

Ombudsman's Determination

Applicant	Mr T
Scheme	Pension Policy – WESO202 (the Policy)
Respondents	Fast Pensions

Outcome

1. Mr T's complaint is upheld and to put matters right Fast Pensions should provide a full written response to Mr T's questions regarding the funds in the Policy, including the current value, and to assist him in exercising his statutory right to a transfer. Fast Pensions should also pay Mr T £1,000, to reflect the distress and inconvenience caused to him by their maladministration.
2. My reasons for reaching this decision are explained in more detail below.

Complaint summary

3. Mr T complains that Fast Pensions have failed to respond to his enquiries about the status and security of the Policy, and provide him with the information that he requires to exercise his transfer rights to his preferred provider, Standard Life.
4. Mr T says that he would like Fast Pensions to complete his requested transfer to Standard Life.

Background information, including submissions from the parties

5. Mr T is represented by Mr Dando.
6. The Policy was set up for Mr T by Fast Pensions.
7. However, Mr T has not been able to provide any documents for the Policy. It is therefore difficult to ascertain who the trustees are, or where the funds are invested. Mr D says that he has also been unable to ascertain the exact structure of the Policy, but as there is reference to a sponsoring employer, it appears likely it was intended to operate as an occupational pension scheme.
8. In August 2012 Mr T received a telephone call from a company called Blu Funding offering a loan of £11,650. At the same time Mr T was also asked about his pension

arrangements and it was recommended that he transfer one of his pensions to Fast Pensions.

9. The transfer was completed on 21 December 2012, and the value of the transfer was £48,185.57.
10. The loan was finalised in February 2013 with monthly payments of £264.90 spread over seven years.
11. In November 2014, as he was approaching his 55th birthday, Mr T researched taking 25% of his pension fund as a lump sum. At this point it was discovered that Blu Funding no longer existed and Mr T became concerned that he may have been a victim of a Pensions Liberation scam; the matter was reported to Action Fraud.
12. However, Mr T was still in touch with Fast Pensions and was paid his tax free lump sum on 24 December 2014.
13. In April 2015 Action Fraud reported that no evidence of a fraud had been found.
14. By June 2015 Mr T was experiencing problems with Fast Pensions and information about transferring away from the Policy was requested on 16 June 2015.
15. Mr T was advised by Fast Pensions that there would be an early exit charge of £12,707 applied to the Cash Equivalent Transfer Value (**CETV**), and asked him to consider whether it was in his interests to complete the transfer.
16. Further correspondence followed and signed discharge forms requesting a transfer of funds to Standard Life were sent to Fast Pensions on 13 July 2015.
17. Since this point numerous attempts were made to contact Fast Pensions and pursue the transfer request to completion. However, the transfer has still not been completed, and the signed discharge forms were returned to sender.
18. Fast Pensions are no longer responding to phone calls or emails and other correspondence has been returned to sender.
19. Mr T says that he still wants Fast Pensions to complete a transfer of funds from the Policy to Standard Life.
20. Mr D accepted the Adjudicator's Opinion and agreed for the matter to be referred to for a binding determination to be issued.
21. Fast Pensions failed to respond to the complaint, and the copy of the Adjudicator's Opinion that was sent to their registered address in London, was returned to sender.

Adjudicator's Opinion

22. Mr T's complaint was considered by one of our Adjudicators who concluded that further action was required by Fast Pensions. The Adjudicator's findings are summarised briefly below.
- The Adjudicator was satisfied that Fast Pensions failed to respond to Mr T over a prolonged period of time, primarily regarding his requested transfer to Standard Life, but also in regard to the status and security of the Policy. This constituted maladministration, and lost him the opportunity to vest his funds with his preferred provider. It also caused him significant distress and inconvenience.
 - A formal request from Mr T to transfer the Policy had been made, and Mr T cannot be deprived of a statutory right to transfer under Section 94 of the Pension Schemes Act 1993.
 - It was therefore the Adjudicator's opinion that Mr T's complaint should be upheld because Fast Pensions failed to complete his transfer to Standard Life, provide any (valid) reason why he would not have a statutory right to the transfer, and to respond to his subsequent enquiries about this process.
23. The complaint has now been passed to me to consider.

Ombudsman's decision

24. 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 Mr T.
25. I note that Fast Pensions have not responded to the complaint, and the Adjudicator's Opinion sent to their registered address in London has been returned to sender. Despite requests, an alternative address has not been provided to this office.
26. 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.
27. Based on the evidence that we do have, I agree that maladministration has been established, and therefore I uphold Mr T's complaint.

Directions

I direct that Fast Pensions will:

28. within 14 days, contact Mr T, and if he still wishes to do so, assist him in exercising his statutory transfer rights.

29. within 14 days, pay Mr T £1,000 to reflect the significant distress and inconvenience caused to him by their maladministration.

Anthony Arter

Pensions Ombudsman
11 November 2016