

## Ombudsman's Determination

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| Applicant   | Mr D  |
| Scheme      | Yorkshire Copper Tube Pension Scheme ( <b>the Scheme</b> )                      |
| Respondents | The Trustees of the Yorkshire Copper Tube Pension Scheme ( <b>the Trustee</b> ) |

## Outcome

1. Mr D's complaint against the Trustee is partly upheld, but there is a part of the complaint I do not agree with. In view of the award already offered by the Trustee I will not make an additional award.
2. My reasons for reaching this decision are explained in more detail below.

## Complaint summary

3. Mr D's complaint is that the Trustee refused to provide him with information and failed to respond to his requests.

## Background information, including submissions from the parties

4. On 8 February 2018, Mr D emailed a representative of the Trustee to complain it had not produced its "customary" annual newsletter (**the Newsletter**). Mr D said he sought further information about the progress of the Scheme's ongoing triennial valuation and it was the Trustee's duty to keep members informed about this process. Mr D also raised other complaints that fall outside the jurisdiction of this office.
5. On 9 March 2018, Mr D emailed the Trustee Chair, Mr I, stating he had not received a full reply or acknowledgement of his complaint. He also said his queries were straightforward and he considered it discourteous that the Trustee had not formally responded.
6. On 24 May 2018, Mr D emailed 5 representatives of the Scheme, including Mr I, regarding his complaint. He said 15 weeks had elapsed since he had first written to the Trustee and it was unreasonable for it to not reply to him. He also maintained it was essential for the Trustee to produce the Newsletter and communicate with members about progress of the Scheme's valuation. Mr D asked for his complaint to be considered under the Scheme's Internal Dispute Resolution Procedure (**IDRP**).

7. On 25 May 2018, Mr I responded to Mr D and said the Trustee had delayed producing the annual newsletter because there was little meaningful progress to report. Mr I also said the Newsletter would likely be issued in June and he would provide a substantive response to Mr D “during the next 10 days”.
8. On 8 July 2018, Mr D emailed Mr I and other representatives of the Scheme. He said that a further 6 weeks had passed without him receiving a response. Mr D argued that this was “totally unacceptable” and must be evidence of mismanagement by the Trustee. He also said that not publishing the Newsletter deprived its members of important information about how the Scheme was being managed by the Trustee.
9. On 24 August 2018, in the absence of a response from the Trustee, Mr D made a complaint to this Office. He maintained his previous arguments and complained that the Trustee had not responded to his IDRP complaint.
10. On 7 November 2018, Mr I, on behalf of the Trustee, provided a Formal Response to Mr D’s complaint. He accepted that the Trustee had not responded to Mr D’s enquiries in “a complete way” and apologised. Mr I said he had mistakenly understood that Mr D’s queries were satisfactorily answered by another member of the Board previously. Mr I said he disagreed with Mr D’s allegation that the Scheme was mismanaged and said there was no legal requirement to produce a member newsletter. However, Mr I said the Trustee appreciated that member expectations would be “influenced by past practice”. He anticipated that the Trustee would be in a position to issue a Summary Funding Statement and the Newsletter in November 2018.

### **Adjudicator’s Opinion**

11. Mr D’s complaint was considered by one of our Adjudicators who concluded that further action was required by Trustee. The Adjudicator’s findings are summarised below:-
  - An apology was insufficient redress, based on the facts of the case.
  - Not responding to Mr D’s queries and IDRP complaint caused him significant distress and inconvenience. The Trustee should offer Mr D £500 in acknowledgement of this.
  - Other aspects of Mr D’s complaint that fell outside the Ombudsman’s jurisdiction could be referred to The Pensions Regulator.
12. Mr D did not accept the Adjudicator’s Opinion and the complaint was passed to me to consider. Mr D 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 D for completeness.

**Ombudsman's decision**

13. Mr D is a former Trustee of the Scheme and consequently a well-informed, engaged member. Having reviewed the correspondence, he contacted the Trustee many times seeking a substantive response to his questions and latterly his IDRP complaint. It is a significant administrative failing by the Trustee not to have answered Mr D's complaint.
14. Although there is no financial loss, Mr D has been caused significant distress and inconvenience in seeking answers to his reasonable requests for information. The Trustee has offered an award of £500 to acknowledge this non-financial injustice. In the circumstances of this case I consider this award to be sufficient and I will not make a higher award.
15. Therefore, I partly uphold Mr D's complaint.
16. Mr D should contact the Trustee directly to arrange payment should he wish to accept its offer.

**Anthony Arter**

Pensions Ombudsman  
9 May 2019