

Ombudsman's Determination

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| Applicant | Mr L |
| Scheme | Royal Mail Statutory Pension Scheme (the Scheme) |
| Respondent | Royal Mail Pensions Trustees Limited (Royal Mail) |

Outcome

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

Complaint summary

3. Mr L has complained that he missed the opportunity to transfer his benefits away from the Scheme. This is because of changes in legislation that took place on 6 April 2015, which prevented members of unfunded public sector occupational schemes from transferring their benefits to a defined contribution or flexible access pension scheme after 6 April 2015. Mr L was still able to transfer his benefits to a defined benefit scheme if he wanted to.

Background information, including submissions from the parties

4. Mr L made his first request for a cash equivalent transfer value (**CETV**) on 6 November 2014. Mr L received the valuation on 28 January 2015, and passed it to AJ Bell Limited (**AJ Bell**), the receiving transfer company, on 29 January 2015.
5. The transfer paperwork was signed and returned to Royal Mail on 30 March 2015.
6. On 9 April 2015, Royal Mail advised that more information was required to complete the transfer, but did not make Mr L aware that he would not be able to transfer due to the new legislation.
7. The remaining information was sent on 27 April 2015, and Royal Mail advised that the transfer could not go ahead.
8. Mr L raised a formal complaint with Royal Mail. He said that as the transfer forms were completed before the new legislation came into place Royal Mail should allow the transfer.

Adjudicator's Opinion

9. Mr L's complaint was considered by one of our Adjudicators who concluded that no further action was required by Royal Mail. The Adjudicator's findings are summarised briefly below:
- Mr L made a request for a CETV on 6 November 2014. Royal Mail have a statutory obligation to provide a CETV, and it did so on 28 January 2015. Mr L passed this on to AJ Bell on 29 January 2015.
 - No further action was taken by Mr L or AJ Bell until 30 March 2015 when a request to transfer was sent to Royal Mail. The information sent did not include everything required by Royal Mail and was returned to AJ Bell on 9 April 2015.
 - Royal Mail could, at this point, have let Mr L know that it was unlikely the transfer would go ahead, but this would not have changed the outcome of the complaint as the remaining information was only sent on to Royal Mail on 27 April 2015. Therefore, Royal Mail cannot be held responsible that the information was not received in sufficient time for the transfer to be completed by 6 April 2015.
10. Mr L did not accept the Adjudicator's Opinion 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, summarised above, and I will therefore only respond to the key points made by Mr L for completeness.

Ombudsman's decision

11. Mr L's complaint is not upheld because the fully completed transfer information for RMSPS benefits was only sent to Royal Mail on 27 April 2015 after the new legislation came into place. Therefore, I do not consider that Royal Mail's actions prevented the transfer.
12. Mr L has complained that Royal Mail could have provided a better service in that it could have made him aware when the incomplete information was sent that it was too late for the transfer to be completed. I agree Royal Mail could have provided this information earlier to Mr L, but it does not change the outcome of this case in that the deadline was missed because the completed forms and information were sent to Royal Mail after 6 April 2015. I understand that Mr L signed the relevant RMSPS forms before the deadline but unfortunately they did not form part of the transfer request which was sent to Royal Mail on 30 March 2015. That request enclosed the forms necessary to transfer benefits from the Royal Mail Pension Plan (RMPP) but did not enclose the relevant forms for the RMSPS. If there was an administrative error leading to this situation it was not caused by Royal Mail.

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13. Therefore, I do not uphold Mr L's complaint.

Karen Johnston

Deputy Pensions Ombudsman
10 February 2017