

Ombudsman's Determination

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| Applicant | Mrs S |
| Scheme | Leaffield Retirement Plan (the Plan) |
| Respondents | Fast Pensions Limited (Fast Pensions) |

Outcome

1. Mrs S' complaint is upheld and to put matters right Fast Pensions should provide a full written response to Mrs S's questions regarding the status and security of the Plan. They should also clarify her right to access her pensions fund and any penalties that apply, and assist her in exercising her statutory right to a transfer if she so wishes. Fast Pensions should also pay Mrs S £1,000, to reflect the significant distress and inconvenience caused to her by their maladministration.
2. My reasons for reaching this decision are explained in more detail below.

Complaint summary

3. Mrs S complains that Fast Pensions failed to respond to her enquiries about the status and security of the Plan, and provide her with the information she requires to determine if she can access her pension fund at age 55 under the new pension freedoms, or transfer her pension fund to a different provider.

Background information, including submissions from the parties

4. Mrs S is a current member of the Plan. However, there is limited documentation available about the exact nature of the arrangement, but from Fast Pensions' website it appears that it was intended to be an occupational pension scheme.
5. Mrs S says that when she transferred to the Plan she informed Fast Pensions she wanted to access her whole pension fund when she reached age 55.
6. In 2014 she contacted Fast Pensions to seek confirmation that she could take a 25% tax free pension lump sum when she reached the age of 55, in 2016.
7. In response Fast Pensions wrote to her on 7 October 2014, and outlined her options under the new pension freedoms.

8. They said that these options included taking a 25% tax free pension lump sum when she reached age 55. They also informed her that she could access her remaining pension fund subject to income tax at her highest marginal rate.
9. However, on 9 November 2015 Fast Pensions wrote to her again, saying she would now have to wait until she is aged 65 to access her pension fund.
10. She has subsequently sent them several letters by recorded delivery including a request for her annual statement, a Cash Equivalent Transfer Value and transfer forms.
11. She has also emailed them, but has received no responses.
12. In January 2016 she requested that her complaint be dealt with under the Plan's Internal Dispute Resolution Procedure (**IDRP**).
13. However, apart from an acknowledgement on 3 February 2016 Fast Pensions have not responded to this IDRP request.
14. The complaint has therefore been accepted for investigation by The Pensions Ombudsman without a response from Fast Pensions.
15. No reply has yet been received from Fast Pensions to this office's request for a formal response to the complaint.

Adjudicator's Opinion

16. Mr T's complaint was considered by one of our Adjudicators who concluded further action was required by Fast Pensions. The Adjudicator's findings are summarised briefly below.
 - Fast Pensions have failed to respond to Mrs S over a prolonged period of time, and to provide her with the information she requires to determine if she can take her whole pension fund as a taxable lump sum under the new pension freedoms, or if she can move her pension fund to a different provider.
 - This failure constitutes maladministration, and has lost her the opportunity to access her funds, or alternatively to place her funds with a new provider. This has also caused her significant distress and inconvenience.
 - Mrs S' complaint should be upheld because the Adjudicator was satisfied that Fast Pensions have failed to respond to Mrs S over a prolonged period of time, and have failed to satisfy her of the status and security of the Plan. They have also provided her with conflicting information regarding access to her pension fund, and the penalties that may apply.
17. Fast Pensions did not respond to the complaint and the Adjudicator's Opinion was returned to sender. Despite attempts to communicate with Fast Pensions by email,

no new correspondence address has been provided or defence to the complaint put forward.

18. Mrs S informed us that she had recently been contacted by Fast Pensions and told that the reason they had not been responding was because they had been changing their administrators, but they were still trading.
19. She again requested that they send her the information that she requires to take her 25% tax free pension lump sum.
20. However, she has not yet received any further information from them.
21. Mrs S agreed that in the absence of a response from Fast Pensions the complaint would be passed to the Pensions Ombudsman for a determination to be issued.

Ombudsman's decision

22. I agree with the Adjudicator's Opinion, summarised above, and as Fast Pensions have not responded to the complaint, my decision will be based upon the information and documents provided by Mrs S.
23. I note that the Opinion sent to Fast Pensions' registered address in London has been returned to sender, and that Fast Pensions have not provided an up-to-date correspondence address.
24. We have dealt with a number of other cases recently involving Fast Pensions, where there have been continued failures to respond to members' requests and transfer applications. Fast Pensions have also failed to communicate with this office.
25. Based on the evidence that we have, I agree that maladministration has been established, and therefore, I uphold Mrs S' complaint.

Directions

26. I direct that Fast Pensions will:
 - within 14 days, contact Mrs S, and provide her with the requested information about the status of the Plan. They should also clarify her right to access her pension fund and any penalties that apply. And, if she so wishes, they are to provide her, within 28 days, with all the documentation that she requires to transfer her fund to a provider of her choice.

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- within 14 days, pay Mrs S £1,000 to reflect the significant distress and inconvenience caused to her by their maladministration.

Anthony Arter

Pensions Ombudsman
30 November 2016