

Ombudsman's Determination

Applicant	Ms I
Scheme	Teachers' Pensions Scheme (the Scheme)
Respondent	University for the Creative Arts (the Employer)

Outcome

1. Ms I's complaint is upheld and, to put matters right, the Employer shall pay Ms I £500 for the significant distress and inconvenience it has caused her.

Complaint summary

2. Ms I has complained that she was not enrolled into the Scheme on time, despite pension contributions being deducted from her pay.

Background information, including submissions from the parties

3. In March 2022, Ms I began her employment with the Employer.
4. Between April 2022 and July 2022, the Employer deducted pension contributions from Ms I's pay.
5. On 10 June 2022, Ms I telephoned Teachers' Pensions the Scheme administrator and discovered that it had no record of her being enrolled into the Scheme.
6. Ms I raised a complaint with the Employer regarding her enrolment into the Scheme and about pension contributions which had been deducted from her pay. The Employer told Ms I that it would enrol her and bring the outstanding pension contributions up to date.
7. On 13 June 2022, Ms I asked the Employer for a timeframe on when it would resolve her complaint as she was considering opting out of the Scheme.
8. On 21 June 2022, Ms I asked for an update from the Employer.
9. On 22 June 2022, Ms I was told by the Employer that the payroll manager was looking into the issue.
10. On 24 June 2022, Ms I chased the Employer as pension contributions were deducted from her June 2022 pay. The Employer said it was aware of the issue and that the

payroll manager was looking into it. It explained that it had changed the way staff were being enrolled into the Scheme so it was taking longer than usual.

11. On 7 July 2022, Ms I raised the issue with the Employer again and said that she would contact The Pensions Ombudsman (**TPO**) if the issue was not resolved. The Employer said it was still attempting to update her account.
12. On 17 July 2022, Ms I complained to TPO.
13. On 15 August 2022, TPO wrote to the Employer to ask for more information in response to Ms I's complaint. The Employer responded on 16 August 2022 and said it had experienced technical issues uploading information to the Scheme's website.
14. On 30 August 2022, the Employer responded to TPO and said it had contacted Teachers' Pensions by phone and was told members could opt out of the Scheme using a paper form.
15. On 31 August 2022, TPO wrote to the Employer and reiterated the complaint was not solely about an opt out request, but instead about unpaid pension contributions which were deducted from Ms I's pay which had not been paid to the Scheme and a failure to enrol her on time.
16. On 21 September 2022, the Employer said it had uploaded information from March 2022 onto the Scheme's website.
17. On 4 October 2022, TPO requested that the Employer provide evidence to show that Ms I had been enrolled into the Scheme and all outstanding contributions had been paid.
18. The Employer responded and said it had uploaded the information from April 2022 and would be uploading information for May 2022. However, it did not provide evidence to confirm this.
19. On 5 October 2022, TPO contacted the Employer again. But the Employer failed to respond by the deadline.
20. On 3 March 2023, TPO wrote to the Employer and asked for confirmation and evidence of whether it had enrolled Ms I into the Scheme and paid any outstanding contributions.
21. On 16 March 2023, the Employer responded and confirmed that it had informed Teachers' Pensions that Ms I was contractually enrolled into the Scheme from 1 April 2022 and her records were complete up to 30 September 2022. It also said Ms I could register for the Scheme's secure online facility by visiting the Scheme website.
22. On 20 March 2023, TPO contacted Ms I and confirmed that she had been enrolled into the Scheme from 1 April 2022 and had accrued 54 days of pensionable employment and that her complaint appeared to be resolved.

23. On 23 March 2023, Ms I contacted TPO and said she did not consider her complaint to be resolved. She said:-
- When she contacted Teachers' Pensions on 10 June 2022, it said there was no record of her being enrolled into the Scheme, which prompted numerous emails to the Employer.
 - The Employer consistently told her it was looking into the issue but did not provide any evidence or timeframe of this taking place. If she was enrolled from 1 April 2022 why was this not stated in the emails from the Employer and why was she unable to create an online account.
 - The reason she enquired about being enrolled into the Scheme was because she was considering opting out which could only be done online. On 10 June 2022, she assumed she was enrolled as she had pension contributions deducted from her pay. She therefore attempted to create an online account but was informed she was unable to do so because she was not enrolled. She would only be able to create an online account once she had been enrolled and provided with a reference number.
 - The lack of communication from the Employer caused her a great deal of distress and uncertainty.
 - To put matters right she would like her questions answered and evidence from the Employer and Teachers' Pensions about the state of her pension as well as compensation for distress and inconvenience.
24. On 27 March 2023, TPO requested further information from the Employer. This request was repeated on 11 April 2023.
25. On 24 April 2023, the Employer responded to TPO and said payments had been paid across to the Scheme each month which was confirmed to Ms I.
26. On 25 April 2023, the Employer responded further to TPO's information request. It said:-
- Due to a change in the way Teachers' Pensions required the monthly data from April 2022, technical problems were continually experienced in sending across data in the required date format. Ms I had been enrolled into the Scheme on 1 April 2022 and both employee and employer pension contributions were paid across to the Scheme by 7 May 2022.
 - It had checked data on the Scheme portal and confirmed earnings for the period April 2022 to July 2022 were up to date. Details for earnings processed in April 2023 had not yet been uploaded and it hoped to send this across by the end of May 2023.
 - It was working with Teachers' Pensions as an online opt out could not be completed without an online account and this could not be activated until the new

monthly data format was submitted. It was possible to complete a paper version, and this information was passed on to Ms I which she chose not to action.

- Ms I's Reference number was submitted to Teachers' Pensions and employees could access the system using their National Insurance number and personal data. It had provided details to Ms I so she could opt out and details of contributions paid to the Scheme were shown on her payslips.
- It confirmed Ms I had been enrolled and that contributions deducted had been paid into the Scheme. It also said that it answered all her questions regarding contributions and opting out of the Scheme. The Employer confirmed it was experiencing technical issues and confirmed it was unable to answer questions about the online account or provide a timescale about how long it would take to find a solution.

27. On 17 May 2023, Ms I was able to create an online account through the Scheme portal.

28. On 19 May 2023, Ms I telephoned Teachers' Pensions.

29. On 22 May 2023, Ms I contacted TPO and responded to the Employers comments. She said:-

- She had reviewed the written correspondence she had with the Employer and at no point did they ever offer her a paper version of the opt out form.
- When she called the Teachers' Pensions in June 2022, she was told she was unable to register as the Employer had not enrolled her. She would only be provided with the reference number once she was enrolled.
- She was first able to create an online Scheme account on 17 May 2023 and was able to see she had been enrolled with the Scheme in November 2022. She said that this was negligence and malpractice as it was seven months after she started her employment.
- When she clicked on her benefit statement, she was unable to see details of payment deductions and was told it was not possible to provide an online calculation of her benefits as she did not have sufficient service.
- On 19 May 2023, Teachers' Pensions explained to her that due to the nature of the Scheme, she would not be able to see any details of her service until she had completed two years of service. This information had not been previously provided to her by the Employer or Teachers' Pensions.
- She asked if she could receive a refund of pension contributions as she would not reach two years of service and was told this would be possible if she completed a repayment form. Teachers' Pensions recommended that she wait until the employer paid contributions from March to April 2023 to avoid completing two forms.

- She informed TPO her complaint issues remained the same and wanted a repayment form completed for the Employer to refund the contributions. These included contributions between April 2023 and June 2023.
30. On 22 July 2024, Ms I reconfirmed her complaint points and emphasised she needed a repayment form completed.
 31. On 25 November 2024, TPO emailed the Employer and requested confirmation of when Ms I was enrolled into the Scheme, whether all contributions had been paid into her Scheme account and requested assistance to complete a repayment form.
 32. On 25 November 2024, the Employer provided TPO with a member's print out. This showed Ms I's service details from the start of her employment on 1 April 2022 to 20 November 2023. It confirmed a total of £808.60 in employee contributions had been sent to the Scheme during this time period. It also attached a copy of a pension's repayment form.
 33. On 6 December 2024, Ms I submitted the repayment form to the Employer.

Adjudicator's Opinion

34. Ms I's complaint was considered by one of our Adjudicators who concluded that further action was required by the Employer. The Adjudicator's findings are summarised below:-
 - The Adjudicator said that based on the available information provided by both Ms I and the Employer, despite Ms I having contributions deducted from her salary she was not enrolled into the Scheme on time. The Employer also did not provide a timely response to her correspondence in an effort to resolve the matter, which amounted to maladministration.
 - Although the Employer responded to TPO's information requests, these were not all responded to in a timely manner. The Employer only provided TPO with a copy of the repayment form to pass onto Ms I on 25 November 2024, despite Ms I having requested a paper repayment form on several occasions. As a result of its maladministration, Ms I was not in the financial position she ought to be in
 - In the Adjudicator's view, Ms I had suffered significant distress and inconvenience due to the Employer's maladministration. The Adjudicator was of the opinion that an award of £500 for non-financial injustice was appropriate in the circumstances.
35. Following the Adjudicator's Opinion, on 10 December 2024, the Employer emailed TPO and said it had uploaded the repayment of contributions form to the Scheme portal. The Employer also said that following receipt of this form, Teachers' Pensions would refund the pension contributions to Ms I.
36. Ms I did not agree with the Adjudicator's Opinion. In response she said: -

- She did not agree that the £500 awarded for significant non-financial injustice reflected the level of distress and inconvenience she had experienced from the Employer due to its malpractice and poor treatment.

37. The complaint was passed to me to consider. I agree with the Adjudicator's Opinion.

Ombudsman's decision

38. Ms I has complained that she was not initially enrolled into the Scheme, despite pensions contributions being deducted from her pay. She wanted her pension contributions to be refunded as she would not complete two years of service in the Scheme. The Employer has now refunded the contributions deducted from Ms I's pay. However, Ms I remains unhappy with the level of service that she received.
39. I find that the Employer's failure to enrol Ms I into the Scheme on time whilst continuing to deduct contributions from her pay amounts to maladministration. Ms I was unable to log on to her Scheme account and make an informed decision about opting out. The Employer failed to rectify this over an extended period and did not adequately engage with TPO or Ms I.
40. Whilst the contributions have now been refunded to Ms I, it is clear she has suffered distress and inconvenience in resolving these issues. I find the non-financial injustice that has been suffered is significant, and a distress and inconvenience award shall be made.

Directions

41. To put matters right, the Employer shall, within 28 days of the date of this Determination:
- (i) pay Ms I £500 for the significant distress and inconvenience she has experienced;

Dominic Harris

Pensions Ombudsman

15 January 2025