

Ombudsman's Determination

Applicant	Mr N
Scheme	Options Pension Scheme (the Scheme)
Respondent	Core TV Solutions Limited (the Employer)

Outcome

1. Mr N's complaint is upheld and, to put matters right, the Employer shall pay £6,945.54 into the Scheme. The Employer shall ensure that Mr N is not financially disadvantaged by its maladministration. It shall arrange for any investment loss to be calculated and paid into the Scheme.
2. In addition, the Employer shall pay Mr N £1,000 for the serious distress and inconvenience it has caused him.

Complaint summary

3. Mr N has complained that the Employer, despite deducting contributions from his pay, has failed to pay them all into the Scheme.
4. The available evidence shows that the outstanding contributions amount to £6,945.54. This figure represents employee contributions of £3,472.77 and employer contributions of £3,472.77.

Background information, including submissions from the parties

5. The sequence of events is not in dispute, so I have only set out the salient points.
6. In April 2019, Mr N's employment was transferred to the Employer through a Transfer of Undertakings (Protection of Employment) (**TUPE**) transfer.
7. On 1 May 2019, Mr N was enrolled into the Scheme
8. Mr N provided a Financial Planning Report (**FPR**) prepared by a financial consultant on behalf of the Employer and copies of his payslips which showed that the Employer matched Mr N's 5% employee contribution into the Scheme.

9. Between September 2019 and October 2021, the Employer failed to pay pension contributions into the Scheme.
10. On 15 September 2022, Mr N brought his complaint to The Pensions Ombudsman (**TPO**).
11. Mr N provided copies of the payslips that he held for the period from September 2019 to October 2021, which detailed the pension contributions deducted from his pay and the corresponding employer contributions. However, he was unable to provide payslips for the following months:-
 - January 2020
 - April 2020
 - July 2020
 - October 2020
 - February 2021
 - October 2021
12. Mr N provided a copy of his Pay As You Earn (**PAYE**) records which showed his monthly gross salary for the months he was unable to provide payslips for. A breakdown of the information from Mr N's payslips and PAYE record has been included in Appendix one.
13. On 9 October 2023, TPO asked the Employer for its formal response to Mr N's complaint.
14. On 3 December 2024, TPO chased the Employer again. But the Employer failed to respond by the deadline.

Adjudicator's Opinion

15. Mr N's complaint was considered by one of our Adjudicators who concluded that further action was required by the Employer as it had failed to remit all the contributions that were due to the Scheme. The Adjudicator's findings are summarised below:-
 - The Adjudicator stated that TPO's normal approach, in cases such as these, was to seek agreement from all parties on the facts of the complaint, including the dates and amounts of contributions involved. She said that, as the Employer had not responded to any of TPO's communications, she had to base her Opinion solely on the information provided by Mr N.
 - The Adjudicator said that she had no reason to doubt the information provided by Mr N. So, in the Adjudicator's Opinion, on the balance of probabilities,

contributions had been deducted from Mr N's salary but had not been paid into the Scheme. In addition, the Employer had not paid any of the employer contributions that were due over the same period. As a result of its maladministration, Mr N was not in the financial position he ought to be in.

- The Adjudicator was of the view that Mr N's payslips and the FPR evidenced that his pension contributions were deducted at a rate of 5% of his gross salary. The Employer matched these contributions paying an additional 5% employer contribution into the Scheme. No evidence was provided by the Employer to challenge this position, and the 5% employer contribution was consistent with the supporting information provided by Mr N.
- The Adjudicator reviewed Mr N's PAYE information and the payslips that he provided for September 2019 to October 2021. It was her opinion, on a balance of probabilities that the Employer had not paid 10% of Mr N's gross salary into the Scheme.
- Based on the payslips that Mr N provided for the period from September 2019 to October 2021, which detailed the pension contributions deducted from his pay and the corresponding employer contributions. It was the Adjudicator's opinion that £5,326.46 (£2,663.23 in employee contributions and £2,663.23 in employer contributions) had not been remitted to the Scheme.
- The below table shows a breakdown of the months where Mr N was unable to provide payslips and the corresponding gross salary based on the PAYE information for Mr N. It also shows what the employer and employee pension contributions would be based on a 5% contribution of Mr N's gross salary. This amounted to £1,619.08 (£809.54 in employee contributions and £809.54 in employer contributions). It was the Adjudicator's view that this amount had also not been remitted to the Scheme.

Date	Gross salary	5% Employer contribution	5% Employee contribution
January 2020	£2,837.34	£141.87	£141.87
April 2020	£2,837.34	£141.87	£141.87
July 2020	£2,311.86	£115.59	£115.59
October 2020	£3,097.12	£154.86	£154.86
February 2021	£2,269.87	£113.49	£113.49
October 2021	£2,837.34	£141.86	£141.86

- In the Adjudicator's view, Mr N had suffered serious distress and inconvenience due to the Employer's maladministration. The Adjudicator was of the opinion that an award of £1,000 for non-financial injustice was appropriate in the circumstances.

16. The Employer did not respond to the Adjudicator's Opinion and the complaint was passed to me to consider. I agree with the Adjudicator's Opinion.

Ombudsman's decision

17. Mr N has complained that the Employer has not paid all the contributions due to his Scheme account.
18. I find that employee contributions were deducted but held back by the Employer and not paid into the Scheme. The Employer failed to rectify this and did not engage with TPO or Mr N. It has also failed to respond to the Adjudicator's Opinion.
19. Under the Terms and Conditions of the Scheme the Employer was obliged to pay to the Scheme, at least 3% of Ms N's qualifying earnings in the relevant pay reference period, and the employer and employee contributions must amount to at least 8% of Mr N's qualifying earnings in the relevant pay reference period. The relevant Terms and Conditions of the Scheme are outlined in Appendix Two.
20. I find that the Employer has acted in breach of the Scheme Terms and Conditions by not paying all contributions due to the Scheme. The Employer's failure to pay all employee and employer contributions into the Scheme amounts to unjust enrichment and has caused Mr N to suffer a financial loss. The Employer shall take remedial action to put this right.
21. The Terms and Conditions of the Scheme specify that the Employer was obliged to pay at least 8% of Mr N's qualifying earnings into the Scheme, made up of a combination of employee and employer contributions. However, the evidence submitted by Mr N including his payslips and the FPR both demonstrate that the Employer was also contributing 5% matching Mr N's 5% employee contribution, making the combined contribution 10%. I agree with the Adjudicator's assessment that on the balance of probabilities, the Employer should have paid 10% of Mr N's qualifying earnings to the Scheme between September 2019 to October 2021. The Employer failed to provide any evidence to the contrary, despite being afforded a reasonable opportunity to do so.
22. Based on the information provided from Mr N's payslips, FPR and PAYE records, a total of £6,945.54 has not been remitted to the Scheme by the Employer.
23. Mr N is entitled to a distress and inconvenience award in respect of the serious ongoing non-financial injustice which he has suffered. This was exacerbated by the Employers' failure to respond during TPO's investigation into Mr N's complaint.

Directions

24. To put matters right, the Employer shall, within 28 days of the date of this Determination:
 - (i) pay Mr N £1,000 for the serious distress and inconvenience he has experienced;
 - (ii) pay £6,945.54 into Mr N's Scheme account. This figure represents employee contributions of £3,472.77 and employer contributions of £3,472.77;

- (iii) establish with the Scheme administrator whether the late payment of contributions has meant that fewer units were purchased in Mr N's Scheme account than he would have otherwise secured, had the contributions been paid on time; and
- (iv) pay any reasonable administration fee should the Scheme administrator charge a fee for carrying out the above calculation.

Within 14 days of receiving confirmation from the Scheme administrator of any shortfall in Mr N's units, pay the cost of purchasing any additional units required to make up the shortfall.

Camilla Barry

Deputy Pensions Ombudsman
14 August 2025

Appendix One

Date	Gross Pay from PAYE	Employer contributions	Employee contributions
Sep 2019		£149.33	£149.33
Oct 2019		£149.33	£149.33
Nov 2019		£154.33	£154.33
Dec 2019		£149.33	£149.33
Jan 2020	£2,837.34		
Feb 2020		£159.33	£159.33
Mar 2020		£149.33	£149.33
Apr 2020	£2,837.34		
May 2020		£121.68	£121.68
Jun 2020		£121.68	£121.68
Jul 2020	£2,311.86		
Aug 2020		£121.68	£121.68
Sep 2020		£131.25	£131.25
Oct 2020	£3,097.12		
Nov 2020		£139.39	£139.39
Dec 2020		£119.47	£119.47
Jan 2021		£140.14	£140.14
Feb 2021	£2,269.87		
Mar 2021		£119.47	£119.47
Apr 2021		£119.47	£119.47
May 2021		£119.47	£119.47
Jun 2021		£119.47	£119.47
Jul 2021		£119.47	£119.47
Aug 2021		£119.47	£119.47

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Sep 2021		£140.14	£140.14
Oct 2021	£2,837.34		

Appendix Two

The Amber Pension Trust Terms and Conditions

Responsibilities of the employer Table 2

Deduction of contributions

Deducting employee contributions from workers' salaries in accordance with the minimum requirements for Auto enrolment.

Section 20 Pensions Act 2008

20 Quality requirement: UK money purchase Plans

(1) A money purchase Plan that has its main administration in the United Kingdom satisfies the quality requirement in relation to a jobholder if under the Plan—

- (a) the jobholder's employer must pay contributions in respect of the jobholder;
- (b) the employer's contribution, however calculated, must be equal to or more than 3% of the amount of the jobholder's qualifying earnings in the relevant pay reference period;
- (c) the total amount of contributions paid by the jobholder and the employer, however calculated, must be equal to or more than 8% of the amount of the jobholder's qualifying earnings in the relevant pay reference period.