

Ombudsman's Determination

Applicant	Mr O
Scheme	NOW: Pensions Trust (the Scheme)
Respondent	NOW: Pensions

Outcome

1. I do not uphold Mr O's complaint and no further action is required by NOW: Pensions.

Complaint summary

2. Mr O asked NOW: Pensions to provide a list of his regular and additional voluntary contributions (**AVCs**), split by tax year. He was unhappy with its response and made a complaint regarding the service he had received. He remains dissatisfied and has raised the following points which he does not consider have been addressed by NOW: Pensions:-
 - Guidance on what is required for annual statements differs between the Pensions Advisory Service (**TPAS**) and The Pensions Regulator (**TPR**).
 - TPR obligations for providing AVC information have not been met.
 - He unknowingly had two separate accounts with NOW: Pensions, which should have been recognised and rectified sooner.
 - There were prolonged initial delays in dealing with his complaint.
3. Mr O asked for NOW: Pensions to pay him £300 in respect of the distress and inconvenience he has suffered.

Background information, including submissions from the parties and timeline of events

4. The sequence of events is not in dispute, so I have only set out the salient points. I acknowledge there were other exchanges of information between all the parties.
5. Mr O is a member of the Scheme, which is an occupational defined contribution (**DC**) arrangement, administered by NOW: Pensions.

6. On 26 September 2019, Mr O contacted NOW: Pensions. He asked it to provide a summary of his total regular pension contributions, deductions and dividends, ideally in an electronic format.
7. On 19 October 2019, Mr O received a dated list of his pension contribution history in a paper format.
8. On 4 December 2019, Mr O asked NOW: Pensions to provide the same information as an online webpage or as a spreadsheet.
9. On 13 December 2019, NOW: Pensions sent Mr O a dated list of the pension contribution history again in a paper format.
10. On 13 March 2020, Mr O asked NOW: Pensions to send him his contribution history in an electronic format so he could manipulate the data. He also asked for data on the fees paid as well as details of the fund growth.
11. On 1 June 2020, Mr O received a dated list of the contribution history as well as a breakdown of the funds in which he was invested in paper format.
12. On 2 June 2020, Mr O raised a complaint with NOW: Pensions. He was unhappy with the delays in obtaining the information he had requested. He asked why the information could not be provided within a spreadsheet and he was disappointed that he had to wait for the annual benefit statement in order to view his fund summary.
13. On 12 June 2020, NOW: Pensions emailed Mr O to tell him that it was not able to provide the information in the format he requested. It included details of its Internal Dispute Resolution Procedure (**IDRP**). Mr O completed and returned the IDRP forms.
14. On 21 July 2020, NOW: Pensions issued its stage one IDRP response, which Mr O disputed was in fact an IDRP response. It said, in summary, that it was required by TPR to send statements within 12 months of the end of the previous tax year. It said further information regarding fund values could be obtained from its member support team. As a gesture of goodwill NOW: Pensions offered to pay Mr O £100 in respect of the delays he had experienced.
15. On 2 August 2020, Mr O contacted NOW: Pensions as he did not consider that the response covered all of his queries and asked that the complaint be looked at again.
16. On 5 August 2020, NOW: Pensions emailed Mr O to tell him that it would investigate the complaint again.
17. On 12 August 2020, NOW: Pensions emailed Mr O and included a copy of Mr O's most recent statement and a breakdown of the figures.
18. On 19 August 2020, Mr O emailed NOW: Pensions as he felt there were still some outstanding issues with the complaint. He said he would like satisfactory evidence regarding the rules around sending annual statements. He also noted that he had two pension records with NOW: Pensions and asked if these could be merged.

19. On 21 August 2020, NOW: Pensions told Mr O that it would look into these matters and respond as soon as possible.
20. On 6 October 2020, Mr O contacted NOW: Pensions as he had not received a response. He asked to escalate the complaint to stage two of the IDRPs. He also asked that the goodwill payment be increased from £100 to £150.
21. On 7 October 2020, NOW: Pensions acknowledged the request to escalate the complaint to stage two of the IDRPs and said a reply would be issued by 4 December 2020.
22. On 19 October 2020, NOW: Pensions issued its stage two IDRPs response. It said that guidance offered by TPAS advises an annual statement should be automatically provided within three months of the end of the scheme year. However, it added that pensions are regulated by TPR who stipulate that benefit statements must be sent within 12 months of the end of the respective tax year. It included a link to TPR's website.
23. NOW: Pensions said that TPR required it to ensure that benefit statements included the following information:
 - The amount of contributions (before deductions) credited during the preceding year;
 - the value of accrued rights at a specified date; and
 - a statutory money purchase illustration and a statement of the assumptions made in preparing that illustration.
24. NOW: Pensions also provided a breakdown of the contributions that Mr O had made. It said it appreciated that AVCs were not included within the calculation on the benefit statement and recognised that this information may be beneficial to any members who made AVCs into their pension fund. NOW: Pensions said it had provided feedback about this to the relevant team.
25. It confirmed that Mr O held more than one record with it but said his online account only had the ability to receive and display the information for one of these records. It apologised for any inconvenience this may have caused and confirmed that the records would be merged as a matter of priority and by 23 October 2020 at the latest.
26. NOW: Pensions said it recognised the trouble Mr O had faced while trying to resolve the matter. In recognition of the distress and inconvenience caused it increased its offer to Mr O to £150.

NOW: Pensions' position

27. NOW: Pensions is regulated by TPR. TPR requires that statements are sent within 12 months of the end of the tax year. The requirements are different depending upon the

type of pension arrangement, which is why this guidance appears to differ from that provided by TPAS.

28. It has acknowledged that the annual benefit statement did not previously include a total of the AVCs and instead these were included in the total fund value. A statement of AVCs can be obtained by contacting its member support team. It added that future annual benefit statements will now include this total.
29. Mr O had two accounts created with NOW: Pensions as a result of the data that was supplied by the employer. It understands that members may have multiple separate periods of employment and each of these is treated under a separate record with a unique reference. NOW: Pensions trusts the information provided by employers is accurate and cannot determine an error has been made unless it is brought to its attention. When Mr O raised his initial complaint, a request was not made to amalgamate his two records. When the complaint reached the second stage of the IDRPs the request was made and was concluded within the timescale specified in its response.
30. NOW: Pensions considers that it responded to the complaint within a reasonable timeframe. It considers that the offer it made of £150 is appropriate given the aspects of the complaint. It did not agree to increase the offer to £300.

Adjudicator's Opinion

31. Mr O's complaint was considered by one of our Adjudicators who concluded that no further action was required by NOW: Pensions. The Adjudicator's findings are summarised below:-
32. The Adjudicator was satisfied that NOW: Pensions had correctly followed TPR's regulatory requirements relating to the issuing of annual statements. TPR's website was available to Mr O to locate further information.
33. The TPR guidance states that the information provided to a scheme member must include the amount of contributions credited during the preceding year. NOW: Pensions had checked the benefit statements and confirmed the totals were correct. As a result, the Adjudicator did not consider that NOW: Pensions had failed to meet its regulatory obligations.
34. The necessary action to merge Mr O's pension records was completed by 23 October 2020. The Adjudicator acknowledged that there was a short delay which might have caused Mr O some inconvenience. However, the amalgamation was concluded within the timescale specified in the IDRPs stage two response and did not have an impact on Mr O's benefits. Overall, he did not consider that Mr O suffered a significant amount of distress and inconvenience at this time.
35. No further action appears to have been taken after NOW: Pensions told Mr O on 21 August 2020 that it would investigate his concerns and respond as soon as possible until Mr O emailed NOW: Pensions on 6 October 2020 and implemented stage two of

the IDR. A full response was issued on 19 October 2020. While the Adjudicator acknowledged Mr O's frustration concerning the time it took NOW: Pensions to respond to his complaint, he did not agree this was excessive or constituted maladministration.

36. In respect of the delays in responding to Mr O's concerns NOW: Pensions has offered him £150. The Adjudicator considered this amount to be reasonable in the circumstances.
37. Mr O did not accept the Adjudicator's Opinion and the complaint was passed to me to consider. Mr O provided his further comments which do not change the outcome. I agree with the Adjudicator's Opinion and note the additional points raised by Mr O which are summarised below.

Mr O's additional comments

38. He emailed NOW: Pensions on 19 August 2020 to ask why his pension accounts had not been merged. He considers that it was unreasonable for NOW: Pensions to have taken three and a half months to carry out this simple request.
39. He made his original complaint on 8 March 2020 and the response was received on 1 June 2020. He sent further emails on 19 August 2020 and 6 October 2020 and a full response was not received until 19 October 2020. He believes these delays are excessive and that in both cases he had to prompt NOW: Pensions to take action.

Ombudsman's decision

40. Mr O complained about the responses he has received from NOW: Pensions and questions why the guidance provided by TPAS and TPR differs to such a large degree. Mr O believes that the requirements set by TPR were not met by NOW: Pensions as the AVCs were not included on the annual statements.
41. TPAS is an independent non-profit organisation that provides free information, advice and guidance on pensions. TPR is the UK regulator of workplace pension schemes. As a provider of occupational pension schemes, NOW: Pensions is obliged to follow pension legislation and guidance provided by TPR, not TPAS. NOW: Pensions has checked Mr O's benefit statements. While the AVCs were not shown separately, it has confirmed that the total fund value shown are correct and included the AVCs. There is no evidence to suggest that NOW: Pensions has not correctly followed TPR's regulatory requirements.
42. Mr O complained that it took over three months for his two pension records to be merged. I acknowledge that there was a short delay in the records being merged and that this might have caused Mr O some inconvenience, but I do not find that this amounted to maladministration and in any event, it has not caused a financial loss to Mr O.

43. Mr O contends that that there was a long delay in responding to his complaint which he considers excessive. Mr O raised his complaint under IDRPs stage one on 1 July 2020 and NOW: Pensions issued a response on 21 July 2020. Mr O responded on 2 August 2020 to ask that the complaint be looked at under Stage two of the IDRPs and a full response was issued on 19 October 2020. I acknowledge there were some short delays, but I do not find them to be excessive.
44. I have no doubt that dealing with this matter will have been frustrating for Mr O, and I note that NOW: Pensions has offered Mr O £150 in recognition of this. I find this offer is reasonable in the circumstances and should Mr O wish to accept he should contact NOW: Pensions directly.
45. I do not uphold Mr O's complaint.

Anthony Arter CBE

Deputy Pensions Ombudsman
9 February 2023