

## Ombudsman's Determination

Applicant	Mr D
Scheme	Pension Protection Fund ( <b>PPF</b> )
Respondent	The Board of the Pension Protection Fund ( <b>the Board</b> )

## Outcome

1. I do not uphold Mr D's complaint and no further action is required by the Board.

## Complaint summary

2. Mr D's complaint concerns the fact that he is no longer automatically receiving a paper payslip in respect of his payments from the PPF.

## Background information, including submissions from the parties and timeline of events

3. The sequence of events is not in dispute, so I have only set out the salient points. I acknowledge there were other exchanges of information between all the parties.
4. Mr D is in receipt of payments from the PPF. Prior to 1 November 2019, he had automatically received a paper payslip when there was a change in his net payment of more than five pounds. Before that, a change of more than one pound would result in him receiving a paper payslip.
5. In October 2019, the Board stated in its Member Newsletter, "Member Focus", that a change was being made to the way it provided access to payslips. It said that a paper payslip would only be issued if the member had asked to receive one that month. Otherwise, an electronic version would be available on its website.
6. Mr D submitted a complaint of maladministration which was considered under the first three stages of the Board's statutory complaints procedure (**SCP**). His submissions at each stage were made on 14 October 2019, 30 October 2019 and 30 November 2019 respectively. He said that:-
  - The Board had a legal obligation to issue paper payslips.

- He did not wish to register on the PPF's website for security reasons, and he did not want to telephone the PPF each month to request a paper payslip.
  - The Board should have put its proposal to a vote involving those in receipt of payments, before making the change.
7. On 1 November 2019, the change came into effect.
8. At the first three stages of the SCP, responses were provided on 28 October 2019, 26 November 2019 and 15 January 2020, respectively. Mr D's complaint was not upheld at all three stages. The complaint respondents said that:-
- The Board was under no legal obligation to provide paper payslips.
  - The information that Mr D required was available on the PPF's website which had the necessary security measures in place. This information was available much earlier than it would have had it been issued by post.
  - The change would save on costs and paper usage.
  - Paper payslips could be requested each month by telephone, email or letter. Such requests would be actioned when the request was received, rather than within the Board's usual 10-day service level agreement.

### Adjudicator's Opinion

9. Mr D's complaint was considered by one of our Adjudicators who concluded that no further action was required by the Board. The Adjudicator's findings are summarised below:-
- Schedule 1 of the Pension Protection Fund (Provision of Information) Regulations 2005 (**the Regulations**), sets out the information that the Board is required to provide to members.
  - The Adjudicator took the view that there was no requirement in the Regulations or any other legislation for the Board to provide payslips. The only requirement was that it notify members when an annual payment increase was granted. In the Adjudicator's opinion, the Board's decision not to automatically issue paper payslips was a decision that it was entitled to make and did not amount to maladministration on its part.
  - The Adjudicator noted that the Board was willing to issue a paper payslip to Mr D should he make a request by telephone, email or letter each month. So, he was still able to access his payslips should he not wish to use the PPF's website.
10. Mr D did not accept the Adjudicator's Opinion and the complaint was passed to me to consider.
11. Mr D provided his further comments which do not change the outcome. He said:-

- The Board should issue payslips in accordance with HMRC regulations.
- The BT Group (**BT**) sends him a paper payslip if the amount of his net pension payment varies by more than £1 when compared to the previous month's payment.
- The Board made the change despite the fact that less than 50% of those in receipt of payments had registered on the PPF's website. It should have consulted with them in advance.
- The responses to his complaint were not provided within the timescales that had been agreed.

12. I note the additional points raised by Mr D, but I agree with the Adjudicator's Opinion.

### **Ombudsman's decision**

13. Mr D has said that he should be provided with payslips in accordance with HMRC regulations. I find that this is not the case as Mr D is not classified as a worker. When considering the information that the Board is required to provide, it is the Regulations that it must comply with. The Regulations do not require that the Board issue payslips to Mr D.
14. Mr D has stated that, when his net pension changes by more than £1, BT issues him with a paper payslip. I do not agree that the Board is required to follow the procedures that other organisations have in place for providing payslips. It is within the Board's right to decide on its own procedures. In addition, the PPF is providing compensation payments to Mr D, whereas BT is providing him with a pension. So, the two scenarios are not directly comparable.
15. I find that there was no legal requirement for the Board to consult with those in receipt of payments from the PPF before it changed its procedures for providing access to payslips.
16. Mr D has said that the responses to his complaint were not provided within the quoted timescales. For stage one of the SCP, the complaint was raised on 14 October 2019 and responded to on 28 October 2019. This was within the 10 working days deadline for a stage one response.
17. Mr D's complaint was escalated to stage two on 30 October 2019 and a response was provided on 26 November 2019. This was within the 28 days target for a stage two response.
18. The complaint was escalated to stage three on 30 November 2019 and a response was provided on 15 January 2020. Stage three was an external stage which was subject to the timescales set by the third party undertaking the review. While I do not have details of its standard timescales, I would consider any timescale under eight

CAS-47078-B6B2

weeks to be reasonable. The stage three response was provided in just under seven weeks.

19. I do not agree that the responses provided at stages one to three of the SCP were unreasonably late.

20. I do not uphold Mr D's complaint.

**Anthony Arter**

Pension Protection Fund Ombudsman

21 October 2021