Ombudsman Decision
CIFO Reference Number: 24-000532
Complainant: **Ms M**
Respondent: **JTC Employer Solutions Trustee Limited**

Complaint

Ms M is complaining about JTC Employer Solutions Trustee Limited (JTC) because of the delays she says it caused regarding taking her pension benefits.

Background

After reviewing the evidence carefully, I didn't conclude the complaint should be upheld and I issued an assessment of Ms M's complaint setting out my findings. In summary, I set out my that JTC had acted reasonably in respect of Ms M taking benefits from her pension. I did not believe JTC had caused unreasonable delays.

I said that, around 18 March 2024, Mrs M was able to contact a representative of JTC and the process of taking benefits could begin. I confirmed I had seen correspondence beginning on that date. I noted that Mrs M had said she was emailing a 'generic' address before this point, but I had not seen evidence of that or a failure on JTC's part in that respect. I also said that I had not seen evidence that JTC stated they thought it best for

[1] Financial Services Ombudsman (Jersey) Law 2014 Article 16(11) and Financial Services Ombudsman (Bailiwick of Guernsey) Law 2014 Section 16(10)

those that hold pensions to be unaware of their existence, as Ms M had suggested.

I said that, in my experience, the period JTC had taken to transfer was not unusual for a pension trustee such as JTC. There was a significant amount of administration required when taking pension benefits and it could take some time.

I noted that around May/June 2024, JTC received all the information required to start processing Ms M's request. But further actions were needed, such as Ms M's previous employer's consent, which meant that further time was required. I set out that my understanding was that the process was completed, at least in terms of taking benefits, in August 2024. And this was within the estimated period that JTC set out as a service standard.

I commented on the extent of the information JTC required to complete the transfer and that there were many exchanges that took place and actions that needed to be taken before benefits could be paid.

I set out that this was quite a complex transaction and would take a significant amount of time, even in ideal circumstances. JTC was dependent on several occasions on the actions of third parties, who had their own timescales.

In summary I set out that JTC acted within the boundaries of what would be considered reasonable, given the complexity of the benefit drawdown and its reliance on third parties. That is to say that, given the complexity, the work they had to undertake, I could not fairly say that JTC should waive, or have to repay, its fees as Ms M requested.

Ms M didn't accept my assessment and, in summary, made the following points:

- That her complaint was not about the delays after March 2024.

- Her complaint concerned the four-month delay prior to that point during which, *"it was impossible for me to identify the trustee,* *understand the process, or submit any request for my pension benefits."* Because of this, Ms M seeks reimbursement of trustee fees.

- JTC (and the third party administrator) made it impossible to identify who JTC were and did not update/inform her that JTC were the trustees of her pension and who she should contact to take pension benefits. That made it impossible for her to contact JTC regarding taking pension benefits, or obtain information about how to take benefits.

- JTC are responsible for ensuring that its members receive clear and accurate information that allow members to exercise their rights. And ensuring that administrators perform their functions competently. JTC had a responsibility to make clear to its members that it was the trustee, provide contacts details and guidance as to how to take benefits. Ms M does not believe that JTC performed any of these duties.

- The third-party administrator did not make any information available as to who the trustees were, or that they were not the correct party to approach regarding taking benefits. If JTC are responsible for this then the third-party administrators should also be included in their complaint assessment – as they did not supply or publish information that JTC were the trustees.

I asked JTC for any comments in respect of Ms M's submissions.

In summary it said that:

- Part of the plan administrator's role is communication with plan members. JTC said that, when a member wants to request benefits, they will contact the administrator who should provide the trustee's (here JTC) details to them. JTC said there are circa 1,000 members of the plans under administration and this is the only case they are aware of where a member has said that the trustee's details were not forthcoming. They also said that the trustee details are set out in the pension plan booklet - which should be supplied by the employer.

- JTC said that the plan administrator would be responsible for any communications with members.

- JTC highlighted that it did not appoint the administrator – it was appointed by the employer. The administrator would be responsible for its online portal, actioning investment requests, reporting, contributions and other related matters.

I asked Ms M if she wished to make any further submissions, bearing in mind what JTC had said.

Ms M said, in summary, that:

- JTC is not fulfilling its duties under the Pensions Act 1995 and the Occupation and Personal Pensions Schemes (Disclosure of Information) Regulations 2013. These set out that, trustees have a responsibility to ensuring that members receive clear and accurate information as well as ensuring administrators carry out their duties competently.

- Her employer's original documentation did identify the former trustee, RBC. But following JTC's acquisition of RBC, that information became outdated, and JTC failed to ensure that updated trustee information was made available to members.

- The four-month delay between November 2023 and March 2024 was the result of JTC failing to ensure that members were provided with the relevant information.

- She is not seeking compensation for market movements but reimbursement of the trustee fees for the period in which statutory duties were not met and during which she was caused delay and hardship.

JTC later said:

- The pension legislation quoted by Ms M was not applicable – rather it would be the Trusts (Jersey) Law 1984. This does not contain the same level of detail - but there are general fiduciary duties to act in the best interests of beneficiaries and exercise powers with due diligence.

- Although a trustee should ensure that an administrator is appointed in good faith, a trustee is not liable for any loss arising from the actions of such a delegate.

- The only fee that was charged to Ms M was the distribution fee. And as JTC carried out that distribution within the specified timeframes, that is not refundable.

- JTC has contacted the administrator to check why the trustee details were not advised to Ms M in November 2023. The administrators have confirmed that the contact prior to March 2024 was in respect of a different plan to that which is the subject of this complaint. And the first time Ms M requested the trustee's details was 11 March 2024.

In response to JTC's submissions, Ms M said:

- She had been actively attempting to obtain information and guidance before March 2024. This is demonstrated by an email which records her unsuccessful attempts to contact the administrator and her need to seek assistance in as to how to proceed.

- This correspondence illustrates the practical difficulty she was experiencing in identifying the correct process and responsible party.

- She was claiming the cost of the distribution fee – because of the delay and hardship caused.

- Although she recognizes the applicable trust law, her concerns are about her ability to access benefits. It was not possible for her to identify the trustee between November 2023 and March 2024.

My Findings

I've carefully considered all the available evidence and arguments to decide what is, in my opinion, fair and reasonable in the individual circumstances of this complaint. In considering what's fair and reasonable, I've had regard to the relevant law and regulations; any regulator's rules, guidance and standards, codes of practice, and what I consider was good industry practice at the time.

In setting out my decision, I haven't necessarily mentioned or addressed every point raised by the parties. Instead, I've concentrated on the key issues that I think are central to the outcome of the complaint. This is in keeping with our established purpose to act as an informal alternative to the courts.

Where necessary or appropriate, I've reached my conclusions on the balance of probabilities; that is, what I consider is most likely to have happened, in light of the available evidence and the wider surrounding circumstances.

In my previous assessment of Ms M's complaint, I did set out the reasons why I did not believe JTC was responsible for any delay prior to March 2024. I said:

I have first considered the period up to March 2024, which the evidence suggests is the point at which JTC knew of your wish to take benefits.

As discussed earlier, a third party was managing the pension investments. That third party was unrelated to JTC (the pension trustees). The third party (the pension administrators), generally, would only be managing the investments, it would not be the party that would undertake matters such as taking benefits.

I cannot find that JTC is responsible for the service you received from the third party. I believe you may have already complained to the third party and it would be the correct party to respond to those concerns. If the third party did not respond to your requests, or inform you of your pension trustees, then I cannot fairly hold JTC responsible for that. JTC would be unaware at that time of your intentions.

I can appreciate if you hold the view that the third party and JTC would be more 'joined up' and your request to the third party would have been passed on to JTC for action. Whilst that would be ideal, I have to take into account that the third party and JTC are entirely separate entities and JTC would be dependent on the third party to make you aware of them in the first instance.

It follows that I cannot fairly hold JTC responsible for the period in which you were corresponding with the third party. I note from your submissions that, when discussing the time it took for JTC to process your request, you mention that this period up to March needs to be taken into account. But, as I say, I don't believe JTC can be held responsible for the third party not informing you of JTC's existence or the period in which it took you to find out that JTC were the party who, primarily, would help you with taking benefits.

I have considered Ms M's point about the clarity of information concerning JTC being the trustee. Ms M has said that JTC bears responsibility for the behaviour/actions of the third-party administrators. So if the third party did not provide clear information, (for example, about the trustees or how to take benefits) then JTC is liable for that.

JTC has said it was the pension administrators duty (here the third party) to supply the requisite information to Ms M. It would also be the party to direct Ms M to JTC, if she wished to take pension benefits. It has also highlighted that the plan trustee details are contained in plan booklets – which the employer would supply.

JTC has also highlighted that the third-party pension administrators were not appointed by JTC, they were appointed by a previous employer.

If a competent administrator is appointed, I do not believe JTCs role as trustees necessarily extends to liability for a delay of that administrator to provide the information being discussed in this complaint.

But in any event, I do not believe the evidence would suggest that it is more likely that a material error or failure occurred between November and March for which JTC is responsible. I do not doubt that Ms M was generally making enquiries as to how to access benefits in the period in question, but it is not clear that concerns were raised specifically about this pension that should have required an immediate referral to JTC. Rather it seems more likely that the referral was made in good time (in March 2024) after it became clear which pensions were relevant. Whilst I appreciate that Ms M might not have known that JTC were trustees initially, appropriate and reasonable enquiries to the employer or the administrators would have identified them (as occurred later).

Although I appreciate that Ms M has said that her complaint does not concern JTC's actions post March 2024, I would confirm that my decision in this respect remains as set out in my previous assessment – that JTC acted reasonably in terms of Ms M drawing down her pension benefits.

It's for these reasons that I'm not upholding this complaint. I appreciate this will come as a disappointment to Ms M but I'm satisfied the outcome is fair and reasonable in the circumstances.

My Final Decision

My final decision is that I do not uphold Ms M's complaint.

David Bird
Ombudsman

Date: 25 February 2026