

Ombudsman's Determination

Applicant	Ms T
Plan	Options Workplace Pension Plan (the Plan)
Respondents	Core TV Solutions Limited (the Employer)

Outcome

1. Ms T's complaint is upheld and, to put matters right, the Employer shall pay £1,605.09 into the Plan. The Employer shall ensure that Ms T is not financially disadvantaged by its maladministration, so, it shall arrange for any investment loss to be calculated and paid into the Plan.
2. In addition, the Employer shall pay Ms T £1,000 for the serious distress and inconvenience it has caused her.

Complaint summary

3. Ms T has complained that the Employer, despite deducting contributions from her pay, has failed to pay them into the Plan.
4. The available evidence shows that the missing contributions amounted to £1,605.09. This figure consists of £1,234.69 in employee pension contributions and £370.40 in employer pension contributions.

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. On 1 May 2019, Ms T began her employment with the Employer.
7. On 1 May 2019, Ms T was enrolled into the Plan.
8. On 27 March 2020, Ms T ceased employment with the Employer and her enrolment in the Plan ended on the same date.
9. Ms T said she became aware of there being unpaid pension contributions in the Plan on 23 July 2021.

10. On 24 August 2021, Ms T contacted the Employer about the unpaid pension contributions.
11. On 25 August 2021, the Employer acknowledged Ms T's message and said that it would settle the outstanding pension contributions within the next two weeks.
12. On 20 November 2022, Ms T brought her complaint to The Pensions Ombudsman (TPO).
13. Ms T said that between May 2019 and March 2020 some of her employee and employer pension contributions were paid late into the Plan while others were not paid at all.
14. Ms T provided TPO with a copy payslip dated 30 June 2019 which covered her pay for May 2019 and June 2019. She also provided TPO with copy payslips for the wages that she received for the following months:-
 - July 2019
 - September 2019
 - November 2019
 - December 2019
 - February 2020
15. The information from Ms T's payslips showed the employee pension contributions deducted from her monthly pay along with the employer pension contribution figures. A running employee and employer year to date total was seen for the financial year beginning April 2019 on Ms T's last payslip dated 29 February 2020. This is shown in Appendix One.
16. Ms T was not able to provide TPO with copy payslips for the following months:-
 - August 2019
 - October 2019
 - January 2020
 - March 2020

Instead, for these months, Ms T provided TPO with copy bank statements which showed the net pay she received from the Employer. For March 2020, Ms T's copy bank statement showed that she was not paid until 28 May 2020. This is shown in Appendix Two.
17. Ms T provided TPO with a copy of the Taxable Income figures the Employer recorded with HMRC for the period June 2019 to March 2020. This is shown in Appendix Two.

18. Ms T provided TPO with her own calculations for her gross pay for March 2020 which showed that based on a gross pensionable salary of £1,706.67 her employee pension contribution was £170.67. Ms T then said the employer pension contribution for March 2020 was £51.20.
19. Ms T provided TPO with a copy record from the Plan administrator, which showed the following: -
 - On 10 October 2019, the Employer paid £382.65 to the Plan with a pending status. This figure was made up of £271.16 for employee contributions and £111.49 for employer contributions.
 - On 14 October 2019, the Employer paid £221.87 to the Plan, with a pending status. This figure was made up of an employee contribution of £170.67 and £51.20 as an employer contribution.
 - On 19 October 2019, the Employer paid £600.14 into the Plan. This total was shown as £480.11 for employee contributions and £120.03 for employer contributions.
 - On 12 November 2019, the Employer paid £221.87 to the Plan which also showed a pending status. This figure consisted of £170.67 as an employee contribution and £51.20 as an employer contribution.
 - On 19 December 2019, the Employer paid £382.65 into the Plan. This figure was shown as £271.16 for employee contributions and £111.49 for employer contributions.
20. On 2 August 2024, TPO contacted the Employer by email, but it was returned. On 12 August 2024 and 17 September 2024, TPO sent a letter to the Employer at its registered address by mail. No response was received from the Employer.
21. On 30 October 2024, the Plan administrator confirmed to TPO that the transactions dated 10 October 2019, 14 October 2019 and 12 November 2019 were still shown as pending as it had not received payment from the Employer. Therefore, the total paid into the Plan by the Employer since May 2019 totalled to £982.79. This is shown in Appendix Three.

Adjudicator's Opinion

22. Ms T'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 of the contributions that were due to the Plan. 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. He said that, as the Employer had

not engaged with TPO's communications for it to provide a detailed response, he had to base his Opinion solely on the information provided by Ms T.

- The Adjudicator set out across three Appendices details from the information provided to TPO by Ms T, which consisted of the following documentation:
 - copy payslips
 - copy bank statements
 - online Taxable Income figures submitted to HMRC by the Employer
 - evidence of the contributions so far paid into the Plan
 - Based on the information provided by Ms T, the Adjudicator concluded that the unpaid pension contributions arising during her employment between May 2019 and March 2020 amounted to £1,605.09. This figure consisted of £1,234.69 in employee pension contributions and £370.40 in employer pension contributions.
 - The Adjudicator said that he had no reason to doubt the information provided by Ms T. So, in the Adjudicator's Opinion, on the balance of probabilities, contributions had been deducted from Ms T's salary but had not all been paid into the Plan. In addition, the Employer had not paid all the employer contributions that were due over the same period. As a result of its maladministration, Ms T was not in the financial position she ought to be in.
 - In the Adjudicator's view, Ms T had suffered serious distress and inconvenience due to the Employer's maladministration. The Adjudicator was of the opinion an award of £1,000 for non-financial injustice was appropriate in the circumstances.
23. The Adjudicator's Opinion letter was returned from the Employer's registered address and no comments were provided. So, the complaint was passed to me to consider; I agree with the Adjudicator's Opinion.

Ombudsman's decision

24. Ms T has complained that the Employer has not paid all the contributions due to her Plan account.
25. I find that employee contributions were deducted but withheld by the Employer and not paid into the Plan. The Employer failed to rectify this and resolve Ms T's complaint following the Adjudicator's Opinion.
26. Under the Terms and Conditions of the Plan the Employer was obliged to pay to the Plan, at least 3% of Ms T's qualifying earnings in the relevant pay reference period, and the employer and employee contributions must amount to at least 8% of Mr T's qualifying earnings in the relevant pay reference period. The relevant Terms and Conditions of the Plan are outlined in Appendix Four.
27. I find that the Employer has acted in breach of the Plan Terms and Conditions by not paying all contributions due to the Plan. The Employer's failure to pay employee and

employer contributions into the Plan amounts to unjust enrichment and has caused Ms T to suffer a financial loss. The Employer shall take remedial action to put this right.

28. Ms T is entitled to a distress and inconvenience award in respect of the serious ongoing non-financial injustice which she has suffered. This was exacerbated by the Employer's continuing failure to resolve the dispute during TPO's investigation into Ms T's complaint.

Directions

29. To put matters right, the Employer shall within 28 days of the date of this Determination:
- (i) pay Ms T £1,000 for the serious distress and inconvenience she has experienced:
 - (ii) pay £1,605.09 into Ms T's Plan account. This figure represents the amount that, according to the figures provided by Ms T, have been deducted from her pay, but not paid into the Plan account. It also includes the employer contributions for the relevant period which should have also been paid but have not been paid to date;
 - (iii) establish with the Plan administrator whether the late payment of contributions has meant that fewer units were purchased in Ms T's Plan account than she would have otherwise secured, had the contributions been paid on time; and
 - (iv) pay any reasonable administration fee should the Plan administrator charge a fee for carrying out the above calculation.
30. Within 14 days of receiving confirmation from the Plan administrator of any shortfall in Ms T's units, pay the cost of purchasing any additional units required to make up the shortfall into Ms T's Plan account.

Camilla Barry

Deputy Pensions Ombudsman

8 April 2025

Appendix One

Payslip date	Employee (EE) contribution	EE year to date total	Employer (ER) contribution	ER year to date total
*30/06/2019	£480.11	£480.11	£120.03	£120.03
26/07/2019	£100.49	£580.60	£60.29	£180.32
**August 2019	no payslip	no payslip	no payslip	no payslip
30/09/2019	£170.67	£921.94	£51.20	£281.72
**October 2019	no payslip	no payslip	no payslip	no payslip
30/11/2019	£180.67	£1273.28	£54.20	£388.12
31/12/2019	£170.67	£1443.95	£51.20	£439.32
**January 2020	no payslip	no payslip	no payslip	no payslip
**29/02/2020	£190.67	£1805.29	£57.20	£547.72
**March 2020	no payslip	no payslip	no payslip	no payslip

* June 2019 salary paid less wages advanced for May 2019.

** Copy payslip not provided

Appendix Two

Payroll period	Date of bank deposit	Net pay received	HMRC taxable income figure	Payslip gross salary
August 2019	30/08/2019	£1307.96	£1536	no payslip
October 2019	31/10/2019	£1307.96	£1536	no payslip
November 2019	n/a	£1358.76	£1626	£1806.67
December 2019	n/a	£1307.76	£1536	£1706.67
January 2020	07/02/2020	£1307.96	£1536	no payslip
March 2020	*28/05/2020	£1361.97	£1630.49	no payslip

**March 2020 deposit received late into Ms T's bank account.*

Appendix Three

	Employee (EE) year to date payslip total	Employer (ER) year to date payslip total	EE/ER - year to date total
*29/02/2020	£1805.29	£547.72	£2353.01
**31/03/2020	£1985.96	£601.92	£2587.88
Total employee deductions paid into Plan			£751.27
Total employee deductions still to be paid			£1234.69
Total employer contributions paid into Plan			£231.52
Total employer deductions still to be paid			£370.40
Total contributions paid into Plan			£982.79
Total owed to Plan			£1605.09

* February year to date figure evidenced by payslip

** March year to date figure based upon HMRC and bank statement calculations.

Appendix Four

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.