

## Ombudsman's Determination

Applicant	Mr N
Scheme	Springdale Retirement Plan ( <b>the Plan</b> )
Respondents	Fast Pensions

## Outcome

1. Mr N's complaint is upheld and to put matters right Fast Pensions should provide a full written response to Mr N's questions regarding his funds in the Plan, including the current value; and assist him in exercising his statutory rights. Fast Pensions should also pay Mr N, £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 N complains that Fast Pensions failed to respond to his enquiries about the status and security of the Plan, leaving him unable to plan for his future and exercise his transfer rights.
4. Mr N says that he would like Fast Pensions to provide him with written information about his benefits in the Plan. He also says he would like to either transfer his funds to another pension provider, or receive his benefits as a lump sum.

## Background information, including submissions from the parties

5. Mr N complains that Fast Pensions failed to respond to his enquiries about the status and security of the Plan, and provide him with the information he requires to ascertain if he can move his pension to a different provider.
6. In September 2013 Mr N transferred a pension fund of £12,846.45 into the Plan.
7. Mr N received an Annual Pension Statement for the Plan dated 31 October 2014.
8. However, since December 2015 he has been trying unsuccessfully to obtain satisfactory answers to a number of questions regarding the status and security of his

pension fund. He is also trying to ascertain if he can move his pension to a different provider.

9. Between January 2016 and 21 April 2016 there was no contact at all from Fast Pensions.
10. On 21 April 2016 Fast Pensions finally contacted Mr N to say they were sending him the paperwork that he requires to make a formal request to transfer his funds from the Plan to another provider.
11. This paperwork was never received and Mr N subsequently brought a complaint to the Pensions Ombudsman.
12. Fast Pensions have also not responded to Mr N's request for his complaint to be dealt with under the Plan's Internal Dispute Resolution Procedure (**IDRP**).
13. The complaint has therefore been accepted for investigation without a formal response from Fast Pensions.
14. Mr N accepted the findings of the Opinion and agreed that the case could be determined.
15. The Adjudicator's Opinion has been returned to sender, but a copy was emailed to Fast Pensions by Mr N.
16. Fast Pensions say the reason for the delay is that they are changing the administration company dealing with the customer support, and they are going through this process now.
17. They say Mr N's last contact with them in 2015, was in October when he informed them that he had moved premises.
18. In December 2015 they say that statements were sent to Mr N's old and new address.
19. They say they had contact with Mr N on 21 and 22 of March 2016, then again on the 21 of April 2016. On the 29 of April 2016 they say that a transfer value request was sent to Mr N.
20. They say that they had no further contact with M N until his adviser contacted them on 17 of October 2016 stating that he had contacted The Pension Ombudsman. They say they never received a complaint and this is why their IDRP was not invoked.
21. Fast Pensions say that the proposed £1000 redress award to Mr N is unacceptable as they feel there was no distress and inconvenience caused, as all information was sent when requested.
22. Mr N accepts that he contacted Fast Pensions in October 2015 to inform them of his change of address. However, he did not receive a statement at his new address, and

does not know if one went to his old address. He also questions why one was sent to his old address if Fast Pensions were aware that his address had changed.

23. He asserts that he had no contact from Fast Pensions on any of these dates, and was in contact with the Pension Ombudsman because of this on 29 April 2016.
24. He also disputes the claim from Fast Pensions that they had no further contact from him, and refers to an email of 20 April 2016, which he says confirms that he had not been contacted by them up until this point.
25. He reiterates that the situation has proved stressful, and that he has been either ignored or, “given the run around” since he contacted Fast Pensions for an updated statement.
26. Letters are now being returned to sender from Fast Pensions’ address in London, although a Companies House search shows that Fast Pensions are still active as a company. However, their registered office address changed to the Companies House default address in Cardiff, on 20 July 2016.

### **Adjudicator’s Opinion**

27. Mr N’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:
  - it was the Adjudicator’s finding that Mr N’s complaint should be upheld because of the failure of Fast Pensions to respond to his questions and satisfy him of the status and security of the Plan;
  - the Opinion, which was sent to Fast Pensions’ last known address has been returned to this office, but Mr N has been in recent email contact with a representative, and Director, of Fast Pensions via an email address provided by Mr N’s former broker; and
  - Fast Pensions responded directly to the Adjudicator’s Opinion, but only after a copy of the Opinion was emailed to them by Mr N.
28. The complaint has now been passed to me to consider.

### **Ombudsman’s decision**

29. I agree with the Adjudicator’s Opinion, summarised above, and I will therefore only respond to the key additional information or completeness.
30. I find that Mr N was in contact with Fast Pensions between the end of April and October 2016, as I have seen copies of unanswered emails to Fast Pensions sent between 28 April 2016, and 6 July 2016.

31. I have also seen an unanswered letter requesting a response under their IDRP of 11 May 2016.
32. In addition, there is an email from Fast Pensions on 20 April 2016, accepting that there had been difficulties in contacting them, as the administrator for the Plan had been off work, and was not now returning to work.
33. I appreciate that Fast Pensions say that they sent a transfer value to Mr N on 29 April 2016, but he says he did not receive this, and his subsequent requests for information went unanswered.
34. 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.
35. I therefore agree that maladministration has been established and I uphold Mr N's complaint against Fast Pensions.

## **Directions**

I direct that Fast Pensions will:

- within 14 days, contact Mr N, and provide him with the requested information about the status of the Plan. Alternatively, if he says that he so wishes, they are to provide him with all the documentation that he requires to transfer his fund to a provider of his choice.
- within 14 days, pay Mr N £1,000 to reflect the significant distress and inconvenience caused to him by their maladministration.

**Anthony Arter**

Pensions Ombudsman  
4 November 2016