

Ombudsman's Determination

Applicant	Miss O
Scheme	Principal Civil Service Pension Scheme ('the PCSPS')
Respondents	MyCSP

Outcome

1. I do not uphold Miss O's complaint and no further action is required by MyCSP.
2. My reasons for reaching this decision are explained in more detail below.

Complaint summary

3. Miss O's complaint against MyCSP is about its decision that she is not entitled to a partner's pension from the PCSPS following her late partner's death.

Background information, including submissions from the parties

4. Miss O's late partner was an active member of the PCSPS from June 2004 to June 2007.
5. Upon joining the Civil Service in 2004, a starter pack would have been provided to Miss O's late partner via his employer, which included a Partner Declaration form for a partner's pension and a separate death benefit nomination form.
6. The Partner Declaration form was not completed and therefore not returned to MyCSP. However, MyCSP confirms it received the death benefit nomination form which her late partner had completed. He had nominated his parents, requesting that each receive a 50% share of the death benefit. This form was signed on 1 June 2004.
7. When Miss O's late partner left his employment in 2007, he was sent a preserved benefits statement in August 2008. The statement confirmed the nominations he had made previously, to receive the death benefits. The following was also explained in the preserved benefit statement:

"This nomination remains valid after leaving. You may make a fresh nomination at any time which will automatically revoke any nomination we now hold".

8. On 30 August 2014, MyCSP were informed of Miss O's partner's death. Miss O's representative requested the payment of pension benefits for the dependants of her late partner, which MyCSP received on 5 September 2014.
9. On 20 February 2015, MyCSP paid the death benefits to the parents of Miss O's late partner, in line with his nomination of June 2004.
10. On 21 May 2015, Miss O was informed she would not be eligible to a partner's pension because a nomination form had not been made in her favour to receive a partner's pension.
11. MyCSP's decision was based on the interpretation of the following PCSPS rule:

“Rule E.2 Other adult dependants' pensions

 - (1) If an active member, a deferred member or a pensioner member dies leaving a surviving adult dependant and no surviving spouse, the Minister may award the surviving adult dependant a pension for life.
 - (2) ...
 - (3) A person is a surviving adult dependant in relation to a member for the purposes of this rule if –
 - (a) the person and the member jointly made and signed a declaration in a form prescribed by the Minister, and...”
12. Miss O and her representative maintained that:
 - it was unreasonable for MyCSP to withhold the pension benefits because Miss O's late partner had not registered a long term relationship which is neither a marriage nor civil partnership, and one which is an increasingly common arrangement;
 - her late partner was young when he passed away, and was a deferred member and many years away from retirement;
 - clients have to be encouraged to complete nomination forms, and the fact that MyCSP issue this paperwork to advise deferred members to take such action does not necessarily mean that members are aware of the importance of doing so.
13. The matter was appealed through the internal dispute resolution procedure (IDRP), but MyCSP's decision was not overturned.

Adjudicator's Opinion

14. Miss O's complaint was considered by one of our Adjudicators who concluded that no further action was required by MyCSP. The Adjudicator's findings are summarised briefly below.
 - The rules of the PCSPS are clear, and MyCSP do not have discretion in deciding whether it follows the rules or not.
 - It is not the responsibility of MyCSP to confirm with each deferred member whether his or her personal circumstances have changed.
 - MyCSP has interpreted the provisions of the applicable rule, in relation to paying an adult dependant a partner's pension, correctly and we are unable to overturn that decision.
15. Miss O and her representative did not accept the Adjudicator's Opinion. The representative considered the PCSPS rules to be wrong. He added that people may choose not to declare personal information and considered the matter to be a right to privacy.
16. As the Adjudicator and Miss O's representative were unable to reach an agreement, the complaint was passed to me to consider. I have considered the representative's comments, but they do not change the outcome. I agree with the Adjudicator's Opinion, summarised above, and I will therefore only respond to the key points made by the representative for completeness.

Ombudsman's decision

17. For a complaint to be upheld, there has to be maladministration that has caused injustice (which includes financial or non-financial loss).
18. The rules of the PCSPS are the starting point for considering what benefits are payable to whom, in the particular circumstances. For the purposes of Miss O's application, the rules governing the PCSPS will determine whether she qualifies for a partner's pension, following the death of her partner. If so qualified, the rules then prescribe the amount of any entitlement.
19. When Miss O's partner died, he was a deferred member of the PCSPS. I agree with the MyCSP's assertion that the onus lies with members, whether deferred or otherwise, to inform the administrator of any changes in their circumstances. As the administrator of the PCSPS, MyCSP could not have known of any personal change in circumstances, without the notification from the member himself.
20. The wording of rule E.2.3.a does not give MyCSP the discretion to pay a surviving adult dependant's pension, where there has been no evidence of a completed and jointly signed partner declaration form, received in the prescribed manner. The only relevant factor was whether a Partner Declaration Form had been completed naming

Miss O as a beneficiary and returned to MyCSP. As it has been accepted that no such form was ever submitted, MyCSP's decision is in line with rule E.2.3.a of the PCSPS rules.

21. Miss O's representative raised the issue of privacy. I do not find this is a matter of privacy. Rather, it is one of notification in order to establish an entitlement to the specific benefits. MyCSP cannot be expected to know the personal circumstances of members, unless it is specifically informed. Similarly, Miss O cannot expect to receive a partner's pension if the scheme administrator was never informed of her relationship with her late partner in accordance with the PCSPS rules. As an additional point, the scheme administrator regularly deals with personal sensitive information which it is obliged to keep secure, and have processes in place to ensure private data is kept safe.
22. MyCSP acted in accordance with the relevant rules, so I do not find that there has been any maladministration in relation to its decision on Miss O's eligibility to receive a partner's pension.
23. Therefore, I do not uphold Miss O's complaint.

Anthony Arter

Pensions Ombudsman
5 January 2017