

## Ombudsman's Determination

|            |  |
|------------|--|
| Applicant  | Mr H   |
| Scheme     | Leafield Retirement Plan ( <b>the Plan</b> )   |
| Respondent | Fast Pensions Limited ( <b>Fast Pensions</b> ) |

## Outcome

1. Mr H's complaint is upheld, and to put matters right Fast Pensions should respond to Mr H's queries about the payment of his pension funds. Fast Pensions should also pay Mr H £1,000, to reflect the significant distress and inconvenience caused to him by its maladministration.
2. My reasons for reaching this decision are explained in more detail below.

## Complaint summary

3. Mr H complains that Fast Pensions has failed to respond to his request to pay his pension benefits.

## Background information, including submissions from the parties

4. Mr H is a current member of the Plan. A transfer payment of over £20,000 was made to the Plan from Mr H's previous pension arrangement. There is limited documentation available about the exact nature of the Plan, but from Fast Pensions' website it appears that it was intended to be an occupational pension scheme.
5. As Mr H was already over the minimum retirement age, he arranged with Fast Pensions for annual pension drawdown to be implemented from 2014. The first year's payment was made to him on 26 September 2014.
6. Mr H was unhappy that the payment of £1,120 due on 31 August 2015 was not made until January 2016, and requested that the entire pension fund be repaid to him.
7. Fast Pensions told Mr H in a letter dated 26 January 2016 that he would have to ask the Plan administrator, FP Scheme Trustees Limited, to convert his pension arrangement to a flexible access drawdown arrangement. Fast Pensions said that the Plan administrator would then decide whether or not to agree to Mr H's request.

8. Mr H tried to contact the Plan administrator by email and first class post. He then sent it a letter by special delivery on 29 February 2016, but the letter was returned unopened.
9. As communications from Fast Pensions had ceased, Mr H contacted us. Our letter of 31 January 2017 to Fast Pensions, posted to its last known address and requesting its formal response to the complaint, was returned in the post.
10. When Fast Pensions re-established email contact with us and Mr H, an email from Mr Porter of Fast Pensions told us that “this is a very simple case to get a resolution on”, but the matter has not yet been resolved to Mr H’s satisfaction.

### **Adjudicator’s Opinion**

11. Mr H’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:
  - Fast Pensions had failed to respond properly to Mr H’s requests for payment of his pension funds. Fast Pensions’ letter of 26 January 2016 indicated that the Plan would firstly have to be converted to a flexible access drawdown arrangement, if the Plan administrator agreed, but it did not address the question of whether the immediate commutation of all the pension funds for a cash sum would be available to Mr H. Fast Pensions’ letter should have referred to this.
  - It was also unsatisfactory that Mr H’s drawdown payment for 2015 was not made by Fast Pensions until 2016. Fast Pensions’ delays and lack of proper communication constituted maladministration, which had caused Mr H significant distress.
  - We had investigated and determined other cases involving Fast Pensions and the Plan (for example, Mrs S, PO-11450). That determination is available on our website ([www.pensions-ombudsman.org.uk](http://www.pensions-ombudsman.org.uk)). We upheld that complaint, and there was no significant difference in Mr H’s complaint which would warrant a different outcome here.
  - It was apparent from our experience in similar cases and members who had complained to us that Fast Pensions had effectively been uncontactable, and thus not complying with a number of its duties, for a considerable period of time. Some contact had now been re-established, and promises made to address the previous problems, however so far – and in particular in Mr H’s case - these had not been met.
  - Therefore Mr H’s complaint should be upheld.
12. The Opinion was emailed to Fast Pensions, but it did not respond.
13. Mr Smith accepts the Opinion, but is concerned that Fast Pensions will ignore it, as they have with previous correspondence.
14. The matter has therefore been passed to me for determination.

## **Ombudsman's decision**

15. I agree with the Adjudicator's Opinion, summarised above, and as Fast Pensions have not formally responded to the complaint, my decision will be based upon the information and documents provided by Mr H.
16. I note that our request for a formal response from Fast Pensions was sent to its registered address in London and was returned to sender, and that Fast Pensions has not provided an up-to-date correspondence address.
17. 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 payment/transfer applications. Fast Pensions has also failed to communicate effectively with this office.
18. Based on the evidence we have, I agree that maladministration has been established, and therefore I uphold Mr H's complaint.

## **Directions**

19. I direct that Fast Pensions shall:
  - within 14 days of this determination, contact Mr H and clarify his right to access his pension funds and any penalties or restrictions that apply; and
  - within 28 days of this determination, pay Mr H £1,000 to reflect the significant distress and inconvenience caused to him by its maladministration.

**Karen Johnston**

Deputy Pensions Ombudsman  
6 April 2017