

Ombudsman's Determination

Applicant	Miss H
Scheme	DM1 Retirement Plan (the Plan)
Respondents	Fast Pensions

Outcome

1. Miss H's complaint is upheld and to put matters right Fast Pensions should respond to Miss H's questions regarding the status and value of her pension fund, and assist her in exercising her statutory right to a transfer. Fast Pensions should also pay Miss H, £1,000, to reflect the distress and inconvenience caused to her by their maladministration.
2. My reasons for reaching this decision are explained in more detail below.

Complaint summary

3. Miss H complains that Fast Pensions failed to respond to her enquiries about the status and security of the Plan, and provide her with the information that she requires to exercise her transfer rights to her preferred provider.
4. Miss H says that she would like Fast Pensions to allow her to transfer her pension fund from them.

Background information, including submissions from the parties

5. The Plan was set up in October 2012 after Fast Pensions were recommended to her, and she subsequently contacted them through their website.
6. A fund value of £17,630 was subsequently transferred to the Plan from a previous occupational pension scheme with Clerical Medical.
7. The Plan is administrated by AC Management and Administration Limited, but she did not receive any policy documents or terms and conditions when the Plan was first established. However, it appears likely from Fast Pensions' website that it was intended to operate as an occupational pension scheme.

8. When Miss H asked Fast Pensions about this she was told that they did not issue scheme documentation.
9. Around October 2013 Miss H contacted Fast Pensions as she had not received any correspondence from them, since she first established the Plan with them a year earlier.
10. As she was concerned about this she requested a transfer and was informed that there would be a penalty applied unless she could provide details of a medical condition signed by a doctor; which she was able to do in 2013.
11. However, she cancelled her initial transfer request in April 2014, after being made redundant and over fears that the receiving scheme might have been involved in pension liberation.
12. In August 2014 she requested another transfer, this time to Fidelity. The formal request for the transfer was sent by them, to Fast Pensions in September 2014.
13. A series of delays followed this formal request, during which Fast Pensions also starting ignoring phone calls and emails.
14. In April 2015 Miss H was informed that although over six months had passed since her transfer request, because of changes to the regulations her request would have to be looked at again.
15. However, she was independently informed that there was no basis for this decision and contacted The Pensions Ombudsman.
16. Despite further communications with Fast Pensions, no funds were ever received by Fidelity.
17. She has found another provider in Geeson Bessent Trustee Services which is willing to accept the transfer, but now understands that Fast Pensions are not registered with the Financial Conduct Authority, and that the underlying investments are possibly in Spain, or Gibraltar.
18. The Adjudicator's Opinion, was returned to sender from Fast Pensions' address in London.
19. A Companies House search shows that they are still active as a company. However, their registered office address changed to the Companies House default address in Cardiff, on 20 July 2016.
20. Miss H agrees with the Opinion and has asked that the matter be determined as soon as possible.

Adjudicator's Opinion

21. Miss H's complaint was considered by one of our Adjudicators who concluded that further action was required by Fast Pensions. The Adjudicator's findings are summarised briefly below.

- The Adjudicator was satisfied that Fast Pensions failed to respond to Miss H over a prolonged period of time in regard to the general status and security of the Plan, and have also failed to complete her requested transfer to Fidelity.
- This constitutes maladministration and has lost her the opportunity to place her funds with a preferred and more trusted provider. This has also caused her significant distress and inconvenience.
- A formal request from Miss H to transfer to the Plan has been made, and Miss H cannot be deprived of a valid statutory right to transfer under Section 94 of the Pension Schemes Act 1993.
- It was therefore the Adjudicator's Opinion that Miss H's complaint should be upheld because he was satisfied that Fast Pensions failed to respond to Miss H over a prolonged period of time in regard to the general status and security of the Plan, and have also failed to complete her transfer requests, or provide any (valid) reason why she would not have a statutory right to the transfer. They have also failed to respond to subsequent enquiries about the transfer process.

Ombudsman's decision

22. I agree with the Adjudicator's Opinion, summarised above, and as Fast Pensions have not responded to the complaint, my decision will be based upon the information and documents provided by Miss H .
23. I note that Fast Pensions have not responded to the complaint, and the Opinion sent to their registered address in London has been returned to sender.
24. We have dealt with a number of other cases recently involving Fast Pensions, where there have been continued failures to respond to members' requests and transfer applications. Fast Pensions have also failed to communicate with this office.
25. Based on the evidence that we do have, I agree that maladministration has been established, and therefore I uphold Miss H's complaint.

Directions

I direct that Fast Pensions will:

26. within 14 days, contact Miss H and, providing she still wishes to transfer her funds, provide her with a Cash Equivalent Transfer Value, and assist her in exercising her statutory right to a transfer to the provider of her choice.
27. within 14 days, pay Miss H £1,000 to reflect the significant distress and inconvenience caused to her by their maladministration.

Anthony Arter

Pensions Ombudsman
4 November 2016