

Ombudsman's Determination

Applicant	Mr L
Scheme	AXA UK Group Pension Scheme (the AXA Scheme)
Respondents	AXA UK Pension Trustees Limited (the Trustee) Capita Employee Solutions (the Administrator)

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

Complaint summary

3. Mr L disputes the records held by the Scheme in respect of his benefits. He has requested further evidence to support the records held by the Trustee.

Background information, including submissions from the parties

4. Mr L has said he was a member of the Sun Life Scheme from 1978 to 1986. However, neither Mr L nor the Trustee have any records to confirm this.
5. Mr L was a member of the Equity and Law Staff Pension Scheme (**Equity and Law Scheme**) from 4 August 1986 to 13 July 1990.
6. The Trustee's records show that he transferred £2,075.83 of benefits into the Equity and Law Scheme and this provided him with a service credit of two years and seven months. The Trustee has concluded that the transfer represented Mr L's benefits from the Sun Life Scheme.
7. Mr L transferred his benefits out of the Equity and Law Scheme to Friends Provident in June 1992 and a transfer value of £4,437 was paid.
8. The Equity and Law Scheme and the Sun Life Scheme merged with the AXA Scheme in 2000.
9. The administrator of the AXA Scheme holds a record which indicates that Mr L's benefits in the Equity and Law Scheme were transferred out in 1993 before the merger in 2000.

10. Mr L contacted the Trustee to find out more about his pensionable service, after he had learned about the merger with Sun Life. Mr L disputed the records he was provided with and raised a complaint under the Scheme's internal dispute resolution procedure (**IDRP**).
11. In its IDRP stage one response, the Trustee explained:
- Neither Mr L nor the Administrator had any records in relation to his Sun Life Scheme benefits.
 - It was unable to confirm the years of pensionable service Mr L had in the Sun Life Scheme.
 - His service in the Sun Life Scheme was accrued more than thirty years ago and it had been transferred out more than twenty-six years ago.
 - It was unable to provide any further details about the calculation of Mr L's transfer in value of £2,075.83.
 - Mr L would have been provided with information regarding the transfer at the time it was made, and its view was that any queries should have been made at the time.
 - The economic background at the time the transfer was made meant that in general transfer values were low.
12. The Trustee provided us with copies of the records it holds for Mr L. It provided confirmation of his transfer from the Equity and Law Pension Scheme and details of how his benefits were calculated. The calculation form showed:
- Mr L had joined the Equity and Law Scheme on 4 January 1984. The date had been adjusted to reflect the two years and seven months of additional service provided when he transferred in £2,075.83 of benefits.
 - Mr L was in service with Equity and Law for three years and eleven months.
 - The transfer value included the additional service he had bought and his service with Equity and Law.
13. Mr L provided a letter from HM Revenue and Customs (**HMRC**) that confirmed his contracted -out service. It included the following table:

Period	Scheme Name	Reference Number	Comments
06/04/1978 – 13/07/1990	Friends Provident Personal Pension Plan	Not Known	Includes Transfer in for period 06/04/1978- 05/04/1986 Employer

			Checkbrick 1985-86 SLAS
30/07/1990 - 28/02/1994	Friends Provident Pension Scheme	Not Known	None
1/03/1994 – 23/09/1999	AXA UK Group Pension Scheme	JD0001577	None

Mr L also said that:

- HMRC had confirmed that he was contracted-out for the period 6 April 1978 to 13 July 1990.
- He was employed by Sun Life Assurance between 6 April 1978 and 5 April 1986, and Equity and Law between 1986 and 1990. Both companies became part of the AXA group.
- The Trustee insists that he was a member of the Sun Life Scheme from 1984 to 1986. However, he was contracted out of the additional state pension for six years prior to that so therefore would have been a member of the Scheme from 1978 to 1986.

Adjudicator's Opinion

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

- The HMRC records showed a transfer in was made to Mr L's Friends Provident personal pension plan for the period 6 April 1978 and 5 April 1986 which correlates with the dates Mr L has said he worked for Sun Life. Therefore, it was reasonable to assume that his benefits in the Sun Life Scheme were transferred to Mr L's Friends Provident personal pension and no longer remain within the Sun Life scheme.
- Although the Trustee's records showed Mr L transferred £2,075.83 into the Equity and Law Scheme, the Trustee did not hold any records in relation to Mr L's Sun Life employment.

15. Mr L did not accept the Adjudicator's view and the complaint was passed to me to consider. Mr L 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 L for completeness.

Ombudsman's decision

16. Mr L argues that he was a member of the Sun Life Scheme from 1978 to 1986 and that he is entitled to benefits for that period. There is no dispute that Mr L was a member of the Equity and Law Scheme or that he transferred his benefits out of that scheme in 1994. The Equity and Law Scheme and the Sun Life Scheme merged with the AXA Scheme in 2000 and the Trustee has made it clear that it does not hold any records in relation to Mr L's membership in the Sun Life Scheme.
17. Mr L has provided information from HMRC that shows he contributed to a Friends Provident personal pension plan from 6 April 1978 to 13 July 1990 and, also that the personal pension plan included a transfer in for the period 6 April 1978 to 5 April 1986. Given that these dates correlate with the dates Mr L says he was employed by Sun Life, and a member of the Sun Life Scheme, it is reasonable to assume that the benefits Mr L accrued in the Sun Life Scheme were transferred into his Friends Provident personal pension plan and no longer remain within the Scheme.
18. The records held by the Administrator show a transfer of £2,075.83 was received into the Scheme. However, it holds no further information regarding the transfer. Given the time that has passed, I do not think this is unreasonable. Mr L has not been disadvantaged as a result of the transfer as he gained an additional two years and seven months service.
19. Therefore, I do not uphold Mr L's complaint.

Karen Johnston

Deputy Pensions Ombudsman

9 July 2019