

Ombudsman's Determination

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| Applicant | Mr E |
| Scheme | FP1 Retirement Fund (the Plan) |
| Respondent | Fast Pensions Limited (Fast Pensions) |

Outcome

1. Mr E's complaint is upheld, and to put matters right Fast Pensions should provide Mr E with the information he requested and assist in allowing him to exercise his statutory right to a transfer to a provider of his choice, if he so wishes. Fast Pensions should also pay Mr E £2,000 to reflect the prolonged 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 E complains that Fast Pensions failed to respond to his requests for information about the Plan, despite him sending several reminders to Fast Pensions.

Background information, including submissions from the parties

4. Mr E became a member of the Plan in 2012 and transferred into it his previous pension fund. There is limited documentation available about the exact nature of the Plan, but it appears to be an occupational pension scheme. As at 31 December 2015 Mr E's fund value was £181,375.27, according to an annual statement that Fast Pensions sent to him on 19 January 2016.
5. In June 2016 Mr E tried, unsuccessfully, to notify Fast Pensions of his new postal address and to request a fund valuation that was required for the purposes of his forthcoming divorce settlement. Mr E discovered that Fast Pensions' phone number did not work. He contacted the Pensions Regulator, who told him to write to Fast Pensions at several appropriate addresses. Mr E sent several letters to Fast Pensions, but he did not receive any replies.
6. Mr E contacted us in December 2016, as he was getting increasingly concerned about the security of his pension funds. He noted with concern that Fast Pensions'

registered office had defaulted to Companies House in Cardiff and the Fast Pensions' website was no longer active.

7. We asked Fast Pensions to send us a formal response to Mr E's complaint, but our letter sent to its London office address was returned to sender.
8. In February 2017 Fast Pensions re-established contact with Mr E and told him that it would send him the information he needed "in the next few days", but it failed to do so.

Adjudicator's Opinion

9. Mr E'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 to Mr E's enquiries in 2016.
 - We had investigated and determined similar cases involving Fast Pensions and the Plan (for example, Mr T, PO-12614). That determination is available on our website (www.pensions-ombudsman.org.uk). We upheld that complaint, and there were no significant differences in Mr E's complaint which would warrant a different outcome here.
 - It was apparent from our experience in similar cases and with 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 has recently been re-established, and promises made to address the previous problems. It remains to be seen whether this will resolve the issues going forward. However, regardless, that does not mean that we cannot make a finding against Fast Pensions for its earlier delays.
 - We had not seen a formal request from Mr E to transfer from the Plan to another pension arrangement, but he might wish to do so. Mr E cannot be deprived of a statutory right to transfer under section 94 of the Pension Schemes Act 1993 (the Act). To qualify as an application for the purposes of the six months' time limit in section 99 of the Act, such a request would need to require Fast Pensions to use the transfer value to acquire credits in an occupational or personal pension scheme, the trustees or managers of which are able and willing to accept payment. If Mr S makes a valid request in this way, Fast Pensions will be obliged to deal with it in accordance with his statutory rights.
 - Mr E's complaint should be upheld because Fast Pensions had failed to respond in good time to his requests for information about his pension funds. That failure, and in particular the inaccessibility of Fast Pensions for Mr E to even make contact, had caused him significant distress for which he should be compensated.
10. Fast Pensions did not respond to the complaint, and the Adjudicator's Opinion posted to it was returned to sender. A copy was emailed to Fast Pensions but it did not reply.

11. Mr E accepts the Adjudicator's Opinion, but is concerned that Fast Pensions will ignore it, as it has with previous correspondence. The matter has therefore been passed to me for determination.

Ombudsman's decision

12. I agree with the Adjudicator's Opinion, summarised above, and as Fast Pensions has not responded to the complaint my decision will be based upon the information and documents provided by Mr E.
13. I note that the Adjudicator's Opinion sent to Fast Pensions' registered address in London has been returned to sender, and that Fast Pensions has not provided an up to date correspondence address.
14. We have dealt with a number of other cases recently involving Fast Pensions, where there have been continued failures to respond to members' requests. Fast Pensions has also failed to communicate with this office.
15. Based on the evidence that we have, I agree that maladministration has been established, and therefore I uphold Mr E's complaint.

Directions

16. I direct that Fast Pensions shall:
 - within 14 days of the date of this determination, contact Mr E and provide him with the requested information about the status and current value of the Plan, and his ability to access his pension funds; if Mr E informs Fast Pensions that he wishes to exercise a valid statutory right to transfer out of the Plan to another pension arrangement that is willing to accept that transfer then, within 28 days, Fast Pensions should make the transfer to that other pension arrangement; and
 - within 28 days of the date of this determination, pay Mr E £2,000 to reflect the prolonged significant distress and inconvenience caused to him by its maladministration.

Anthony Arter

Pensions Ombudsman
5 May 2017