

The
Pensions
Ombudsman

TPO Update

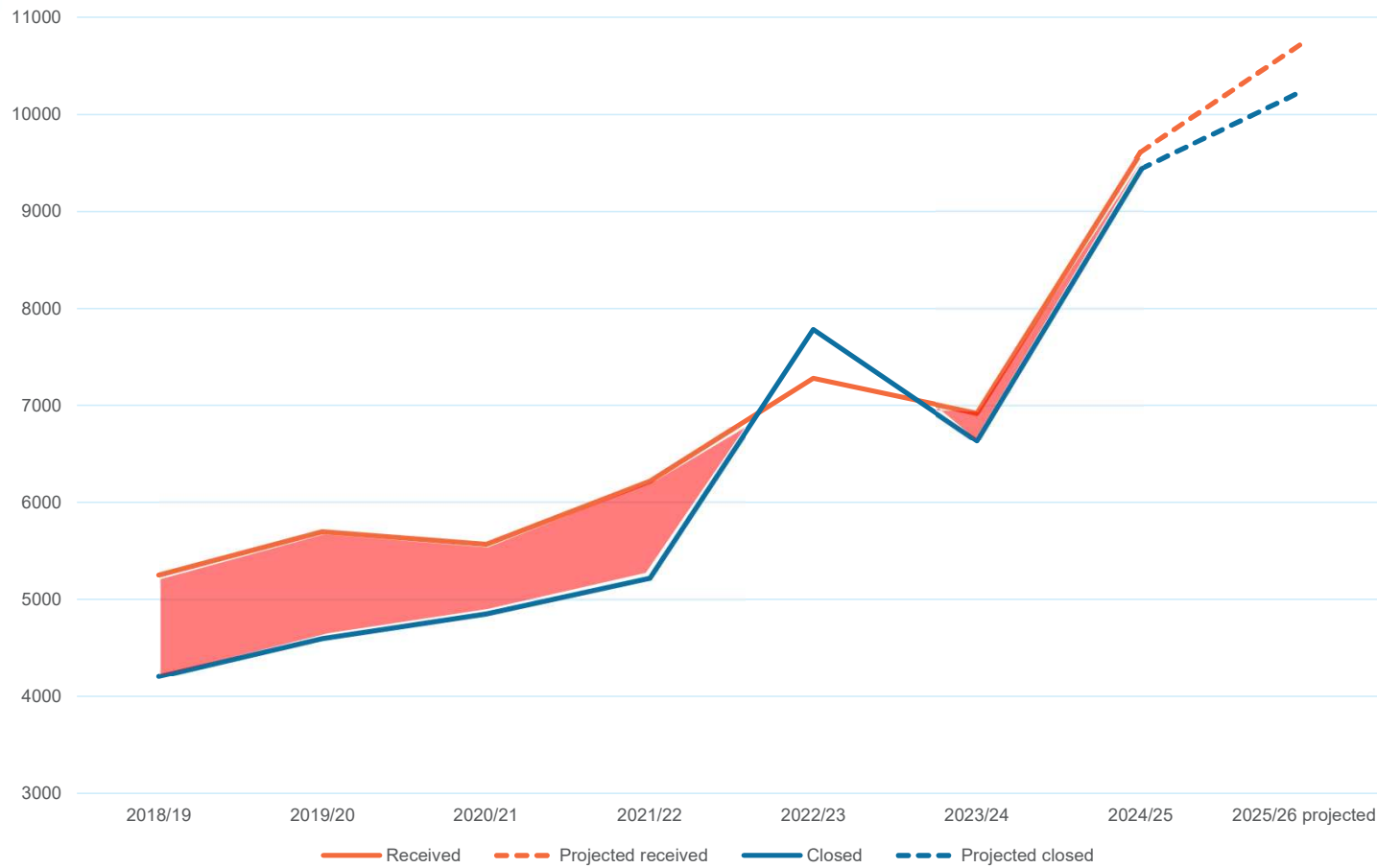
Camilla Barry – Deputy Pensions Ombudsman

17 June 2025

TPO – Ongoing Improvement

Central Challenge

Incoming pension complaints



2024/25 Year of Change

1) Operating Model Review to transform our service delivery

Our priorities for 2024/25



Requirement to
exhaust IDR or
equivalent



Exercising our
discretion



Expedited
decision-making

2) Developing a new three-year strategy

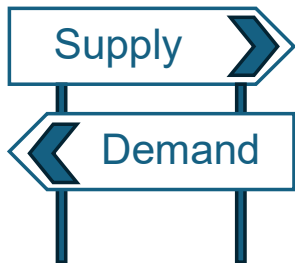


Developing a Corporate Strategy for 25/26–27/28

Purpose: A trusted, fair and impartial service that resolves pension complaints

Vision: A people-focused ombudsman, trusted to deliver quality outcomes and drive improvements across the wider pensions industry

Two emerging strategic goals:



Providing an efficient, accessible and quality service

Being an authoritative voice for improvement in the industry

OMR Priority Workstreams 2025/26



Improving Awareness

Reviewing jurisdiction and formal responses



Expedited Determinations



Focus on complex cases

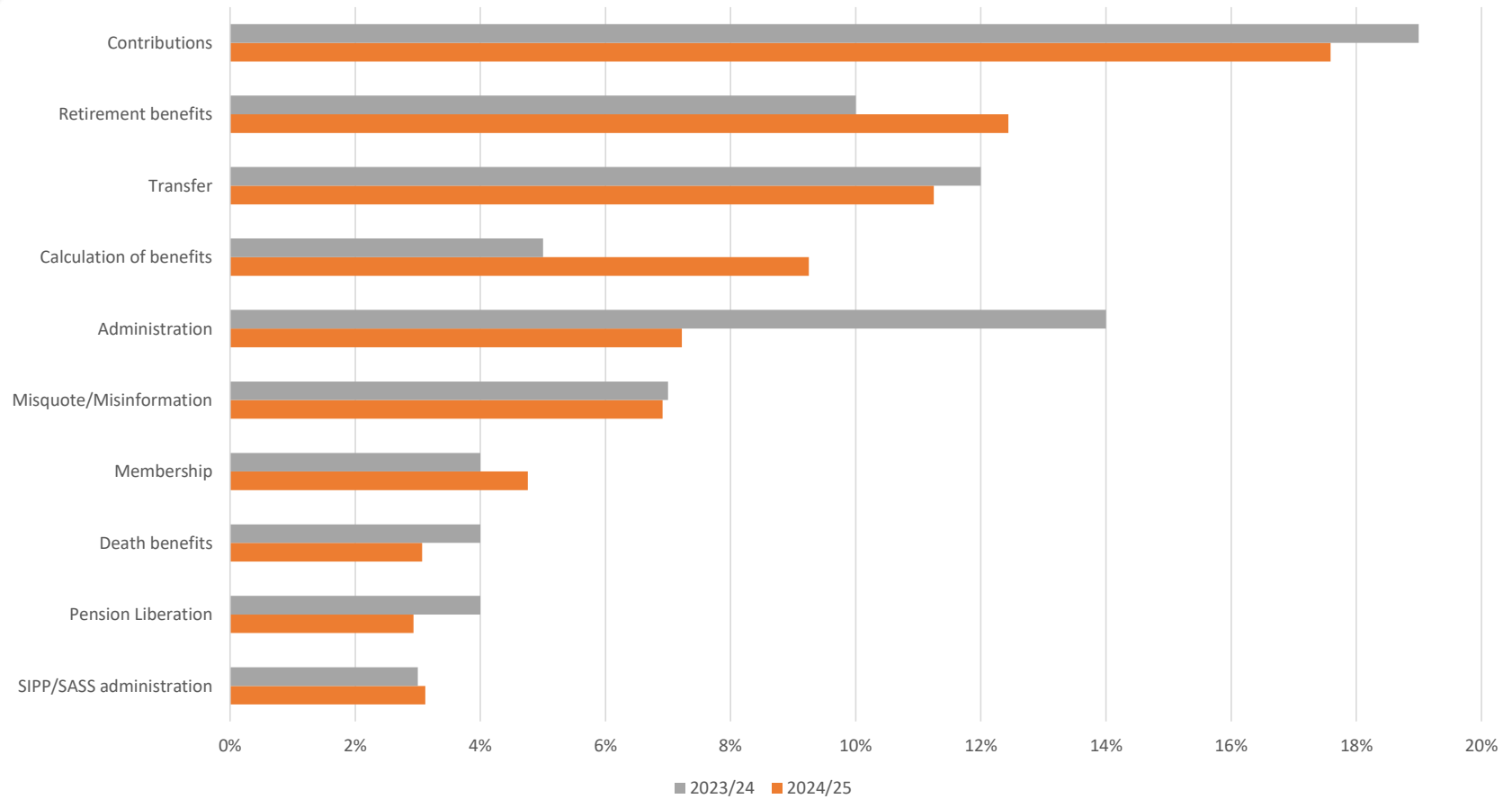
Pensions expertise at the earliest stage of our process

TPO - Casework Update



Complaint Topics

Top 10 Complaint Topics of Closed Cases



Lead case approach

- Appropriate where many members are affected by the same issue(s).

Two main ways that they can be delivered

1. One lead case submitted to TPO and determined. That Determination is used to inform the respondent's approach to IDRPs complaints on the same issue.
2. One lead case is selected from a group of complaints we have received. The lead Determination references the other cases, closing them all at the same time.



[About us](#) [Making a complaint](#) [Beir](#)

Boots Pension Scheme

TPO is currently taking a **lead case approach** to complaints raised against Boots Pension Scheme, concerning the ability to take an unreduced pension at age 60.

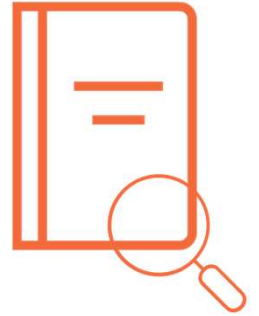
This page contains the latest updates on those complaints, as well as information about the process being followed and what happens next. This is to allow all interested members and other parties to track the progress of these cases. If you want to know if you should complain, please see the question '**Do I need to complain?**' at the bottom of this page.

PO-28733

Appendix

Mr N's complaint is the lead case for a group of linked cases listed below, where each applicant transferred their pension to a Rowanmoor SSAS, and then incurred financial loss as a consequence of investing in high-risk investments. The material facts of the cases are very similar, such that if I were to determine each one separately, I would uphold them on the same basis as the present case. As such, my findings and directions in this case apply equally to all the cases listed below... and RTL shall apply the appropriate remedy for each.

Mr E - CAS-55100-G3W9



Background

- Mr E retired in 1995
- In 2013, the Trustees identified a possible overpayment across the Scheme due to erroneous pension increases and started investigating.
- The matter was subject to review by the courts, and it was ultimately found that there had been an overpayment
- Overpayment confirmed to Mr E in 2020 and calculated at £90,934
- Trustee began recouping the overpayment, reducing the pension by approximately 50%.

Outcome – part upheld

- Trustee could only recoup £6,554 due to the Applicant having a defence of estoppel by representation and laches



Overpayments

We are asking schemes to carefully consider the most appropriate method of recovery, the circumstances of the individual, and all applicable defences.

Type of recovery

- Repayment
- Recoupment
- Equitable set-off
- Statutory recovery

Defences

- Change of position
 - Estoppel
 - Contract
 - Limitation
 - Laches
- } including as part of a general equitable defence

When disputes occur, ensure that you:

- cease any recovery until the dispute is resolved
- evidence that you have given due consideration to defences and the method of recovery
- show **pragmatism** in your approach and **empathy** in your communication

Mr H - CAS-50353-Y4X5



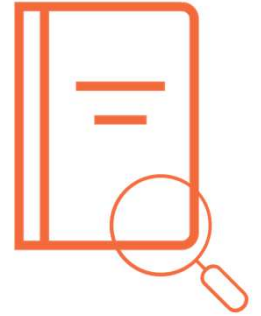
Background

- (Mr H) transferred to the Olivetti UK Limited Pension and Life Assurance Scheme, with promises that his benefits would "mirror" those from his previous scheme.
- Mirror benefits, including increases, were initially provided to Mr H, although no steps were taken to explicitly document these for almost 18 years
- The Trustees decided to stop payment of these increases after taking advice from counsel

Outcome – upheld

- The Pensions Ombudsman found maladministration and breach of law by the employer in failing to properly document and maintain Mr H's contractual entitlements for almost 18 years
- The Pensions Ombudsman also found the Trustee was in breach of trust by failing to administer the scheme in accordance with the relevant Scheme Rules, including its own transfer-in provisions.
- The Pensions Ombudsman did not find maladministration as advice had been sought

Mr Y – CAS-102084



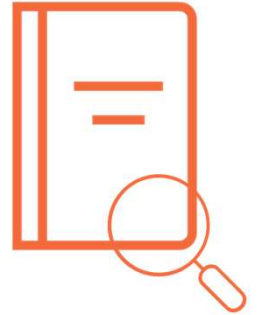
Background

- The Rules of the NatWest Pension Fund provided for increases at the lower of RPI or 3% subject to statute
- Increases were overpaid by capping at 5% rather than 3% after statutory cap reduced
- RPI/5% included in fact sheet referenced in contractual communication on capping pensionable earnings as condition of year's salary
- Error discovered in 2018 and trustees capped increases at 3% from 2022
- S.48 order obtained

Outcome – not upheld

- Fact sheet not intended to hard-wire RPI/5%; “apt” summary of section 51 at the time
- Not directly linked to cap on pensionable earnings and contractual override

Mr N – CAS-90329 (99766)



Background

- Rules of Smiths Industries Pension Fund: increases at 5%/RPI
- Newsletter: adopting the aim of providing increases at RPI up to max of 10% a year, subject to the finances of the Scheme (Stated Aim)
- Rule amendment: Trustee may at request of Principal Company apply increases as if 5% was 10%. The Trustee and the Principal Company will have regard to the aim of providing increases at RPI up to max of 10%, subject to the finances of the Scheme
- May 2022 increase 5% despite relevant RPI at 7.5%

Outcome – not upheld

- Principal Company discretion; not fiduciary;
- Constrained by having regard to Stated Aim and finances of Scheme
- No breach of Imperial duty of good faith
- Exercise of discretion was genuine and rational



Death Benefits



CAS-66878-V9C2: Mrs S' complaint concerned the distribution of the Scheme death benefits following the death of her husband, Specifically, the way in which the decision regarding the distribution was reached and that the EOW was not fully adhered to.

Not upheld as it was clear the EOW was not binding and SL held discretion in how any benefit would be made. Their decision making was evidenced and not unreasonable.

CAS-130671-J8K3: Mrs R complained about the decision to distribute her son's death benefits to his 'partner' Ms K as she did believe she was a partner or dependant and was unfit to receive the money

Upheld because the Trustees did not properly consider all the information available and make further enquiries when considering the distribution of death benefits from the WTPP following Mr L's death.



Questions?