

Ombudsman's Determination

Applicant	Mr A
Scheme	Wyre Marina Boatyard Pension Scheme (the Scheme)
Respondent	Mr Farren, as the Pensioner Trustee of the Scheme

Complaint Summary

1. Mr A's complaint concerns Mr Farren's failure to respond to his enquiries about the status and security of his Scheme funds, leaving him unable to plan for his future and exercise his transfer rights.

Summary of the Ombudsman's Determination and reasons

2. Mr A's complaint is upheld and to put matters right Mr Farren, as Pensioner Trustee of the Scheme, should provide a full written response to Mr A's questions regarding his Scheme funds, including the current value, and assist Mr A if he chooses to exercise his statutory rights to a transfer to a registered pension scheme. Mr Farren should also pay Mr A, £1,000 in recognition of the significant distress and inconvenience he has caused him.

Detailed Determination

Material facts

3. The Scheme is a small self-administered scheme and was established by Wyre Marina Boatyard Limited, as the sponsoring employer, on 18 February 2014.
4. Mr Farren is a director of Wyre Marina Boatyard Limited and also Pensioner Trustee of the Scheme.
5. In August 2014, Mr A transferred-in £25,788.13 he held under the Local Government Pension Scheme from his employment with the London Borough of Tower Hamlets.
6. Mr A claims that his Scheme funds were subsequently moved from a Barclays account without his consent. He says Mr Farren told him that the funds were transferred to SJC Global Ltd to prevent interference.

7. Mr A says Mr Farren has ignored his requests for a current benefit statement and a transfer-out.
8. Mr A is concerned that the Scheme funds are not secure and are being invested inappropriately.
9. Mr A wants to transfer his funds to an alternative registered scheme.

Conclusions

10. I am satisfied that Mr Farren failed to respond to Mr A over a prolonged period of time, regarding the status and security of his Scheme benefits. This constitutes maladministration, which has caused him significant distress and inconvenience.
11. Mr A cannot be deprived of a statutory right to transfer under Section 94 of the Pension Schemes Act 1993. Mr Farren is obliged to deal with it in accordance with Mr A's statutory rights. The Act provides a maximum time limit of 6 months for a statutory transfer to be made. Any delay or request for an extension must be made within that time to the Pensions Regulator. The evidence indicates that Mr Farren has not complied with these requirements.
12. It is therefore my opinion that Mr A's complaint should be upheld.

Directions

13. Mr Farren in his capacity as Pensioner Trustee shall:
 - within 14 days of the date of this Determination provide Mr A with full details of his Scheme funds, including the current value, and pay Mr A £1,000 for significant distress and inconvenience caused.
 - within 28 days of Mr A requesting the transfer of his funds to a registered pension scheme that is prepared to accept it, arrange the transfer to that arrangement.

Anthony Arter

Pensions Ombudsman
21 February 2017