

Ombudsman's Determination

Applicant	Mr H
Scheme	TRW Pension Scheme
Respondents	Legal and General Assurance Society Limited (Legal and General)

Outcome

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

Complaint summary

3. Mr H's complaint concerns a letter he received from Legal and General, setting out his pension increase for the year 2017. Mr H is dissatisfied as the letter ended with the inclusion of the bereavements team email address. Mr H believes that the representatives at Legal and General have made a joke about death, at his expense.

Background information, including submissions from the parties

4. Legal and General are the current Scheme administrators, responsible for paying Mr H's ongoing annuity.
5. Mr H had made contact with Legal and General on a number of occasions in order to obtain information about his pension increase in 2017; he comments that this information was particularly difficult to acquire.
6. On 27 March 2017, Legal and General wrote to Mr H providing the information he had requested. This letter also provided Mr H with up to date contact information for Legal and General. However, the email address given was for the bereavements department.
7. Distressed by the email address provided by Legal and General, Mr H raised his concerns as a complaint.
8. Legal and General responded to this complaint on 24 April 2017. The explanation provided by Legal and General was that an error occurred due to an oversight by the member of staff responsible for writing to Mr H. Legal and General has explained that

this particular member of staff had been cross skilled within the organisation so as to allow flexibility with resource requirements in busy periods.

9. However, Mr H remained dissatisfied, as he believed that this particular representative made a “sick joke” about his death.
10. Mr H has presented some information regarding his personal circumstances and his previous service in the Royal Navy.
11. Legal and General offered Mr H a final compensatory amount of £150 in acknowledgement of the “upset” he suffered. However, Mr H has rejected this offer and requested to be compensated with an amount of £5,000.
12. Mr H’s complaint was considered by one of our Adjudicators who concluded that the compensatory amount of £150 was a suitable amount to award Mr H. The Adjudicator’s findings are summarised briefly below.
 - Mr H had suffered a sufficient degree of distress and inconvenience as it was evident that maladministration had occurred. However, maladministration itself is not sufficient reason to provide compensation.
 - Whilst due consideration was given to Mr H’s experiences in the Royal Navy, the Adjudicator believed the award of £5,000 was not appropriate and the award of £150 was more suitable to Mr H’s circumstances.
13. Mr H did not accept the Adjudicator’s Opinion and the complaint was passed to me to consider. Mr H has provided his further comments which do not change the outcome. I agree with the Adjudicator’s Opinion, and I will therefore only respond to the key points made by Mr H for completeness.
14. Mr H’s reasons for disagreeing with the Adjudicator’s Opinion are summarised below:-
 - Mr H volunteered similar arguments as those presented in the first instance and that he sought a compensatory award of between £3,000 and £5,000.
 - Mr H stressed that the staff at Legal and General had wished him dead. Furthermore, he said his complaint was about “honour, integrity and basic human dignity, which the staff at Legal & General do not have”.
 - Mr H disagreed that the use of the incorrect email address was maladministration, but rather “a deliberate act of malice”. He assumed that the reason behind this was his disagreements with the three other members of staff he had spoken to, before receiving the offending letter.
 - Mr H emphasised that any sum of money he is awarded would make no difference without the member of staff responsible for writing the letter, and her supervisor admitting to, what he describes as a “sick joke” and apologising for it.

- Mr H was also of the view that the Adjudicator left “a lot to be desired” and rejected her Adjudication requesting that his complaint was “passed to the Ombudsman without delay”.

Ombudsman’s decision

15. Having carefully considered the evidence provided, I am satisfied that an appropriate level of distress and inconvenience award has been made to Mr H.
16. Whilst it is regrettable that Legal and General erroneously included the bereavements email address in its letter to Mr H, there is no prescribed remedy or fine to rectify this.
17. If an actual, quantifiable loss could be proven, a member would have recourse to make a claim for loss. In Mr H’s case, the loss is classed as being non-financial, and therefore any compensatory payment for distress would be modest in nature.
18. Legal and General has offered a payment of £150, as a token gesture, in acknowledgement of any distress the use of an incorrect email address would have caused.
19. I have considered the explanation put forward by Legal and General; in that the error occurred as a result of an oversight on the part of the member of staff responsible for writing to Mr H. In the absence of any evidence to suggest otherwise, and on balance, I have accepted this explanation.
20. With Legal and General’s explanation in mind, I consider its offer of £150 to be adequate, and I leave this for Mr H to decide whether he wishes to accept it.
21. Whilst I sympathise with Mr H for why he was upset, I consider his request for a compensatory payment of between £3,000 and £5,000 to be excessive and disproportionate.
22. Therefore, I do not uphold Mr H’s complaint.

Anthony Arter
Pensions Ombudsman

29 June 2017