

Ombudsman's Determination

Applicant	Mr Z
Scheme	The Old British Steel Pension Scheme (the OBSPS)
Respondent	B. S. Pension Fund Trustee Limited (the Trustee)

Outcome

1. I do not uphold Mr Z's complaint.

Complaint summary

2. Mr Z has complained about the Cash Equivalent Transfer Value (**CETV**) he was paid. He said that the CETV he received was significantly less than it would have been had he transferred after the change in the CETV calculation basis.
3. He also said that, by the time his transfer was paid, the Trustee would have known of the change in CETV calculation basis. So, he should have been paid in accordance with the updated CETV calculation basis.

Background information, including submissions from the parties

4. Following a bulk transfer from the British Steel Pension Scheme (**the BSPS**) and its entering into a PPF assessment period, the BSPS changed its name to the OBSPS.
5. The Ombudsman considered Mr Z's complaint and deemed it to be materially similar to Mr A's case, PO-16970. Mr A's group contained 123 associated complaints, one of which was Mr Z's. Mr A had complained that the Trustee amended the CETV calculation basis, resulting in significantly higher CETVs after his transfer had been completed, without informing him it would be changing the calculation basis. Mr A had argued that the change should have been made at an earlier date and, therefore, the CETV he received was incorrect.
6. The Ombudsman determined Mr A's complaint on 13 January 2020 (**the Determination**). The Determination explains the reasons why the Ombudsman did not uphold Mr A's complaint and can be found on our website. Where Mr Z's complaint overlaps with that of Mr A, those points will not be repeated here, but reference will be made to the Ombudsman's Determination of Mr A's case.

7. The majority of the complaints within Mr A's group were discontinued following the Determination, on the basis that they were materially similar and therefore the outcome would be identical.
8. Mr Z asked for his case to be looked at individually because, in his view, his circumstances differ to Mr A's. Paragraphs 9 to 14 provide a brief timeline of events relating to Mr Z's complaint.
9. On 2 December 2016, Mr Z requested a CETV quotation.
10. On 19 December 2016, he was supplied with a guaranteed CETV of £359,391.35.
11. He accepted the CETV and sent the Trustee the relevant transfer paperwork. On 2 March 2017, his transfer was paid to his chosen receiving scheme, with Aviva.
12. In a meeting held on 8 March 2017, the Trustee decided it would amend the CETV calculation basis, this change took effect from 1 April 2017. The background to this decision has been explained in paragraphs 36 to 63 of the Determination. This is replicated in Appendix One for ease of reference. References to appendices within paragraphs 36 to 63 are references to appendices to the Determination and are not replicated here.
13. On 1 April 2017, the CETV calculation basis changed. This had the effect of increasing CETVs for the majority of members.
14. Mr Z has said that his complaint should be looked at individually on the basis that his complaint was different to Mr A's. He said that:
 - It was unfair that some members, who had accrued less service than he had, were paid higher CETVs.
 - He argued that, by the time his transfer was paid, the Trustee knew of the change in the CETV calculation basis, so it should have offered him a CETV on the new basis.
 - Members who transferred out of the OBSPS later than him were afforded the choice of waiting for CETVs calculated in accordance with the new CETV calculation basis. He provided a copy of the letter these members received, dated 29 March 2017, which said that the new CETV calculation basis "is expected to result in higher transfer value in most cases." He said that, had he received such a letter, he would have delayed his transfer.
 - He also provided a copy of a letter sent to members on 28 August 2017. This was sent to members who had received CETV quotations that were subject to an underfunding reduction. It warned members that the underfunding reduction was likely to reduce from 8% to around 5%. Mr Z argued that this showed that the Trustee was able to warn members of potential increases in CETV quotations, so it should have done the same for him.

Adjudicator's Opinion

15. Mr Z's complaint was considered by one of our Adjudicators who concluded that no further action was required by the Trustee. The Adjudicator's findings are summarised below:-

- The Adjudicator did not agree with Mr Z's argument that it should not have been possible for there to be such a range of CETVs paid to members. The Adjudicator said this had already been considered in paragraph 159 of the Determination:

"I appreciate Mr A's concerns with the value of his benefits and I can understand that it is difficult to accept that his CETV is correct when other members, his colleagues and friends, received vastly increased figures after 1 April 2017. But I do not find that the CETV Mr A received was incorrect. It was calculated using the agreed basis at the time of the calculation. I acknowledge Mr A's comments that, had the value been calculated on a post-April 2017 basis, it is likely to have been higher than that which was quoted in August and transferred in November 2016, and he may have chosen a different option. Nevertheless, that statement is made with the benefit of hindsight, and in any event, it does not cause the statement of entitlement that Mr A was given in August 2016, to be incorrect."

- The Adjudicator did not accept Mr Z's argument that he should have been warned of the change in CETV calculation basis. He said that Mr Z's transfer completed on 2 March 2017, prior to the Trustee's decision to alter the CETV calculation basis. So, at the time the transfer completed, the Trustee would not have been in a position to warn members of any future changes.
- Mr Z's CETV was completed in accordance with the calculation basis, as it stood at the time, so there can be no maladministration.

16. Mr Z did not accept the Adjudicator's Opinion and the complaint was passed to me to consider. Mr Z provided his further comments. He said that:-

- The circumstances he found himself in, in the run up to his transfer, were "awful". He said that his manager and colleagues all encouraged him to transfer his benefits out of the OBSPS. He said that colleagues were "panicking" that they wouldn't be able to transfer out in time and would lose their benefits.
- He now has to work amongst colleagues who benefitted from the new transfer basis, and this is "not fair".

17. I note the additional points raised by Mr Z, but I agree with the Adjudicator's Opinion.

Ombudsman's decision

18. Mr Z's complaint is materially similar to Mr A's, which I have already Determined.
19. I appreciate Mr Z's concerns about the value of his benefits, and I understand that it is difficult for him to accept that his CETV was calculated correctly when his colleagues received vastly increased figures a few months later. I also acknowledge Mr Z's comments that he feels that it is "not fair" that he has to continue to work amongst colleagues who benefitted from the new transfer basis. It is true that Mr Z's CETV was likely to have been larger, if it was calculated on the post April-2017 basis. Nevertheless, this statement is made with the benefit of hindsight. Mr Z was paid a CETV in accordance with the CETV calculation basis at the time, so I can find no maladministration.
20. Mr Z has also complained about the circumstances he found himself in prior to his transfer. He said that he was encouraged by managers and colleagues to transfer out of the OBSPS due to concerns about its funding position. Mr Z's complaint concerns the actions of the Trustee, so my findings are limited to the information he was given by the Trustee.
21. I have already explained my findings in paragraphs 111 to 126 of the Determination (see Appendix Two). Briefly, I do not consider any of the Trustee's announcements were designed to encourage members to transfer out of the OBSPS. Rather, "they were to provide members with factual information concerning the OBSPS and the PPF."
22. In paragraph 126, I said:

"To conclude, I have reviewed the information received by Mr A and I do not uphold this part of his complaint. The information provided by the Trustee was not misleading and did not amount to scaremongering. It was necessary to share information with the OBSPS members, given the press coverage of TSUK's business at that time and the inevitable concerns this would raise."
23. Consequently, I am of the view that there was no maladministration in the way that the Trustee informed members of the potential of the OBSPS joining the PPF.
24. I do not agree with Mr Z's argument that he should have been warned of the change in the CETV calculation basis. Mr Z's transfer completed on 2 March 2017, prior to the Trustee's decision to alter the CETV calculation basis. At the time the transfer completed, the Trustee would not have been in a position to warn members of any future changes.
25. While I have sympathy for Mr Z's position, I do not find it appropriate for the Trustee to go back and adjust transfer values that have already been paid.

PO-20334

26. I do not uphold Mr Z's complaint.

Anthony Arter

Pensions Ombudsman
22 November 2021

Appendix One

(ii) Relationship between CETVs and the OBSPS' investment strategy

36. Regulation 2 of The Occupational Pension Schemes (Investment) Regulations 2005 (**the Investment Regulations**), (see Appendix 4), requires trustees to create and maintain a SIP, reviewing it at least once every three years, and without delay after a significant change in investment policy. This regulation also sets out that trustees must obtain and consider appropriate advice on what the SIP must cover.
37. Regulation 2 of The Occupational Pension Schemes (Investment) Regulations 2005 (**the Investment Regulations**), (see Appendix 4), requires trustees to create and maintain a SIP, reviewing it at least once every three years, and without delay after a significant change in investment policy. This regulation also sets out that trustees must obtain and consider appropriate advice on what the SIP must cover.
38. Under Regulation 4(4) of the Investment Regulations, assets held to cover the actuarially calculated amount required to provide for a scheme's expected liabilities (those liabilities being pension payments, transfer values etc.) must be invested "in a manner appropriate to the nature and duration of the expected future retirement benefits payable under the scheme".
39. In the Trustee's meeting on 9 March 2016, the Trustee considered a report from the Actuary dated 9 March 2016, which had been circulated on 26 February 2016. That report reviewed the actuarial factors for the OBSPS, following completion of the OBSPS' 31 March 2014 actuarial valuation (**the 2014 Valuation**). In the review of the CETV calculation basis, the Actuary compared the assumptions underlying the existing CETV calculation basis, which were set to be best estimate assumptions as at 31 March 2011, to the 31 March 2014 best estimate basis. It concluded that the two best estimate bases were broadly similar and that the existing underlying assumptions remained suitable and did not require amendment. The Actuary did not recommend that the underlying assumptions were updated.
40. The 2011 best estimate basis had been adjusted when transfer values were calculated to reflect the market conditions at the point of calculation using market value adjustments (**MVAs**). The Actuary recommended that the MVAs were re-based to capture financial conditions as at 31 March 2014, the transfer basis; and also improving the accuracy of the equity-based MVA by linking it to the member's pre-retirement duration rather than a fixed duration. In the March 2016 meeting, the Trustee Board approved the revised MVAs; and agreed to review the transfer value basis, no later than 31 March 2019, although the Actuary said that it would alert the Trustee in the meantime if he considered that the basis or the MVAs needed to be reviewed earlier. It was agreed that the necessary steps should be completed to effect the changes no later than 1 October 2016, although implementation ahead of that date was encouraged if possible.
41. This timeframe had been set in order to allow sufficient time for the necessary revisions to be made to the administration system used to calculate CETVs. Before

work could begin on the CETV revisions, the administration system had to be revised significantly in light of changes to the OBSPS' benefit structure being implemented with effect from 1 April 2016. This was necessary as the revised benefit structure had to be correctly coded so that it could be reflected in the CETV calculations. This work was completed ahead of the 1 October 2016 target, so the changes were reflected in the CETV calculations, with effect from 1 September 2016.

42. In August 2016, a decision was made by the OBSPS' investment committee to take investment de-risking steps, however these remained within the tolerances of the SIP. No change was made to core strategic asset allocation and the SIP was amended to reflect the changes made.
43. The Actuary's reports, dated 5 September and 23 November 2016, were considered at the September and December Trustee meetings, respectively.
44. The Actuary's report, dated 5 September 2016, explained that, while "good progress" had been made on the first stages of the de-risking, the OBSPS' future remained uncertain as decisions by Tata Steel Limited and the UK and Welsh governments, regarding the future of the UK steel industry, were still awaited. In any case, investment de-risking would be required. The report advised that the OBSPS' SIP had been amended to reflect the initial de-risking that had taken place, but the Actuary referred to the future targeted investment strategy not yet having been made and explained that: a new version of the OBSPS' SIP would be issued in due course, reflecting the expected move in the investment strategy; and the CETV calculation basis would be affected. The Actuary pointed out that the impact of assuming lower investment returns would significantly increase CETVs to a level greater than the OBSPS could afford, meaning that an underfunding reduction would then need to be considered and likely applied.
45. In the 23 November report, which referred back to the September report and provided an update on the situation regarding the OBSPS' investment strategy, the Actuary indicated that a significant proportion of the de-risking that was permitted by the changes, that had been made within the amended August SIP, had been completed. The August 2016 SIP did not make changes to the central benchmarks for the OBSPS' long term investment strategy. The Actuary noted that "no attempt had yet been made to specify a targeted new investment strategy." But the intention was to amend the investment strategy further when the future of the OBSPS became clearer. As the September 2016 report had done, the November 2016 report stated that, once completed, the changes to the OBSPS' investment strategy would need to be reflected in a new SIP and in the CETV calculation basis.
46. Each of the September and November reports recommended that no changes be made to the CETV calculation basis at the relevant times, given the continued uncertainty in relation to the OBSPS' future, but that the matter be kept under review and considered further in the next Trustee's meeting, when the future of the OBSPS would be clearer.

47. The Actuary's report of March 2017 confirmed that, as the OBSPS' future was now less uncertain, changes to the OBSPS' investment strategy were therefore being formalised through the OBSPS' new SIP. On that basis, as advised by the Actuary, the Trustee proceeded with reviewing the CETV assumptions. The Trustee made the decision to amend the CETV assumption, with effect from 1 April 2017, for any member retiring before reaching his or her NPD or requesting a CETV on or after that date. This resulted in most members seeing an increase in their CETV after 1 April 2017, compared to CETVs provided before 1 April 2017.

(iii) Amendment of the CETV calculation basis

48. In relation to the value of a transfer, the OBSPS Rules state at paragraph 16(1)(f) (see Appendix 1), that the value of the transfer payment will be as certified by the Actuary.
49. Section 97 of the Pension Schemes Act 1993 (**PSA 1993**), is set out in Appendix 2 below. The Occupational Pension Schemes (Transfer Values) Regulations 1996 (**the Transfer Regulations**), also affect the member's right to transfer and set out the transfer requirements (see Appendix 3). In addition, in 2008, TPR published guidance for trustees in relation to transfer values which is available on TPR's website¹.
50. Regulation 7B of the Transfer Regulations requires trustees to determine the economic, financial and demographic assumptions used to calculate the initial cash equivalent (**ICE**) after obtaining advice from the actuary. It also requires trustees to have regard for the scheme's investment strategy, with the aim that this will lead to the best estimate of benefits.
51. TPR's Transfer guidance states:
- “19. The assumptions must be chosen with the aim of leading to a best estimate of the ICE. This is a best estimate of the amount of money needed at the effective date of the calculation which, if invested by the scheme, would be just sufficient to provide the benefits. However, trustees should recognise that 'best estimate' is not a precise concept and they will often need to be pragmatic and accept choices which seem to them reasonable in the light of the information and advice they have obtained.”
52. The guidance also refers to the investment strategy impacting transfer values. It states:
- “21. Trustees must have regard to their investment strategy when choosing assumptions. This includes the appropriate investment returns to be expected,

¹ <http://www.thepensionsregulator.gov.uk/guidance/guidance-transfer-values.aspx>

which in turn will influence the choice of interest rates with which future expected cash flows are discounted.”

53. The guidance also says that trustees should make evidence-based objective decisions:

“23. Trustees should make evidence-based objective decisions in relation to matters that will have a material effect. Of course, evidence in the conventional sense is not available on the future. In this context what we mean by evidence is facts about the past, and opinions about the future based on those facts, which can be objectively used by the trustees to make judgements about the likely course of future events. This evidence can take a variety of forms, including:

- past history of investment returns from various asset classes and the relationships between them;
- published mortality tables;
- a scheme's own experience to the extent it is statistically reliable;
- published statistics on demographic issues;
- the opinions of recognised experts; and
- the output of suitable stochastic models as advised by the scheme actuary.”

54. As the Trustee was aware, although it was required under the Transfer Regulations to take actuarial advice, responsibility for the calculation and verification of CETVs rested with the Trustee. Therefore, the Trustee carried out annual reviews of its advisers to monitor their service standards to ensure that the standard of advice that it received from its advisers remained sufficiently high. The Actuary consistently rated well against the Trustee’s key performance indicators.
55. As explained in paragraphs 38 to 40 above, in the Trustee’s meeting in March 2016, the Trustee agreed to change the MVAs but maintained all of the other factors, having considered actuarial advice to that effect. The Actuary also considered the application of an underfunding reduction, suggesting regular future review, but determined that it was not appropriate at the time as the OBSPS had been more than 100% funded, as at 31 March 2014. The Trustee considered and agreed the change to the MVAs within the CETV calculation basis, which was implemented with effect from 1 September 2016. Members were not informed of these changes and the changes did not cause any delays in the issuing of CETV quotations or payment of CETVs.
56. In April 2016, the Actuary presented a report, again considering the application of an underfunding reduction based on an initial assessment of the OBSPS as at December 2015, which showed that funding may have fallen to 98%. The Actuary was working on an updated funding assessment as at 31 March 2016 and the Trustee agreed to await this before making any changes. The updated assessment, considered in the May 2016 meeting, showed that the OBSPS’ funding position was

more than 100% and, so, there was no need to apply an underfunding reduction to CETVs.

57. As mentioned in paragraphs 42 to 45 above, the Actuary provided two further reports, dated 5 September 2016 and 23 November 2016, which were considered at the September and December Trustee meetings. Both reports considered the funding position in relation to CETVs to be over 100% on the existing CETV calculation basis, which meant that there was no need for an underfunding reduction. The reports went on to discuss the OBSPS' investment strategy due to its uncertain future, with the possible routes meaning that de-risking would be required. The Actuary indicated that, by 23 November 2016, a significant proportion of the preliminary de-risking that was permitted by the changes, reflected in the August 2016 amendment of the SIP, had been completed. In the September report, the Actuary referred to the future targeted investment strategy not yet being specified, with both reports stating that, once completed, the expected changes would need to be reflected in a new SIP and in the CETV calculation basis. The Actuary pointed out that the impact of assuming lower investment returns would significantly increase CETVs to a level greater than the OBSPS could afford, meaning that an underfunding reduction would then need to be considered and likely applied.
58. The actuarial reports recommended that no changes be made to the CETV calculation basis at that time, but that the matter was to be kept under review and considered further in the March 2017 meeting when the future of the OBSPS should be clearer. While the November 2016 Actuarial report noted that "a significant proportion of the anticipated de-risking has now been completed", changes to the long-term investment strategy were yet to be made and reflected in a SIP. The CETV calculations were based on the OBSPS' long term investment strategy. Short term changes within the tolerances of the SIP were not considered to be relevant for CETV purposes.
59. In the Trustee meeting of 8 March 2017, the Trustee approved the draft SIP, effective from 1 April 2017. On the advice of the Actuary, the Trustee also proceeded with reviewing the CETV assumptions, resulting in the Trustee's decision to amend the assumptions, with effect from 1 April 2017, for any member requesting a CETV on or after that date. As stated in paragraph 46, the amendment to the CETV actuarial factors resulted in most members seeing an increase in their CETV after 1 April 2017, compared to CETVs provided before 1 April 2017.
60. Finally, Mr A has expressed concern that a trustee was also a member and Mr A's concerns that this will have caused a conflict of interest for the Trustee. TPR has provided regulatory guidance for trustees in relation to conflicts of interest², which states that it is good practice to put in place a conflicts of interest policy to enable identification and management of any conflicts that may arise. The Trustee has explained that it had a conflicts of interest policy in place and considered whether

² <https://www.thepensionsregulator.gov.uk/en/document-library/regulatory-guidance/conflicts-of-interest>

any trustee had conflicting interests at the beginning of every Trustee board meeting. Potential conflicts were dealt with in line with the provisions of the conflicts of interest policy and were minuted accordingly.

(iv) Completion of the transfer using the pre - 1 April 2017 calculation basis

61. Part 4ZA, which contains sections 93 to 101 of the PSA 1993, sets out the trustees' statutory requirements in relation to transfers. Section 93A of the PSA 1993, sets out the right to a statement of entitlement (also known as a guaranteed CETV). As long as the member meets the criteria set out in section 93 of the PSA 1993, section 93A requires the trustees to provide the member with a statement of entitlement in respect of his or her transferable rights. Trustees are required, under Regulation 6(1) of the Transfer Values Regulations, to provide the statement of entitlement within three months after the date of the member's application for a statement of entitlement or, where it is unable to do so for reasons beyond its control, it may take up to a further three months, as required, to do so.
62. Section 94 of the PSA 1993, provides a member who has been provided with a statement of entitlement under section 93A of the PSA 1993 with a right to take the cash equivalent in accordance with the remainder of Part 4ZA of the PSA 1993. Section 95 of the PSA 1993, details how an application to take the cash equivalent must be made, the relevant timeframe being three months beginning with the guarantee date, and the ways in which the right to a cash equivalent can be taken, for example for acquiring rights allowed under the rules of a personal pension scheme.
63. Section 99 of the PSA 1993, sets out the trustees' duties after the member has exercised his or her right to take a transfer in accordance with section 95 of the PSA 1993. Section 99(2) of the PSA 1993, states that trustees must do what is needed to carry out what the member requires within 6 months of the relevant period.

Appendix Two

111. It would have been quite wrong, at that time, for the Trustee to inform members of the potentially favourable future CETV calculation basis when its investment strategy had not yet had a chance to bear results and the decision to amend the CETV calculation basis had not yet been made.
112. After the date of Mr A's transfer, further similar announcements were also sent to other members (falling within the same group of complaints) who also transferred out.
113. More specifically, on 7 December 2016, the Trustee informed members that TSUK had announced its intention to close the OBSPS to future accrual and that a consultation with affected employees would be carried out. In January 2017, TSUK had already commenced consultation with members in relation to the proposed cessation of accrual under the OBSPS, which would undoubtedly have caused concern amongst members. On 12 January 2017, the Trustee informed members that TSUK was attempting to separate from the OBSPS using an RAA, and that while normally a scheme would immediately enter the PPF, the Trustee was requesting that a second scheme be set up on the modified basis previously outlined and that members be given the option to choose whether to enter the PPF or transfer to the proposed modified scheme.
114. On 27 January 2017, the Trustee issued a more detailed announcement to members which set out the options that were currently being considered by: TSUK; the Trustee; TPR; and the PPF, for the future of the OBSPS. This also went into more detail about what would happen in the event of an RAA and the setup of a new scheme with modified benefits. It confirmed that the outcome of the Government consultation, which had started in 2016, was still awaited and the consultation between TSUK and employees regarding the termination of future accrual in the OBSPS was ongoing.
115. I find that these announcements sent after Mr A's transfer were also reasonable: the announcements provided an update to members, using the information that was available at that time; and that information could not have been shared at an earlier time. The Trustee's communications, in January 2017, can only have been intended to enhance members' understanding of the situation regarding the OBSPS' future, and to keep members up to date in relation to developments in that respect, at such a time of uncertainty.
116. It appears to me that the Trustee had focused on: securing the best outcome for the OBSPS and its members; and ensuring that members were given information on the situation as it unfolded. The OBSPS is now in the PPF assessment period, as the Trustee had predicted, but the Trustee had also set up an alternative scheme and those members who remained in the OBSPS were given the option to select whether to remain in the OBSPS and enter the PPF, or to move to the alternative scheme.

117. I acknowledge that the Trustee has referred to the PPF as being a “poor outcome” in its announcement of May 2016 and others³. I can see how this terminology, because of the negative connotation, could have caused members concern about the future of their pension benefits should the OBSPS enter the PPF.
118. The choice of words was in context to highlight that the modified OBSPS would provide a better outcome for the majority than the PPF would have provided. The context is clear, for example, in the announcement dated 26 May 2016:
- “The Trustee believes that exchanging the [OBSPS]’ assets for PPF compensation would be a poor outcome. The Trustee believes that the [OBSPS]’ assets are more than enough to meet the cost of paying PPF compensation and that it will be better for the scheme to stay out of the PPF. The [OBSPS] could then provide modified benefits at levels which, for the vast majority of members, would be better than PPF compensation...”
119. I do not believe it is reasonable to assume that the Trustee included those statements to encourage members to transfer out of the OBSPS. They were to provide members with factual information concerning the OBSPS and the PPF.
120. The Trustee is not authorised or regulated to provide advice, therefore it was limited to providing only information and options to categories of members. It could not provide recommendations and advice for individual members (whose circumstances and facts would each have been different). It was for Mr A to consider, on independent advice, if and how any of the changes might have affected him on the basis of information available and circumstances pertaining at the time.
121. The Trustee was not, and could not have been expected to be, aware of every member’s individual circumstances when making a generic decision. What is best for one member may disadvantage another. The Trustee needed to find a balance between providing too little information and overwhelming members with extensive and comprehensive information. This is a difficult balance to find, especially when it comes to pensions, which are not straightforward in nature, even without an event such as this affecting the OBSPS.
122. Mr A has said that the Trustee should have run roadshows about the future of the OBSPS and possible implications for members at a much earlier stage and that those who transferred prior to the roadshows were disadvantaged.
123. The roadshows that were run were in relation to two specific events:-
- 123.1. The first of those events was the consultation between TSUK and employees about the termination of future benefit accrual from late 2016 to early 2017. Those roadshows were run by TSUK (not by the Trustee) as part of the consultation exercise which it was required to carry out, as a participating employer in the OBSPS, to meet its statutory consultation obligations. The

³ 8 June 2016, 12 August 2016, 12 January 2017 and 27 January 2017.

focus of those roadshows was on the potential termination of benefit accrual, as regulations⁴ required TSUK to inform affected members that TSUK was considering ceasing future benefit accrual under the OBSPS and to provide members with the opportunity to comment on that possibility, before TSUK could formally reach its decision whether or not to cease benefit accrual. The roadshows had nothing to do with early retirement under, or transfers out of, the OBSPS.

123.2. The second set of roadshows, which started in October 2017, were run as part of the “Time to Choose” exercise, which was intended to inform members of their options of either transferring to the new scheme or remaining in the OBSPS and ultimately entering the PPF. The focus of the second set of roadshows was on the difference between the benefits provided by the PPF and those provided under the New British Steel Pension Scheme.

124. I do not consider it possible for either of those sets of roadshows to have been run at earlier dates, as the timing of the roadshows was dictated by the events that they related to, which had not yet occurred. The first set of roadshows could not have included details about the changes to the CETV calculation basis as they were run prior to the decision to make the changes having been made on 8 March 2017.
125. I do not agree that the Trustee should have run earlier roadshows about the possible future of the OBSPS, as the Trustee was not aware of what the OBSPS’ future would be until the RAA and the New British Steel Pension Scheme were agreed and confirmed in late 2017. Any such roadshows would have involved speculation and could have compounded members’ confusion and concerns about the situation regarding their benefits under the OBSPS.
126. To conclude, I have reviewed the information received by Mr A and I do not uphold this part of his complaint. The information provided by the Trustee was not misleading and did not amount to scaremongering. It was necessary to share information with the OBSPS members, given the press coverage of TSUK’s business at that time and the inevitable concerns this would raise.

⁴ the Occupational and Personal Pension Schemes (Consultation by Employers and Miscellaneous Amendment) Regulations 2006