

Ombudsman's Determination

Applicant	Mr L
Scheme	Barclays Bank UK Retirement Fund (the Fund)
Respondents	Willis Towers Watson (WTW) The Barclays Fund Board of Trustees (the Trustee)

Outcome

1. I do not uphold Mr L's complaint and no further action is required by WTW or the Trustee.

Complaint summary

2. Mr L has complained that WTW will not put his pension into payment, until he provides bank account details in his name.

Background information, including submissions from the parties

3. 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.
4. A Payment Instruction Form (**PIF**) dated 28 October 2021, was sent to WTW. The bank account details provided on the form were not in Mr L's name.
5. On 27 January 2022, WTW wrote to Mr L to inform him that it was unable to pay benefits from the Fund into a bank account that was not in his name. WTW explained this was for security reasons, and protection of the Fund's assets.
6. On 14 February 2022, Mr L wrote to WTW to say he had arranged a new bank account.
7. On 19 February 2022, Mr L contacted WTW and said its inflexible rules regarding his nominated bank account had caused him to compromise his personal circumstances.
8. A new PIF was sent to WTW signed and dated 4 March 2022. This form included the same bank account details as previously provided on the original PIF of 28 October 2021.

9. WTW said Mr L made it clear that he had no intention of opening a bank account in his own name for “personal reasons”.
10. In July 2022, Mr L invoked stage one of the internal dispute resolution procedure (**IDRP**). His main complaint was that WTW had not allowed him access to his pension. He said he was being disadvantaged due to his personal circumstance of not wanting a bank account in his own name. He also complained about how his complaint had been handled.
11. On 16 September 2022, Mr L chased WTW for a response to his complaint under the IDRP. He said he knew WTW had said it could take up to four months to respond, but he wanted an update.
12. On 21 September 2022, WTW provided its response under stage one of the IDRP. It said it could not uphold Mr L’s complaint. WTW said it was unable to pay benefits into a bank account that did not belong to Mr L. It said it had fiduciary duties to distribute benefits correctly. It said refusing to pay benefits to a third party was a security measure. WTW did not agree that Mr L’s complaint had been handled poorly. It acknowledged there was a slight delay in the IDRP being raised but said this was due to Mr L not making it explicitly clear from the outset that he wanted his complaint to go through IDRP.
13. Mr L requested that his complaint be reconsidered under stage two of the IDRP. No response was received.
14. Through the Pensions Ombudsman’s (**TPO**) investigation Mr L explained that he was reluctant to get a bank account in his own name. He said this was a personal choice he had made, having worked in the banking industry for a number of years and he was now trying to separate himself from this.

Adjudicator’s Opinion

15. Mr L’s complaint was considered by one of our Adjudicators who concluded that no further action was required by WTW or the Trustee. The Adjudicator’s findings are summarised below:-
 - 15.1. The Adjudicator said that directions could only be made if maladministration was found in relation to the complaint. In this instance it was the Adjudicator’s view that there had not been maladministration.
 - 15.2. Mr L could make the decision not to have a bank account but that decision did not bind WTW. WTW had a responsibility to ensure benefits are paid correctly to all members in line with an established and robust process.
 - 15.3. The need for the Fund benefits to be paid into a personal bank account belonging to the member is a business decision that WTW made to meet its duty to pay benefits appropriately. TPO would only intervene in business decisions if it could be shown to be perverse or unreasonable.

15.4. The Adjudicator found that the business decision was not perverse or unreasonable and had been made for the protection of the Fund's assets, ensuring they are not paid to incorrect parties.

16. 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. He said that:-

16.1. He appreciated the Adjudicator's Opinion but as things stood, he said he did not have anything to lose by having a Determination issued on the case.

17. I agree with the Adjudicator's Opinion.

Ombudsman's decision

18. Mr L is dissatisfied that WTW requires him to open a bank account in his name to start paying his pension benefits.

19. I agree with the Adjudicator's Opinion that WTW have not done anything wrong in deciding that it cannot pay Fund benefits into a bank account not in the member's name. It is acceptable and not uncommon for a Fund to have a policy like this in place. This decision does not equate to maladministration.

20. I can appreciate that it does not meet Mr L's needs and that he would like his benefits paid to him as soon as possible to a bank account of his choosing.

21. However, as I cannot find maladministration in this case, I am unable to uphold the complaint against WTW or the Trustee.

22. I do not uphold Mr L's complaint.

Anthony Arter CBE

Deputy Pensions Ombudsman

6 December 2023