

## The complaint

Mr O complains that Financial Administration Services Limited (Fidelity) provided him with conflicting information about proposed changes to the Normal Minimum Pension Age (NMPA). He also complains about poor service.

## What happened

Mr O has a Fidelity Self-Invested Personal Pension Plan (SIPP). He contacted Fidelity in February 2023 and asked it to confirm if he had a Protected Pension Age (PPA) of 55 that would ensure he could withdraw from his SIPP regardless of the NMPA changes being introduced in April 2028.

Fidelity confirmed that he would be able to access his pension at age 55 and that his NMPA would not change to age 57 on 6 April 2028. Fidelity subsequently confirmed this in writing by letter dated 2 March 2023.

Mr O said he felt reassured by this since he wanted to satisfy himself that everything was in order to ensure access to his retirement funds including his SIPP.

Mr O contacted Fidelity again on 21 August 2023 and asked it to “reconfirm his understanding” that he would be eligible to continue accessing his SIPP from April 2028 even though he would be under 57 years of age at that time. He also asked if this applied to any pensions transferred into his SIPP.

Mr O says he didn’t get a response and had to send further emails to Fidelity at this time. On 8 September 2023 Fidelity told him it was currently unable to give him a definitive answer as HMRC was yet to publish guidance and regulations “for this scenario.”

Mr O says he asked Fidelity to explain why the information it had now given to him had changed. He says he was left confused and concerned about whether he’d be able to access his SIPP at the PPA. He says that Fidelity failed to provide adequate responses to his queries. On 19 January 2024 Fidelity wrote to him to say:

*“I can confirm the letter you originally received from us regarding the upcoming changes to NMPA is no longer valid.”*

Mr O continued to seek further clarifications from Fidelity but it told him it was unable to respond in full. Mr O complained to Fidelity.

Fidelity investigated his complaint. It said there’d been no official guidance from HMRC until recently. It confirmed that Mr O did have NMPA protection from age 55. It provided a link to a page on its website where further information was available.

Mr O was not satisfied with this response. By way of summary he said:

- The webpage on Fidelity’s website had been updated on 12 January 2024. Why had Fidelity not contacted him at that time?

- Why had Fidelity “flip-flopped?” It had provided inaccurate information to Mr O.
- Fidelity didn’t seem to care that he’d been caused distress and worry because of the communications it had issued to him.

He referred his complaint to our service.

Our investigator looked into his complaint. He thought Fidelity had provided the best guidance it could - based on the limited information received from HMRC. He didn’t think Fidelity had made any mistakes or issued incorrect information. Mr O hadn’t experienced any financial loss as a result of what happened. So, our investigator didn’t think it was fair and reasonable to require Fidelity to do anything further to resolve the complaint.

Mr O did not agree. By way of summary he said:

- He didn’t think HMRC had “recently” (*between January 2024 and March 2024*) issued new guidance to Fidelity. On 4 November 2021 HMRC had issued a Policy Paper and it stated: “ the legislation will now protect members of registered pension schemes who before 4 November 2021 have a right to take their entitlement to benefits under those schemes at or before the existing NMPA”. Mr O said other providers had been able to publish guidance much earlier than Fidelity – he pointed to one provider which had published guidance in April 2022.
- Fidelity had taken at least six weeks to notify him personally about the changes it had made to its webpage in January 2024. This was poor service.
- Although he hadn’t suffered financial loss, he had been caused significant personal stress because of the poor quality of the service. Fidelity had given him bad advice on NMPA. There was potential for significant impact on Mr O and on other Fidelity customers.
- He asked for further clarification on the remit of our service. He thought Fidelity should be fined and should be required to carry out an audit to see if other customers had been impacted by its “poor advice.”

Our investigator considered what Mr O had said but he didn’t change his view. He said he couldn’t see that Fidelity had made a mistake. He also explained that our service was set up as an alternative to the courts but we were not the regulator and it was not our role to fine businesses or ask them to change their business practices.

Mr O remained dissatisfied. So his complaint has been passed to me to decide.

### **What I’ve decided – and why**

I’ve considered all the available evidence and arguments to decide what’s fair and reasonable in the circumstances of this complaint.

Mr O acknowledges that he hasn’t experienced any financial loss as a result of what happened here. However he says he’s suffered distress and inconvenience and he thinks Fidelity should be required to compensate him for that. He also thinks there are wider issues. He’s referred to the fact that he thinks other customers may have suffered financial loss because of “bad advice” provided by Fidelity. He says it should be required to carry out an audit to make sure that no customer has suffered a loss and he also thinks Fidelity should be fined for what happened.

At the outset I'd just point out that our service is not intended to act as the regulator. So, it's not our role to fine or punish a business where we think it's made an error or done something wrong. And it's not our role to tell a business what its procedures and policies should be. These are matters for the regulator. The regulator is the Financial Conduct Authority (FCA).

When thinking about how a complaint should be resolved we take into account the law, codes of practice and industry practice. Each complaint is decided on its own facts and our decisions are based on what we think is fair and reasonable in the particular circumstances of each case. If we decide that something has gone wrong we would ask the business to put things right by placing the consumer, as far as possible, back into the position he would've been in if the problem hadn't happened.

When considering Mr O's complaint, I've thought firstly about the sequence of events.

Fidelity did provide responses to the question Mr O raised in February 2023. He asked whether he had a PPA at age 55. He wanted to make sure that, despite the proposed increase to the NMPA to age 57 from April 2028, he could still access his pension from age 55. Fidelity told him he would be able to access his pension from age 55 and that his NMPA would not change to 57 on 6 April 2028. It confirmed this in writing.

I've noted that Mr O then raised some additional questions at this time. For example he asked about the impact on the PPA of a transfer into his SIPP – where the transferred pension had a PPA of 55 and about the position of different pots of money within his SIPP some of which had PPA and others not. Fidelity responded on 16 March 2023 to say:

*“At this moment in time, we don't yet have any clear guidance on how the pensions you may have with different retirement ages are differentiated...”*

Having thought about the information Fidelity provided to Mr O at this time, I'm satisfied it provided him with an accurate statement of its understanding, at the time, of the proposed changes to NMPA. Mr O says he hasn't complained about the information he was given in February/March 2023.

Mr O sought further reassurances in August 2023. It's not clear why he did that at that time. But he raised two specific queries – he wanted confirmation that he could continue to access his SIPP from 6 April 2028 even though he would be younger than the new NMPA at that date. He also asked for confirmation that this would apply to any pensions transferred from other providers to Fidelity.

Mr O says that Fidelity didn't respond to this query for several months. However, Fidelity has provided a copy of a secure message it sent to Mr O on 8 September 2023 which stated:

*“As you are aware in 2028 the age at which you can begin to access your SIPP is increasing from 55 to 57; you've asked ..if you'll be eligible to access your SIPP from April 2028 even though at that time you will be [under 57] and if you could does this apply to any pensions transferred to Fidelity from other providers.*

*Currently we are unable to give you a definitive answer to this question as HMRC are yet to publish guidance and regulations for this scenario. That being said our current understanding is that clients already in drawdown will be able to continue to take SIPP income but will not be able to crystallise further funds until they are 58. Please note though this is not confirmed and is subject to change in line with future regulations when they are published. Once we do have more information this will be communicated to our clients as soon as possible.”*

Mr O sent further queries and Fidelity responded on 11 October 2023. It said it didn't yet know how the planned changes to the NMPA would affect Mr O. It said this was because HMRC hadn't issued final guidance as yet. Following further queries from Mr O, Fidelity told him on 19 January 2024 the letter he'd originally been sent on 2 March 2023 was no longer valid.

In March 2024 Fidelity informed Mr O that it had now been confirmed he did have a PPA of 55. It provided a link to its webpage for further information.

Mr O says that because of this series of communications, where he says Fidelity "flip-flopped," he was left confused and uncertain about what the position was.

Mr O thinks there'd been enough guidance issued by HMRC to enable Fidelity to give him a definitive answer much earlier. He doesn't think there was any change in the guidance about the query he'd first raised in February 2023. He's referred to a Policy Paper dated 4 November 2021 which he says made clear that the legislation would now protect members of registered pension schemes who before 4 November 2021 had a right to take their entitlement to benefit under those schemes at or before the existing NMPA. He's asked for details of the new guidance which Fidelity told him had been issued in the first quarter of 2024.

I've thought about what Mr O has said here.

1. He doesn't think HMRC guidance changed in the first quarter of 2024

Mr O says there has been no change to what had been stated in the Policy Paper in November 2021:

*"The legislation will now protect members of registered pension schemes who before 4 November 2021 have a right to take their entitlement to benefit under those Schemes at or before the existing NMPA."*

I've noted the information in the HMRC Policy Paper dated November 2021. It is the case that whilst the Policy Paper set out the general description of what was proposed, it did not include detailed guidance on the proposal nor details about the transitional measures that would apply. For example HMRC subsequently indicated in January 2022 that it would provide final guidance in the Pensions Tax Manual. The legislation for the changes was subsequently passed in 2022. And it's important to note that the new rules about NMPA do not come into effect until April 2028.

It is also the case that various cross industry bodies were set up in response to the proposed changes and there was further dialogue with HMRC specifically about transitional issues – including matters such as persons who had reached 55 who had started but not completed the process of taking their pension and matters about transfers into pension schemes. I can see for example that The Pensions Administration Standards Association (PASA) – which is an industry body which exists to promote and improve the quality of pensions administration services for UK pension schemes - issued guidance in August 2024 on preparing for the NMPA change. So, it's fair to say there has been ongoing discussion and guidance about the proposed changes to NMPA.

Fidelity says the timeline of when the information was filtered to its staff isn't available. So, I'm unable to comment on when Fidelity may have received any new guidance from HMRC. As I've referred to above, some of that guidance may have been made available to it through cross-industry bodies rather than through official publications made by HMRC. But, given the fact that the new rules don't come into effect until 2028, I think it's reasonable for Fidelity to

have taken the time it deemed necessary to consider the guidance it was receiving, take its own advice and confirm its understanding internally before updating its website and confirming the position to its customers.

So, although I can understand why Mr O thinks Fidelity should've been able to give him accurate and definitive information prior to March 2024, I don't think it acted unfairly or unreasonably when it told him that the information it had about NMPA was subject to change and it would update its customers "nearer the time" about how the changes might impact on them.

2. Fidelity updated its website in January 2024 – but hadn't conveyed this information to Mr O until March 2024.

Mr O has referred to the fact that Fidelity updated its webpage in or around the end of January 2024. But he says it didn't send him any update to him until 12 March 2024. He's also referred to the fact that other providers were able to update their websites much earlier than Fidelity did.

As I've stated above the changes do not come into force until April 2028. I'm not able to comment on the timelines taken by other providers to carry out their assessments of the guidance being issued by HMRC.

I'm satisfied, on balance, Fidelity did try to give Mr O accurate responses to his queries based on its understanding of what the guidance was at the relevant time. And, although it hadn't contacted him personally in January 2024 when it updated the information available on its public website, it did confirm the position to him in March 2024. I think that was fair and reasonable. When reaching that view I've taken into account the fact that the changes don't come into force until April 2028 and also the fact that Mr O couldn't make any withdrawals from his SIPP, in any case, until he reached age 55 – which was a future date.

I've noted that in his response to what our investigator said, Mr O referred us to a second page on the Fidelity website which he says is "very problematic." I've looked at the two pages which he mentions.

The first page includes a section entitled "Does Fidelity's SIPP have a protected pension age of 55." It states that where a SIPP with it was opened or where a customer applied to transfer a pension to it before 4 November 2021 they would benefit from the PPA of age 55. So the information on this webpage is for customers who hold a SIPP with Fidelity.

The second page does not include this section. However the information on this second webpage appears to relate to customers who have a workplace pension – not a Fidelity SIPP. I can see it does include the statement that if a person joined a pension scheme on or after 4 November 2021, they are unlikely to qualify for a PPA.

I've noted that both webpages also include details about how customers can contact Fidelity if they are unsure about how the changes affect their pension. I think that's fair and reasonable.

3. Mr O says that Fidelity's "flip-flopping" appeared to indicate it thought this information was unimportant for its customers. He's pointed out that this could've had financial consequences for him and his family.

Fidelity told Mr O (twice, including by letter) in February/March 2023 that he would be able to access his pension at age 55. In September 2023 it said it couldn't give him a definitive answer – although I've noted that at that time the questions he raised were more detailed. I'll

comment further about that below. Fidelity told Mr O on several subsequent occasions in the period up to January 2024 that it couldn't give a definitive answer because it was awaiting HMRC guidance. In January 2024 it told him the letter it had sent in March 2023 was no longer valid. In March 2024 it told him he did have a PPA of 55.

Having read the messages between Fidelity and Mr O I can see that between September 2023 and March 2024 Mr O would've been unsure about whether he had a PPA of 55 for his SIPP. During this period Fidelity didn't tell him he wouldn't have a PPA of age 55, rather it told him that it wasn't able to give him a definitive answer to the questions he'd raised.

As I've mentioned above when Mr O contacted Fidelity in August 2023, the questions he raised were more detailed than the question he'd raised in February 2023. In February 2023 he'd asked Fidelity if he had a PPA of 55. Fidelity confirmed this by letter on 2 March 2023. He raised supplementary questions at that time but Fidelity told him it hadn't any clear guidance to respond. In August 2023, Mr O said his understanding from previous correspondence was that he was "eligible to continue accessing his SIPP" after April 2028 even though he would not have reached age 57 at that time. He also asked about pensions transferred from other providers.

Given that the detail in the questions had changed I don't think it was unfair or unreasonable for Fidelity to say that it couldn't confirm the position to him but it did tell him that its understanding was that he could continue to access any funds already in drawdown but it was unclear as to whether he'd be able to crystallise any further funds until he was age 58. It explained that this was not confirmed and was subject to change but it would communicate any further information to its clients as soon as possible.

Mr O says Fidelity didn't seem to think this information was important to him. However, having read the exchange of messages, I'm satisfied Fidelity did respond to Mr O's queries and did reassure him that it would contact him as soon as it had more definite information.

On 19 January 2024 Fidelity told Mr O that its letter dated 2 March 2023 was no longer valid. It said it was sorry for any confusion and would contact him "nearer the time of the changes" to outline how the changes may affect him and his SIPP.

I can understand why Mr O was concerned about this and why he thought this was a "flip-flop" by Fidelity. However, Fidelity wrote to him again on 12 March 2024 and confirmed that he did indeed have a PPA of 55. It has re-confirmed that to him subsequently.

Mr O says he knew he wasn't getting financial advice from Fidelity – but the information he sought was about a Fidelity product. He expected to get accurate information every time or at least a correction in a timely manner where the information he'd been given was inaccurate.

Having considered the sequence of events here, as I've stated above, I'm not persuaded, on balance, Fidelity provided inaccurate information, based on its understanding at the relevant time, to Mr O. And although it told him in January 2024 that the information in its letter dated 2 March 2023 was no longer valid – it did re-confirm to him in March 2024 that he had a PPA of 55.

Mr O hasn't provided any evidence to show that he made any financial arrangements or suffered any financial loss during the period up to March 2024. And, as I've mentioned above, he isn't able to make any pension withdrawals until he reaches age 55 in any case – which is a future date. So, in all the circumstances that applied here, I don't think it's fair or reasonable to require Fidelity to compensate him for losses which he did not incur.

### *Distress and Inconvenience*

Mr O says he's experienced distress and inconvenience because of what happened. He's referred to poor service and delays handling his complaint. Our service cannot investigate a complaint, or any part of a complaint, which is solely about complaint handling. However Fidelity says it has already dealt with this separately and has made a compensatory payment to Mr O. I cannot comment further about that.

I have considered what Mr O has told us about distress and inconvenience caused by poor service and the "flip-flopping" in the information he was given. However, for the reasons set out above, I'm not persuaded that Fidelity provided inaccurate information, based on its understanding at the relevant time, to Mr O. It said it couldn't provide a definitive response to the query he raised in August 2023 because it was awaiting HMRC guidance. It did that on 8 September 2023 – which was around three weeks after he'd contacted it. Following further queries, it told him in January 2024 to disregard the letter it had sent him in March 2023. But it then confirmed the position to him in March 2024 and provided him with a link to its webpage where further information was available.

Having considered everything, I'm satisfied, on balance, Fidelity did update Mr O in a timely manner – given the timescale for the introduction of the new legislation. So, having considered everything here, I don't require Fidelity to do anything further to resolve this complaint.

### **My final decision**

For the reasons given above I do not uphold this complaint about Financial Administration Services Limited.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr O to accept or reject my decision before 29 July 2025.

Irene Martin  
**Ombudsman**