

Ombudsman's Determination

Applicant	Mrs R
Scheme	NEST (NEST)
Respondents	NEST

Outcome

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

Complaint summary

3. Mrs R's complaints against NEST are about:
 - 1) how it asked for information when processing her claim for benefits;
 - 2) that it mislaid her driving licence; and
 - 3) about the problems she experienced when trying to submit online messages

Background information, including submissions from the parties

4. On 19 October 2017, Mrs R applied to withdraw her pension from NEST. Mrs R is divorced and joined NEST under her married name.
5. On 14 November 2017, NEST received Mrs R's birth certificate, sent by her as proof of her identity.
6. On 6 December 2017, NEST also received Mrs R's completed retirement forms.
7. On 12 December 2017, NEST sent Mrs R a further letter requesting evidence of identity but did not explain why further evidence was required in order to complete the retirement claim. Mrs R then raised a complaint with NEST.
8. On 18 December 2017, NEST responded to Mrs R's complaint and clarified that it did receive Mrs R's birth certificate but also said it needed further evidence to verify Mrs R's change of surname. NEST said that the details held on its system did not match the name on Mrs R's birth certificate.

9. On 17 January 2018, NEST issued a further response to Mrs R. NEST said that a birth certificate was insufficient to verify Mrs R's identity, as the name on it did not match the old (married) name on her records.
10. On 19 January 2018, NEST received Mrs R's counterpart driving licence. NEST rejected it as identification because it asserted that Mrs R's letter did not contain the photocard licence.
11. On 13 February 2018, Mrs R telephoned NEST to query the stage her claim was at. NEST said that it had only received the paper counterpart licence and had returned it by post. NEST also said that it would approve a deviation from its standard procedure to accept Mrs R's paper counterpart licence as proof of identity on this occasion.
12. On 21 February 2018, NEST responded under the Scheme's Internal Dispute Resolution Procedure (IDRP). It declined Mrs R's request for compensation and reiterated the view that it only received the paper counterpart. NEST also apologised for not making this clear to Mrs R sooner.
13. On 22 Feb 2018, Mrs R's fund was disinvested and her online messaging account was closed by NEST.
14. On 17 April 2018, NEST responded to a letter from this office's Early Resolution Team. NEST partially upheld Mrs R's dispute but it did not agree that Mrs R was due compensation. NEST agreed to send Mrs R a cheque for £20 to cover the cost of a replacement photocard driving licence. It said that this was because it was unable to prove that the photocard was not received.

Adjudicator's Opinion

15. Mrs R's complaint was considered by one of our Adjudicators who concluded that no further action was required by NEST. The Adjudicator's findings are summarised below:-
 - The Adjudicator did not consider there to have been any maladministration by NEST. NEST altered their normal processes in order to mitigate the difficulties Mrs R experienced with evidencing her change of name. It is not standard policy for NEST to accept a counterpart driving licence as evidence of a change of name and it made a specific exception in Mrs R's case.
 - The Adjudicator also reviewed the period of time it took for NEST to disinvest Mrs R's funds and did not consider it to be unreasonably long under the circumstances. In the Adjudicator's view, the length of time was explained to some extent by the large volume of correspondence exchanged by all parties.

- NEST also partially upheld Mrs R's complaint under the Scheme's IDRPs in respect of the loss of her photocard driving licence. NEST sent Mrs R a cheque for £20 to cover the cost of a replacement driving licence and, in the Adjudicator's view, this was adequate redress.
 - The Adjudicator considered that Mrs R had suffered a loss of expectation arising from how long she expected the process to pay her pension would take. However, the Adjudicator did not consider a non-financial injustice award to be appropriate in this case.
16. Mrs R did not accept the Adjudicator's Opinion and the complaint was passed to me to consider. Mrs R provided her 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 Mrs R for completeness.

Ombudsman's decision

17. Mrs R has said that she was unemployed at the time that she was trying to claim her pension from NEST. She argued that her need for money was acute and NEST caused her "great distress and financial suffering". However, I do not find the level of non-financial justice Mrs R is alleging to be justifiable. Mrs R's pension benefits were paid as a single lump sum and amounted to less £100, after the deduction of income tax. Even if it had been paid in a timeframe that met Mrs R's expectations, the lump sum's impact would have been negligible to the overall picture of her finances.
18. Mrs R also re-iterated her view that NEST had received and lost her photocard licence. However, I do not find this to be the case. NEST reimbursed Mrs R £20 for the cost of a replacement photocard licence as it could not prove that it had not received the photocard. That does not amount to the same thing. Furthermore, as NEST reimbursed Mrs R for the cost of a replacement and partially upheld her complaint under the Scheme's IDRPs, I find that NEST has already adequately addressed this aspect of Mrs R's complaint.

In her comments, Mrs R also does not agree with the Adjudicator's view that she had other avenues of communication outside of NEST's online messaging portal. However, by her own admission, Mrs R was able to telephone NEST. Although she does not consider the service she received to be adequate, it is evident that Mrs R could communicate adequately with NEST. This is borne out by the significant amount of correspondence exchanged by all the parties between October 2017 and April 2018. NEST has also stated that it is standard practice to disable a member's online account when their funds are disinvested and I have seen no evidence to doubt its explanation.

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19. I do not uphold Mrs R's complaint.

Anthony Arter

Pensions Ombudsman
30 November 2018