

Ombudsman's Determination

Applicant	Miss N
Scheme	The Galileo Retirement Fund (the Fund)
Respondents	Fast Pensions

Outcome

1. Miss N's complaint is upheld and to put matters right Fast Pensions should contact Miss N and assist in allowing her to exercise her statutory right of a transfer to a pension provider of her choice. Fast Pensions should also pay £1,000 to Miss N to reflect the 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. Miss N complains that Fast Pensions has failed to respond to her enquiries about exercising her statutory right to a transfer, and to complete the requested transfer to the FocusPlay Retirement Benefits Scheme (**the Scheme**).
4. Miss N says that she would like Fast Pensions to transfer her pension fund to the Scheme as she requested 18 months ago.

Background information, including submissions from the parties

5. Miss N's pension was originally held with the Royal Bank of Scotland.
6. However, Miss N contacted Fast Pensions as they were offering a better rate of return, and a transfer to the Fund took place around March/April 2013.
7. The estimated value of the Fund is £38,000.
8. There is limited information available about the exact arrangement of the Fund, but it appears likely from the Fast Pensions' website that it was intended to operate as an occupational pension scheme.
9. In May 2015, Miss N requested a transfer from the Fund to the Scheme.

10. In February 2016, Miss N received a letter from Fast Pensions stating that all the checks had been done, and they would write to her again once the transfer had been completed.
11. However, she is yet to receive confirmation that the transfer has been completed.
12. In June 2016, Miss N managed to contact a person working on the Fast Pensions online chat facility, and they informed her that her pension would be transferred in ten days.
13. However, this did not happen and she cannot now get through to them on the telephone, or on their live chat facility.
14. In September 2016, after speaking with this office, Miss N wrote to the Secretary of the Fund and asked that her complaint be dealt with under the Internal Dispute Resolution Procedure of the Fund.
15. However, this letter was returned as “gone away”.
16. In October 2016, Miss N’s complaint was accepted for investigation by The Pensions Ombudsman.

Adjudicator’s Opinion

17. Miss 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.
 - Fast Pensions failed to respond to Miss N over a prolonged period of time, and failed to complete her requested transfer to the Scheme. This constituted maladministration; it also lost her the opportunity to place her funds with her preferred provider. This has also caused her significant distress and inconvenience.
 - A formal request from Miss N to transfer from the Fund has been made, and Miss N cannot be deprived of her statutory right to transfer under Section 94 of the Pension Schemes Act 1993.
 - Therefore, Miss N’s complaint should be upheld, because the Adjudicator was satisfied that Fast Pensions failed to respond to her over a prolonged period of time, failed to complete her requested transfer to the Scheme, and failed to provide any valid reason why she would not have a statutory right to the transfer.
18. Miss N confirms that she is happy with the contents of the Adjudicator’s Opinion and the proposed directions.
19. However, she doubts that a response will be received from Fast Pensions as she has tried ringing them on the number on their website and is no longer able to connect to them.

20. Fast Pensions have not responded to the complaint and the Adjudicator's Opinion has been returned to sender from their London address. Despite attempts to communicate with Fast Pensions by email, no new correspondence address has been provided or defence to the complaint put forward.
21. The complaint has now been passed to me to consider.

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 Miss N.
23. The Adjudicator's Opinion sent to their registered address in London has been returned to sender and despite requests, an alternative address has not been provided to this office.
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 Miss N's complaint.

Directions

I direct that Fast Pensions will:

- within 14 days, make contact with Miss N, and providing she confirms that she still wishes to transfer her funds, provide her with an up-to-date Cash Equivalent Transfer Value and assist her in exercising her statutory right of a transfer to a pension provider of her choice;
- within 14 days, pay Miss N £1,000 to reflect the significant distress and inconvenience caused to her by their maladministration.

Anthony Arter

Pensions Ombudsman
23 November 2016