

## Ombudsman's Determination

Applicant: Mrs N

Scheme: NHS Pension Scheme

Respondents: NHS Business Services Authority (**NHS BSA**)  
Royal Surrey NHS Foundation Trust (the **Trust**)

## Outcome

1. I do not uphold Mrs N's complaint and no further action is required by NHS BSA or the Trust.

## Complaint summary

2. Mrs N has complained that she was given incorrect information about taking her retirement benefits early.

## Background information, including submissions from the parties

### Background

3. The sequence of events is not in dispute, so I have only set out the main points. I acknowledge there were other exchanges of correspondence between the parties.
4. Mrs N was a member of the 1995 Section of the Scheme from February 1997 to January 1999. When Mrs N left pensionable service in 1999, she was awarded deferred benefits for payment at age 60. Mrs N rejoined the Scheme in August 2017 by which time the 1995 Section had closed to new entrants. She joined the 2015 Section of the Scheme. Mrs N ceased pensionable service in May 2018 and rejoined the 2015 Section in June 2018. She retired in August 2020.
5. The relevant regulations are The National Health Service Pension Scheme Regulations 1995 (SI1995/300) (as amended) (the **1995 Regulations**). Regulation L1(3) provides:  
  
"The member shall be entitled to receive the pension and retirement lump sum before age 60 if -

(a) the member is in NHS employment and the Secretary of State is satisfied that the member is suffering from mental or physical infirmity that makes him permanently incapable of efficiently discharging the duties of that employment;

(b) the Secretary of State is satisfied that the member is suffering from mental or physical infirmity that makes him permanently incapable of engaging in regular employment of like duration; or

(c) some other pension becomes payable to the member under any of regulations E1 to E5.

(d) the member -

(i) **left pensionable employment after 30th March 2000,**

(ii) has reached the normal minimum pension age or, where relevant, protected pension age, and

(iii) has applied to the Secretary of State for payment of the pension and retirement lump sum under this regulation.” (emphasis added)

6. “Pensionable employment” is defined as: “NHS employment in respect of which the member contributes to the scheme in accordance with this Section”.
7. Mrs N has explained that, in early 2020, she was considering reducing her working hours from full-time to part-time. On 15 May 2020, Mrs N received an invitation to a job interview.
8. On 27 May 2020, Mrs N telephoned NHS BSA to enquire about reducing her working hours and taking her retirement benefits. NHS BSA has been able to confirm that a telephone call was taken, but it has only been able to provide a brief note of the call. This is because NHS BSA migrated to a new telephone system in August 2020 and is now unable to access calls prior to June 2020. It has explained that the change in systems was prompted by an increase in the volume of calls to its service as a result of Covid-19 which impacted on its storage capacity. NHS BSA’s note records: “talked through trs and early ret reductions”.
9. Mrs N says she explained that she was considering working part-time and needed to know what she could expect from her two Scheme pensions. She has explained that she wanted to know if she would be able to meet her financial commitments. Mrs N says that she was told that she would “lose” 40% of her pension from the 2015 Section, which would amount to £1,996.62 per year. She says that she was told that, if she opted for a lump sum of approximately £10,000 from the 2015 Section, she would receive a pension of approximately £1,500 per year. With regard to her benefits in the 1995 Section, Mrs N says she was told that she would receive £284.21 per year and an automatic lump sum of £902.20.
10. On 29 May 2020, Mrs N was interviewed for the part-time role. She has explained that the salary for the part-time role was around 60% of her full-time salary. On 7 July

2020, Mrs N was offered the part-time role and she started it on 24 August 2020. Also on 7 July 2020, the Trust and Mrs N completed an application form (**AW8**) for her to claim her pensions. On 15 July 2020, the Trust sent Mrs N a copy of the AW8 and confirmed it had been sent to NHS BSA on 14 July 2020.

11. On 28 August 2020, NHS BSA contacted the Trust to inform it that Mrs N was unable to claim her 1995 Section benefits early because she had left the 1995 Section prior to 31 March 2000. It asked if the Trust could confirm that Mrs N wished to proceed with her claim for her 2015 Scheme benefits only. The Trust asked NHS BSA where this information might be found and was referred to a factsheet on the NHS BSA website. Following further emails between the Trust and NHS BSA, NHS BSA confirmed that Mrs N was not eligible to claim her 1995 Section benefits. It said it had spoken to its call centre manager and had been advised that the call handler should not have provided Mrs N with any figures over the telephone. NHS BSA confirmed that it could not pay Mrs N's Section 1995 benefits under the 1995 Regulations. The Trust asked how Mrs N could contest this and was provided with details of the complaints procedure, which it passed on to Mrs N.
12. Mrs N made a complaint under the Scheme's two-stage internal dispute resolution procedure (**IDRP**). NHS BSA issued a stage one decision on 19 November 2020. It said:-
  - On 31 March 2000, an amendment to the 1995 Regulations<sup>1</sup> came into force which provided for members with deferred benefits who left the Scheme on or after this date to claim early payment of their benefits from age 50. With effect from 6 April 2010, the minimum pension age was raised to 55 for members who joined the Scheme on or after 6 April 2006. Neither amendment applied retrospectively, so the position remained that Mrs N could not take her 1995 Section benefits before age 60.
  - It had no discretion in the application of the 1995 Regulations.
13. NHS BSA said it was upholding Mrs N's complaint on the grounds that she had been incorrectly informed, on 27 May 2020, that her 1995 Section benefits could be put into payment early. It apologised for the distress and inconvenience this would have caused Mrs N.
14. Mrs N submitted a further complaint. NHS BSA issued a stage two IDRP decision on 22 January 2021. It said:-
  - Confirmation that Mrs N could not access her 1995 Section benefits before her 60<sup>th</sup> birthday had been provided in each of her annual benefit statements. These included the caveat that these benefits could be paid early if Mrs N was eligible.

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<sup>1</sup> By virtue of the National Health Service (Pension Scheme and Compensation for Premature Retirement) Amendment Regulations 2000 (SI2000/605)

- Mrs N had contacted it on 18 March 2018, 2 January 2019 and 27 May 2020. The information she had been provided with gave her to understand that her 1995 Section benefits could be paid early.
- Its Customer Contact Services Team were not trained in how pension benefits were calculated and should not provide this type of information over the telephone. Mrs N should have been directed to calculators on its website. Feedback had been provided to the team to prevent the error being repeated.
- There were other sources of information available to Mrs N which might have given her cause to question the information she had been provided with. An early retirement factsheet<sup>2</sup> available on its website showed that members with deferred benefits who left the Scheme after 30 March 2000 could choose to retire early with a reduced pension. Mrs N had ceased membership of the 1995 Section prior to this date and was ineligible to make such a claim. Its website had a facility called "Ask Us" which provided generic responses to commonly asked questions. This provided information which confirmed that, if a member had left prior to 31 March 2000, Section 1995 benefits could not be claimed early. Further information was available on page 28 of the Scheme Guide<sup>3</sup>, which could be obtained from its website or her employer.

15. NHS BSA upheld Mrs N's complaint and accepted that it had provided her with incorrect information. It apologised for this. NHS BSA concluded by reiterating that there were other sources of information available to her and said it could only pay benefits in accordance with the Scheme's regulations.

### **Mrs N's position**

16. Mrs N submits:-

- NHS BSA failed to respond promptly to her request for a recording of her telephone conversation and then informed her that it was not available.
- She has found the whole situation really distressing at an already very stressful time for her. In December 2020, she contracted shingles and believes that the stress contributed to this.
- She has sustained a financial loss as a result of the incorrect information she was given. She would like to be compensated for the £284.21 per year she was expecting to receive as a pension and the £902 she was expecting as a lump sum.

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<sup>2</sup> The early retirement factsheet states: "Members with deferred benefits who left the Scheme after 30 March 2000 may also choose to retire early on a reduced pension."

<sup>3</sup> In the section on "Early retirement", the 1995 – 2008 NHS Pension Scheme Guide for members states: "Members who left this Scheme before 31 March 2000 cannot claim their benefits until age 60." This is contained in a box labelled "1995 Section".

- NHS BSA has confirmed that she was given incorrect information and has apologised for this. She does not understand why it does not put the matter right rather than making her go through the complaints process.
  - She made it very clear when she contacted NHS BSA's telephone support service that she was considering resigning from her job and why she needed the information. She had no reason to look elsewhere for the information when she had been given specific, detailed information about the amounts she could expect to receive. She had no reason to doubt what she had been told by NHS BSA and/or the Trust.
  - She completed the AW8 with pensions staff at the Trust. The sections relating to her 1995 Section benefits were ticked and it was confirmed to her that she was entitled to claim them.
17. Mrs N has said her total salary in her full-time role was £25,364.85; whereas her total salary in her part-time role was £15,218.88. Following a pay award in April 2021, the respective figures were £26,126.10 and £15,675.72. Mrs N has explained that she asked her line manager if she could increase her hours. She was able to work for a few extra hours each month over the Summer of 2021 and an extra day over the Christmas period. She has explained that she joined the "Bank team" and put her name down for additional hours on a contract basis. This resulted in her working for an additional 17 days between December 2021 and June 2022, but the work has since dried up.

### **The Trust's position**

18. The Trust submits:-
- Mrs N got in touch with its pensions team to apply for her Scheme benefits after she had spoken to NHS BSA. In general, the Scheme's regulations provide for deferred benefits to be claimed early from age 50. As Mrs N had confirmed that she had been advised that she could claim her 1995 Section benefits, this would have been agreed in principle.
  - Its pensions team's role is to undertake all of the necessary administration for employees who are members of the Scheme, including retirement applications. It provides information about the Scheme, but cannot give advice. Ultimately, NHS BSA has the final decision on processing retirement awards based on complex rules.
  - The online system used to submit retirement applications would not normally allow it to submit an application which was not allowed under the Scheme regulations. It did allow Mrs N's application to be submitted, which did not flag any problems to its pensions team. It would, therefore, have confirmed that the application had been submitted.

## NHS BSA's position

19. NHS BSA has referred to its IDRPs responses. In addition, it submits:-

- As Mrs N was making a life-changing decision, it would have been unsafe to make financial commitments in the absence of receiving pension figures in writing.
- It follows the time limits for providing figures set out in The Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013 (SI2013/2734) (as amended) (the **Disclosure Regulations**)<sup>4</sup>. Estimates are provided within 40 working days of receipt of a request. This is echoed in the members' charter available on its website.
- Although Mrs N has referred to a financial loss, there has been a loss of expectation rather than an actual financial loss.

## Adjudicator's Opinion

20. Mrs N's complaint was considered by one of our Adjudicators who concluded that no further action was required by NHS BSA or the Trust. The Adjudicator's findings are summarised below:-

- 20.1 Mrs N's complaint arose out of the information she was given in a telephone conversation with NHS BSA's pensions helpline in May 2020. There was, unfortunately, no detailed record of what had been said in the telephone conversation, but NHS BSA had confirmed that it took place and it accepted that Mrs N had been given incorrect information. The incorrect information was that Mrs N would be able to access her deferred pension in the 1995 Section before her 60<sup>th</sup> birthday (2023).
- 20.2 The Adjudicator said she wished to explain that the provision of incorrect information, in and of itself, did not create an entitlement to incorrect benefits. NHS BSA could only pay Mrs N the benefits to which she was entitled under the 1995 Regulations. It could not pay her the deferred benefits until her 60<sup>th</sup> birthday. However, Mrs N might receive redress if she had sustained financial loss or non-financial injustice as a consequence of being provided with incorrect information.
- 20.3 Any complaint of negligent misstatement had to be based upon an inaccurate statement; referred to as a "representation". The representation was usually in the form of spoken or written words, but could also be made by conduct. The representation had to be a statement of past or present fact or, in certain circumstances, of the law. The representation had to be clear and unequivocal.

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<sup>4</sup> Regulation 16 provides that statements of benefits should be provided as soon as practicable but no more than two months after the date the request is made, provided that the information has not been given to the member in the 12 months before the request.

- 20.4 If it could be shown that a clear and unequivocal representation had been made, the next question was whether the person to whom the representation had been made had relied on it to their detriment; that is, they had taken some action they would not otherwise have done. It was also necessary for them to be able to show that it was reasonable for them to have relied on the representation.
- 20.5 In Mrs N's case, she had said that she made her decision to reduce her hours of work in reliance on the incorrect statement that she would be able to access her deferred benefits in the 1995 Section in 2020.
- 20.6 Mrs N had contacted NHS BSA on 27 May 2020. By this time, she had already applied for and obtained an interview for a part-time post. The part-time post which Mrs N had applied for (and eventually took) provided a salary of £15,218.88. Mrs N had been earning £25,364.85 in her existing role. This was a difference of £10,145.97 per annum. Mrs N had explained that she recalled being told that she could expect an annual pension of £1,996.62 from the 2015 Section and £284.21 from the 1995 Section; a total annual pension of £2,280.83. Mrs N was, therefore, not looking to maintain her existing level of income after reducing her hours. She had been prepared to accommodate a reduction in income of at least £7,865.14 per annum.
- 20.7 The Adjudicator acknowledged that it was never easy to determine what someone might have done if they had been given different information at the time of their decision. The assessment had, of course, to be made without applying the benefit of hindsight. In other words, it was a question of determining what Mrs N might, on the balance of probabilities, have done if she had not been expecting to take her 1995 Section pension until age 60.
- 20.8 Had Mrs N been given the correct information in May 2020, she would have been considering accepting a role which offered her £10,145.97 per annum less than she was then earning. That reduction in salary could be partially offset by taking her 2015 Section pension of £1,996.62 in 2020 and then her 1995 Section pension of £284.21 in 2023. Mrs N might also have considered doing what she ended up doing by way of mitigating her situation; that is, taking on ad hoc and Bank work during the three years she had to wait before her 1995 Section pension could be paid. Her 1995 Section pension amounted to around £23.68 per month (gross). The national minimum wage in 2020 was £8.72 per hour, so Mrs N would have needed to be able to secure an extra two to three hours' work per month if she wanted to match her 1995 Section pension up to 2023.
- 20.9 Given that Mrs N had taken concrete steps towards reducing her hours prior to seeking information about her potential pension income, it was difficult to conclude that the prospect of waiting three years for her 1995 Section pension would have caused her to change her plans. On that basis, it was not possible to say that Mrs N had relied to her detriment on the incorrect

information she was given in May 2020. She would, more likely than not, have opted to take the part-time role and her 2015 Section pension even if she had been told she had to wait a further three years for her 1995 Section pension.

- 20.10 The Adjudicator reiterated that one of the elements of a claim for negligent misstatement was that the claimant must show that it had been reasonable for them to have relied on the incorrect representation. In her view, Mrs N might find it difficult to argue that it had been reasonable for her to base a financial decision on a telephone conversation which was not followed up with any written confirmation of the figures discussed.
- 20.11 The Adjudicator expressed the view that Mrs N's claim for redress on the basis of negligent misstatement was unlikely to succeed.
- 20.12 The Adjudicator said she had also considered whether an estoppel arose. Estoppel was a legal principle which provided that if a person caused another person, by action or statement, to believe that a particular set of facts or circumstances was true, they should not be allowed to draw back from the statement or action if to do so would be unjust or unconscionable. For an estoppel to arise, the claimant had to show that they had relied to their detriment on a clear and unambiguous statement (representation) or a mutual assumption of fact or law (convention).
- 20.13 It was unlikely that a telephone conversation with a helpline would be considered sufficiently clear and unambiguous for the purpose of estoppel. In addition, the Adjudicator said that, for the reasons she had already given, it was her view that Mrs N was not able to show that she had relied to her detriment on the incorrect information she had been given.
- 20.14 Finally, the Adjudicator considered whether a contract had been made between NHS BSA and Mrs N for her to receive the amount of £284.21 per annum in 2020. She said she had been unable to identify the necessary elements for a contract to exist. These were: offer, acceptance, consideration and an intention to enter into legal relations. In particular, the Adjudicator did not see that Mrs N had given any consideration. Contract law was based on the principle of reciprocity and consideration was something of value, however, small, given in exchange for the promise made under the contract. Nor had she seen any evidence that NHS BSA had intended to enter into legal relations with Mrs N beyond her entitlement under the 1995 Regulations.
- 20.15 However, the provision of incorrect information could also amount to maladministration and the Pensions Ombudsman could make awards for non-financial injustice sustained as a consequence; commonly referred to as distress and inconvenience. With this in mind, the Adjudicator considered the circumstances of Mrs N's case. She said she accepted that Mrs N would



have been annoyed to discover she had to wait a further three years for her 1995 Section benefits. However, in the Adjudicator's view, this did not quite meet the threshold for a distress and inconvenience payment as set out in the current guidance from the Pensions Ombudsman<sup>5</sup>.

21. Mrs N did not accept the Adjudicator's Opinion and the complaint was passed to me to consider. Mrs N provided further comments which are summarised below. I have considered Mrs N's comments but I find that they do not change the outcome. I agree with the Adjudicator's Opinion.

### **Mrs N's further comments**

22. Mrs N submits:-

- She has not asked for the 1995 Regulations to be changed. Her complaint is about the incorrect information which was given to her and the consequences of that.
- She acknowledges that she had been invited for an interview, but says that everything was tentative at that stage and depended upon whether she could support herself on her reduced salary and pension. She called NHS BSA before her interview so that she could get a clear understanding of what she could expect to receive. She told NHS BSA that she was "considering" working part-time; not that she "wanted" to. She wished to determine whether to attend the interview or not. That decision was based upon the figures she was given for both her 1995 Section pension and the lump sum of £900.
- She requested a recording of her telephone conversation within the six months which NHS BSA is required to keep recordings for under the General Data Protection Regulation (**GDPR**). NHS BSA is in breach of this. She questions whether the outcome of her complaint would be different if NHS BSA had kept the recording or if it had provided the incorrect information in writing.
- She does not have to rely on her memory of the telephone conversation because she took notes at the time. This is evident from the figures she has quoted.
- She had no reason to question the information she was given by NHS BSA and/or the Trust. It was fair and reasonable for her to base her decisions on the information she was given. She was not referred to any other sources of information.
- She did not just rely on the telephone conversation she had with NHS BSA. The Trust also confirmed that she would receive her 1995 Section pension. This was a reliable source of information.

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<sup>5</sup> [https://www.pensions-ombudsman.org.uk/sites/default/files/publication/files/Updated-Non-financial-injustice-September-2018-2\\_0.pdf](https://www.pensions-ombudsman.org.uk/sites/default/files/publication/files/Updated-Non-financial-injustice-September-2018-2_0.pdf)

- It is supposition to suggest that she would not have made a different decision if she had been given the correct information. It is a fact that she used the figures she had been given to make her decision to work part-time.
- She did everything in her power to mitigate her loss/expectation.
- She is of the opinion that an estoppel has arisen because she relied on the incorrect information she was given.
- It is not fair, right or reasonable that she should not be provided with redress when NHS BSA has acknowledged that she was given incorrect information. She should, at least, be compensated for loss of expectation, stress and upset. She has spent nearly two years of time and effort going through the complaints process. To award her nothing tells NHS BSA it can make serious errors and there will be no consequences.

### **Ombudsman's decision**

23. It is accepted that Mrs N was given incorrect information about her Section 1995 benefits. She was told, by NHS BSA and the Trust, that she would be able to access these benefits in 2020.
24. The provision of incorrect information does amount to maladministration. However, a finding of maladministration, on its own, is not sufficient for me to uphold Mrs N's complaint. In order to uphold a complaint, I must also find that Mrs N sustained injustice as a consequence of any maladministration I have identified. In addition, because Mrs N's complaint concerns the provision of incorrect information, I need to consider her case by reference to "negligent misstatement", which is a legal action. In doing so, I am required to apply the law in the same way as a court would.
25. I will start with negligent misstatement. Put simply, negligent misstatement arises when someone makes a clear and unequivocal statement to another person to whom they owe a duty of care and that statement is inaccurate. If that person then relies on the inaccurate statement to their detriment, and it was reasonable for them to do so, they may be entitled to receive redress. Someone will have relied on the inaccurate statement if they have taken some action they would not otherwise have done but for having received it.
26. Mrs N has argued that she relied on the information she had been given about accessing her Section 1995 benefits in 2020 in making her decision to reduce her hours of work. I am happy to accept that the incorrect information formed part of her decision-making process. However, to make out a claim for negligent misstatement, Mrs N would have to be able to show that she would not have made the same decision if she had been given the correct information.
27. Had Mrs N been given the correct information, she would have been told that she could access her 2015 Section benefits but would have to wait three years for her

1995 Section benefits. Mrs N has stated that she was told, if she opted for a lump sum of approximately £10,000, her pension from the 2015 Section would be approximately £1,500 per year. Mrs N says she was told that her 1995 Section benefits were a pension of £284.21 per year and a lump sum of £902.20.

28. My Adjudicator acknowledged that it is never easy to determine what someone might have done if they had been given different information at the time of their decision. It is a question of trying to determine what Mrs N might have done if she had not been expecting to take her 1995 Section pension before age 60. Inevitably, this judgment involves a level of supposition. I am required to apply the “balance of probabilities” standard of proof. In other words, I must determine whether Mrs N was more likely than not to have made the same decision to reduce her hours of work.
29. I note Mrs N’s point that her 1995 Section benefits consist of a pension and a lump sum. She argues that her decision was based on the expectation of receiving around £900<sup>6</sup> as a lump sum as well as £284.21 per year as a pension. Her future annual income, however, would be made up of her part-time earnings and her pension. It is not unreasonable to look at Mrs N’s pension income when assessing the likelihood of her opting to reduce her salary.
30. I note also Mrs N’s assertion that, at the time of her telephone call to NHS BSA, she was only considering reducing her hours of work. However, the fact remains that Mrs N had taken positive steps towards changing her employment prior to obtaining any figures from NHS BSA. This suggests that Mrs N’s desire to reduce her working hours was a little more than tentative.
31. Mrs N’s new role provided a salary of £15,675.72, which was £10,145.97 less than her existing salary. The pensions which Mrs N was expecting to receive amounted to £1,784.21 per year, or £2,280.83 per year if she did not take a lump sum from the 2015 Section. Mrs N was not, therefore, looking to match her reduction in salary with her pensions. She was prepared to accept a reduction in overall annual income of between £7,865.14 and £8,361.76. Without the Section 1995 benefits, Mrs N would have been looking at a reduction in annual income of between £8,149.35 and £8,645.97 over the period 2020 to 2023; thereafter she would have been able to access her Section 1995 benefits of £284.21 per year pension and around £900 lump sum.
32. I acknowledge that a difference of £284.21 per year (£23.68 per month) in income can sometimes make all the difference to someone’s decision-making. I note, however, that Mrs N has been able to more than compensate for the difference in her annual pension income by taking on some ad hoc hours. This option would have been available for her to consider at the time of her decision to reduce her hours of work.

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<sup>6</sup> The lump sum payable under the 1995 Regulations is three times the yearly rate of the pension: a pension of £284.21 equates to a lump sum of £852.63.

33. On balance, I do not consider that the evidence is compelling enough for me to find that Mrs N would have come to a different decision if she had not been expecting to access her Section 1995 benefits before age 60. On that basis, I do not find that Mrs N relied to her detriment on the incorrect information she was given in 2020. A claim for negligent misstatement is not made out.
34. Mrs N has suggested that an estoppel argument can be made on the basis of the information she was given. With regard to the figures which Mrs N says she was given in her telephone conversation with the NHS BSA helpline, I do not find that this amounts to a clear and unambiguous representation for the purpose of estoppel. I note Mrs N's assertion that she was also told that she could access her Section 1995 benefits by the Trust. In view of the fact that the Trust does not administer the NHS Pension Scheme and would defer to NHS BSA on technical matters, I do not find its role was sufficient to establish an estoppel. But, the main stumbling block to Mrs N's estoppel argument is that she has not shown that she relied to her detriment on the information she was given for the reasons I have outlined in paragraphs 29 to 32 above.
35. Mrs N has queried why NHS BSA and my Adjudicator referred to the 1995 Regulations. She says she has not asked for the 1995 Regulations to be changed. However, Mrs N said that she did not understand why NHS BSA did not "put the matter right" rather than making her go through the complaints process. I take her to mean she does not understand why NHS BSA did not just pay her 1995 Section benefits in 2020. The reason is that NHS BSA can only pay Mrs N her 1995 Section benefits when those benefits become payable under the 1995 Regulations.
36. Finally, I have considered the matter of maladministration. As I said in paragraph 24 above, providing a member of a pension scheme with incorrect information about their benefits does amount to maladministration. In Mrs N's case, she has not sustained a financial loss as a consequence because her Section 1995 benefits were not payable before her 60<sup>th</sup> birthday and I have found that she would have opted to take the part-time role regardless of the incorrect information.
37. I acknowledge that Mrs N will have sustained non-financial injustice in the form of a loss of expectation. However, I find that NHS BSA's apology provided sufficient redress for this. There is no remaining injustice to Mrs N and I do not uphold her complaint against NHS BSA or the Trust.

**Anthony Arter**  
Pensions Ombudsman

17 August 2022