

## Ombudsman's Determination

Applicant	Mr N
Scheme	Thomson's Online Benefits Group Personal Pension Plan ( <b>the Plan</b> )
Respondent	Thomsons Online Benefits ( <b>Thomsons</b> )

## Outcome

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

## Complaint summary

3. Mr N's complaint arises because Thomsons did not process an online instruction to increase the level of his employee contributions.

## Background information, including submissions from the parties

4. On 31 October 2016, Mr N sought to increase the level of his employee contributions from 10% to 20%, via Thomsons' online portal.
5. Upon reviewing his December 2016 pay cheque, Mr N discovered that the increase in the level of his employee contributions had not taken effect. As a result, he complained to Thomsons that it had not processed his instruction.
6. On 4 January 2017, Thomsons responded that Mr N had not clicked on the "confirm selections" at the end of the online portal process. As a result, his instruction to increase the level of his employee contributions had not been registered. Thomsons also noted that Mr N had successfully made a change to the level of his employee contributions using the online portal in July 2014, suggesting he had found the process sufficiently clear on that occasion.

## Adjudicator's Opinion

7. Mr N's complaint was considered by one of our Adjudicators, who concluded that no further action was required by Thomsons. The Adjudicator's findings are summarised briefly below:-

- Mr N did not click on the “confirm selections” at the end of the online portal process and, as a result, the increase in the level of his employee contributions from 10% to 20%, was not processed.
  - The Adjudicator considered the online process to be sufficiently user-friendly.
  - On the day following Mr N’s attempt to make the change, Thomsons sent him an email which noted that his employee contributions were at 10% of his salary. In the Adjudicator’s view, this ought to have been sufficient to alert Mr N to the fact that the increase in the level of his employee contributions had not been put in place.
  - Thomsons had offered to accept payment of additional employee contributions retrospectively, which the Adjudicator considered to be reasonable in the circumstances.
8. Mr N did not accept the Adjudicator’s Opinion and the complaint was passed to me to consider. Mr N 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 N for completeness. In summary, these are:-
- He amended the level of his employee contributions using the online portal. He would have expected Thomsons to seek clarification from him if there had been any activity which would reasonably lead it to consider that the change had not been applied.
  - He was on holiday during December 2016, and only discovered that the increase in the rate of employee contributions had not been applied in early January 2017, upon his return. After some difficult exchanges with Thomsons, he accessed the online portal again to increase the rate of employee contributions to 20%. However, he later learned that this would not become effective until February 2017. He noted that the value of his selected funds had increased between November 2016 and February 2017. As such, he had suffered a financial loss as a result of the failure to process the increase in the level of his employee contributions to 20% in November 2016.
  - Thomsons’ email of 1 November 2016 said his employee contribution was set at 10% of his salary and therefore simply confirmed the previous position. As such, it was not sufficient to alert him to the fact that his instruction to increase the level of his employee contributions to 20% had not been implemented.
  - He does not consider that the online process for making changes to the level of employee contributions is adequately clear.

### **Ombudsman’s decision**

9. Having examined screenshots provided by Thomsons, I note that Mr N was required to confirm he agreed to the salary sacrifice for the increased contribution, and that he

did so. There was then a “selection confirmation” screen. In order to complete the process, Mr N had to click on “commit selections”. He did not do this and so the increase to his employee contributions from 10% to 20% of his salary was not registered. The selection confirmation screen had two prominent boxes; one entitled “cancel” and the other entitled “commit my selections”. Therefore it is apparent that the increase to the employee contribution level would not become operative until Mr N selected “confirm my selections”.

10. Further, Mr N had made a previous change to the level of his employee contributions in July 2014. This suggests that he found the online process sufficiently straightforward on that occasion.
11. Even if it was accepted that the process was unclear, I note that Mr N received an email from Thomsons on 1 November 2016, which stated:-

“You have successfully completed your benefit selections and the associated workflows. We now have all the information required to set up your benefit choices. They will shortly be processed and sent to the relevant benefit providers. Your benefit choices are as follows:-

<b>Benefit Name</b>	<b>Benefit Level</b>	<b>Period Cost</b>
Group Personal Pension	10% of salary per year	£625.00”.

12. The level of employee contributions is clearly stated to be set at 10% of Mr N’s salary, not 20%. In my judgment, this ought to have been sufficient to alert Mr N to the fact that the increase to the level of his employee contributions from 10% to 20% had not been applied and thereby take appropriate action to ensure the change was made promptly.
13. I find no evidence of maladministration by Thomsons.
14. Therefore, I do not uphold Mr N’s complaint.

**Anthony Arter**

Pensions Ombudsman  
18 December 2017