint at an earlier stage, it would have resulted in Mrs N receiving her pension sooner than she did. Any distress and inconvenience Mrs N may have suffered, specifically due to her complaint not being formally registered at an earlier date, would not be of a sufficient level to warrant an award under the Pensions Ombudsman's guidance for awards of this nature.
- Mrs N referred to a recording of the Hearing, in which her case was discussed. The Trustee said that the Hearing was not recorded. Given that the Hearing took place after Mrs N's pension was put into payment, the details of what was discussed were unlikely to alter the consideration of the complaint.

38. Mrs N did not accept the Adjudicator's Opinion and the complaint was passed to me to consider. Mrs N made further comments which are summarised as follows:-

- The Trustee stated during the Hearing that it would be recorded. She has submitted a letter from a third-party who was also present, which asserts that the Representative had asked for a copy of the video and was told that it was only possible to provide an audio recording. Now the Trustee's position is that no such recording exists.

- The completed Form was returned to the Administrator in line with the Trustee's requirement. There was no reason for her pension to be withheld for so long.
 - The September 2021 Letter established that the final requirement was a copy of either her passport or birth certificate. It was confirmed that this correspondence would not have been issued if the Administrator was not satisfied that Mrs N was eligible for a pension from the Fund. There was no mention at this point of any need for a utility bill and it was later confirmed that a utility bill was not required.
 - The September 2021 Letter should not have been issued until the Administrator had all the information required to begin her pension payments. At the Hearing, the Trustee acknowledged that a pension letter would have been an acceptable alternative to a utility bill. She also had a spouse's freedom pass for many years, which would have been on record with her current address. This would have been adequate and easily accessible as part of the Administrator's enquires.
 - Despite getting her local MP involved in the complaint, the Trustee still did not take the situation seriously and it denied her pension payments.
 - She sent a number of letters, including multiple complaints, but did not receive responses, or even acknowledgements.
39. The Trustee was also offered the opportunity to comment on the Adjudicator's Opinion, but it did not submit anything further for consideration.
40. Mrs N's additional comments do not change the outcome; I agree with the Adjudicator's Opinion.

Ombudsman's decision

41. Mrs N has complained about the delay of around two years, from the point it was confirmed that she was entitled to a pension from the Fund, to when the pension was put into payment.
42. Clearly, it is unfortunate that it took so long to resolve this matter and, in my view, the delay was avoidable. However, I do not find that the delay was a result of any maladministration by the Trustee or the Administrator.
43. In order for me to find that financial redress should be paid to Mrs N, I would need to conclude that either the Trustee or the Administrator's actions had amounted to maladministration. It is not enough to say that either of those parties could have taken different action which may have avoided such a lengthy delay.

44. I agree with the Adjudicator that the Administrator could have been more proactive in attempting to resolve the issue, either through a telephone call, or other means of communication (although I also recognise that it did chase the missing information). In my view, it was apparent from Mrs N's correspondence of 5 August and 1 October 2022 that there was a misunderstanding as to what the Trustee required, but the pension was not put into payment until 23 October 2023. Nevertheless, I do not find that there were any actions, nor was there any inaction, on the part of the Administrator or the Trustee which amounted to maladministration.
45. It is understandable that the Trustee would wish to ensure that payments from the fund are not subject to fraud, and it is therefore a matter for the Trustee to establish the ID requirements to receive payments from the Fund to mitigate that risk, so long as those measures accord with the Fund's Rules and meet any additional regulatory requirements. I have seen no evidence that this was not the case here. One such measure put in place by the Trustee was a requirement for additional address verification, if the Form had been submitted electronically. Electronic correspondence raises additional risk, and in my view, it was sensible to take additional steps to ensure that the pension would be paid to the entitled beneficiary (see the case of Mr N, CAS-38681-W2H9, for an example of why it is necessary to take additional steps of this type). I agree with the Adjudicator that it would perhaps be advisable for the Trustee to formally record the Fund's processes, although I also recognise that processes will change over time to meet emerging threats from fraud. However, I do not find that the lack of such a record amounts to maladministration, nor do I find that the Trustee's requirement for additional address verification was unreasonable.
46. Mrs N has asserted that she had completed and submitted the Form, as she was asked, so there was no need for any delay after September 2021. She said that she should not have been sent the September 2021 Letter until the Administrator was ready to start her pension payments.
47. The September 2021 Letter confirmed that Mrs N was entitled to a spouse's pension from the Fund. Enclosed with the letter was the Form and it was explained that once completed, the Form should be returned to a postal address in London. There was no suggestion in the September 2021 Letter that that the Form could also be returned electronically, but that was what the Representative chose to do. Upon doing so, the Administrator confirmed that it was able to accept electronic submission, but it required a utility bill as ID verification, to begin the payments. This additional requirement only arose as a consequence of the electronic submission of the Form, so I find it reasonable that it was not highlighted in the September 2021 Letter. It was the only outstanding requirement before payments could commence.
48. There then followed a lengthy period during which Mrs N and the Representative appeared not to understand what had been requested by the Administrator. As set out above, while the Administrator and/or Trustee could have taken a more proactive approach, I consider that the Administrator's email of 27 September 2021 did highlight what was required. The Administrator also sent further correspondence on a number of occasions which reiterated the requirement.

49. Although it only became apparent later in the process that the Trustee would accept alternative ID verification to a utility bill, I do not find that the failure to highlight this amounted to maladministration by the Trustee or the Administrator. It was also possible for Mrs N to have returned a copy of the Form by post, which had been explained by the Administrator, and is ultimately what Mrs N did to begin receiving her pension payments.
50. Mrs N has complained that the Trustee committed to providing a recording of the Hearing, but that has not been the case. She has presented third-party corroboration which supports her position. The Trustee said that a recording is not available, so I cannot be certain of what was stated during the Hearing.
51. Given that it took place after Mrs N's pension was put into payment, I do not consider there is anything that could have been said during the Hearing that would alter my findings on whether there was maladministration by the Administrator or the Trustee. The Hearing was a part of the IDRP under which Mrs N's complaint was considered. It included a retrospective discussion of the main actions undertaken and correspondence relevant to the complaint. There has been no evidence submitted so far to suggest that any of these discussions had a direct consequence for the administration of Mrs N's pension.
52. Mrs N has also raised a concern about the lack of response to the complaints she said she submitted. Mrs N first referred to a 'complaint' in her letter to the Administrator, dated 5 August 2022, then in subsequent correspondence, dated 1 October 2022 and 1 March 2023. The complaint was not registered for consideration under the IDRP until 13 December 2023.
53. I find that the Administrator should have treated the matter as a formal complaint sooner than it did, and following Mrs N's letter dated 1 October 2022 at the latest. However, the Administrator continued to correspond with Mrs N during this period, in its attempt to explain what was required to put the pension into payment. As such, I find that, on balance of probabilities, if a complaint had been registered at an earlier juncture, it would not have resulted in Mrs N's pension being paid any sooner. Further, I find that the matter of the complaint not being registered at the earliest possible point would not, on its own, warrant a financial award for any resultant distress and inconvenience suffered by Mrs N.
54. I do not uphold Mrs N's complaint.

Dominic Harris

Pensions Ombudsman
27 April 2025