

## The complaint

Mr E has complained that Scottish Widows Limited enrolled him into a group personal pension scheme without his knowledge and says he wants his pension contributions refunded.

## What happened

Mr E's employer operates a workplace pension scheme. This is a Group Personal Pension Scheme (GPP) which is set up with Scottish Widows Limited (Scottish Widows). On 3 January 2025 Mr E was automatically enrolled into the GPP by his employer.

On 4 January 2025 Scottish Widows sent Mr E a welcome pack in the post which set out details of his new pension plan. Scottish Widows then also sent Mr E a contract note for the investment in his pension plan on 8 January 2025 followed by a Pension Statement on 3 March 2025.

The welcome pack sent to Mr E's home address by Scottish Widows on 4 January 2025 contained details of what he needed to do if he wanted to cancel his pension plan. This said that Mr E's pension plan had a 30-day cancellation period, which ended on 3 February 2025. Therefore, if Mr E wanted to cancel his pension and opt out of his employer's GPP he had to tell Scottish Widows this by 3 February 2025. Mr E has said that he didn't receive this pack in the post.

On 16 April 2025 Mr E contacted Scottish Widows to say that he wanted to opt out of his pension plan. Mr E said that he had been enrolled into the pension without his knowledge or consent and he'd only become aware that he had a pension with Scottish Widows when he'd looked at his payslips and had seen deductions from his salary for pension contributions.

Mr E went on to say that he hadn't received any information or communication from Scottish Widows about being enrolled into the workplace pension scheme. He said that he wanted Scottish Widows to immediately cancel his pension plan and refund all his pension contributions to him. Mr E raised a complaint with Scottish Widows.

On 22 April 2025 Scottish Widows contacted Mr E's employer to ask for details about when Mr E had decided to opt out of his workplace pension scheme and why it had taken him so long to contact Scottish Widows after he'd joined the GPP on 3 January 2025.

Mr E's employer replied to Scottish Widows on 28 April 2025 to say that Mr E had never intended to join the GPP. Mr E's employer also said that it had sent an email to Mr E to tell him about his pension, but the email it sent had gone into Mr E's "spam" email folder and he hadn't seen or read it.

Scottish Widows responded to Mr E's complaint on 12 May 2025. It said that it hadn't made any error when it had set up his pension. It said it had been told by Mr E's employer that he'd been enrolled into the GPP on 3 January 2025. Scottish Widows had then sent Mr E a welcome pack on 4 January 2025 and had told him that if he wanted to cancel his plan then he had to do this by 3 February 2025.

Scottish Widows went on to say that it was the responsibility of Mr E's employer to tell him about his pension, and that whilst the information his employer had sent ended up in Mr E's "spam" email folder, Scottish Widows had still correctly posted Mr E his welcome pack. Scottish Widows didn't uphold Mr E's complaint.

Mr E wasn't happy with Scottish Widows' response, so he brought his complaint to the Financial Ombudsman Service. One of our Investigators reviewed Mr E's complaint. In their view our Investigator set out details of the relevant rules and regulations that Scottish Widows needed to follow when it set up Mr E's pension and had concluded that Scottish Widows had complied with these rules and therefore hadn't done anything wrong. Our Investigator didn't uphold Mr E's complaint.

Mr E didn't agree with our Investigator's view. He maintained that he'd never received the welcome pack from Scottish Widows and had been enrolled into his employer's GPP without his knowledge or consent. He also said that Scottish Widows hadn't complied with its legal and regulatory obligations and because of this the 30-day cancellation period couldn't be enforced against him.

Mr E asked for his complaint to be considered by an Ombudsman.

### **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.

In bringing his complaint Mr E has set out details of regulatory and legislative breaches that he claims Scottish Widows has committed. I have therefore thoroughly read and considered these claims made by Mr E.

I have also carefully considered and taken into account relevant law and regulations, Regulator's rules, guidance and standards and codes of practice, and what I consider to have been good industry practice at the time of this complaint. This includes the Principles for Businesses ('PRIN') and the Conduct of Business Sourcebook ('COBS'). And where the evidence is incomplete, inconclusive or contradictory, I reach my conclusions on the balance of probabilities – that is, what I think is more likely than not to have happened based on the available evidence and the wider surrounding circumstances.

The complaint that Mr E has brought to this Service is against Scottish Widows. I've therefore carefully considered Scottish Widows' actions in this matter when determining this decision. There are also rules that Mr E's employer needed to follow which are laid out by The Pensions Regulator. One of these rules states that employers need to automatically enrol eligible employees into their workplace pension scheme. In this case, Mr E's employer had a GPP which was administered by Scottish Widows.

Mr E's employer enrolled him into the GPP to comply with these rules. As Scottish Widows is the administrator of Mr E's employer's GPP, I think it acted on the instructions and information it then received from Mr E's employer and set up a pension for Mr E within his employer's GPP.

Mr E's employer then deducted monthly pension contributions from Mr E's salary and sent these to Scottish Widows. These contributions were then credited to Mr E's pension plan. Therefore, I don't think that Scottish Widows automatically enrolled Mr E into his employer's GPP, nor do I think that Scottish Widows deducted any payments from Mr E's salary. Instead, I think that these were actions taken by Mr E's employer.

Mr E has said that he wasn't aware that he's been automatically enrolled into his employer's GPP in January 2025. Mr E has said that this was because Scottish Widows didn't tell him about his pension and is therefore at fault. Mr E says that he never received his welcome pack in the post from Scottish Widows. He also says that Scottish Widows never checked with him to make sure that he had received his welcome pack. Mr E claims that because of this, the 30-day cancellation period shouldn't apply to him and therefore Scottish Widows needs to refund his pension contributions to him.

As I've said above, Scottish Widows are the administrators of Mr E's employer's GPP and therefore I think it acted upon instructions it received from his employer. On receiving these instructions I think that Scottish Widows correctly set up a pension for Mr E within his employer's GPP on 3 January 2025 and then on the following day, 4 January 2025, Scottish Widows sent Mr E sent his welcome pack.

This pack set out details of Mr E's new pension plan for him and told Mr E what he needed to do if he wanted to cancel his pension plan and thereby opt out of his employer's workplace pension. The welcome pack also told Mr E that his pension had a 30-day cancellation period, which ended on 3 February 2025, and therefore if he did want to opt out of his employer's workplace pension, he had to do so by that date.

I've seen a copy of the welcome pack that Scottish Widows sent to Mr E on 4 January 2025. This is headed "*THIS IS YOUR NEW PENSION PLAN WITH SCOTTISH WIDOWS*". The address and postcode that the welcome pack is addressed to are the same address and postcode that Mr E has given to this Service. I therefore think that Scottish Widows' welcome pack was correctly addressed to Mr E.

Mr E has said that he didn't receive his welcome pack from Scottish Widows and therefore wasn't aware of his new pension. Mr E says that because he never received the welcome pack in the post then the 30-day cancellation period doesn't apply to him. But I don't think that this can be right. I say this because I think that Scottish Widows correctly sent Mr E his welcome pack the day after he was automatically enrolled into his employer's GPP, and the welcome pack was correctly addressed to him. I therefore think that Scottish Widows met its regulatory obligations when it correctly sent Mr E his welcome pack to his home address on 4 January 2025 and told him of his cancellation rights. I've therefore not seen any evidence to show that Scottish Widows did anything wrong when it sent Mr E his welcome pack.

Scottish Widows then also sent Mr E a contract note for the investment set up in his pension plan on 8 January 2025. I've also seen a copy of this contract note and can see that it was also correctly addressed to Mr E. The covering letter for the contract note was signed by Scottish Widows' "*Head of Workplace Pensions*". The contract note says a: "*transaction(s) for your Group Personal Pension were completed on 8 January 2025*".

I think it's reasonable to assume that this contract note should have made Mr E aware that Scottish Widows had set up an investment within a "*Group Personal Pension*" for him, which should then have prompted him to make some enquiries of Scottish Widows to find out what the contract note was about. But I've not seen any evidence to show that Mr E contacted Scottish Widows about this contract note. I therefore don't think that Scottish Widows did anything wrong when it sent Mr E his contract note.

I also think it's reasonable to assume that when Mr E received his January 2025 payslip then because a pension contribution had been deducted by his employer this would have shown that his take home pay was lower for that month than what he would've been expecting. I think it would have been reasonable to Mr E to have asked his employer why his take home pay had fallen and why a pension contribution had been deducted from his pay.

But Mr E didn't contact Scottish Widows until 16 April 2025 to say that he'd only become aware of pension payments being taken from his salary when he'd looked at his payslips and had seen deductions for pension contributions for the previous three months. I therefore don't think it would be reasonable to conclude that Scottish Widows was responsible for Mr E not becoming aware of deductions for pension contributions from his salary until April 2025.

In his complaint Mr E has also referred to email correspondence his employer sent to him about his pension. Mr E has said that his employer's email went into his "*spam*" folder and therefore he hadn't seen or read it. But Mr E's complaint is against Scottish Widows, and I therefore think that it wouldn't be reasonable to hold Scottish Widows responsible for the information his employer sent to him about his pension scheme ending up in his email "*spam*" folder. I also don't think that it would be reasonable to hold Scottish Widows at fault if Mr E's employer didn't discuss its GPP with him and didn't tell him that he'd been automatically enrolled into the GPP.

As I've said above, Mr E's complaint is about Scottish Widows. I think it's reasonable to conclude that Scottish Widows correctly acted on the instructions it received from Mr E's employer to set up a pension for him in his employer's GPP. Scottish Widows then sent Mr E a welcome pack for his pension which was correctly addressed to his home which told him what he needed to do if he wanted to cancel his pension plan. I've therefore not seen any evidence to show that Scottish Widows did anything wrong, or to show that it would be reasonable to conclude that Scottish Widows was responsible for Mr E not contacting it until April 2025 to say that he wanted to cancel his pension and receive a refund of pension contributions.

Mr E had one month from being enrolled into his employer's workplace pension to opt out of the scheme and receive a refund of his pension payments, so until 3 February 2025. But Mr E didn't contact Scottish Widows to say that he didn't want to be in his employer's GPP and wanted a refund of pension contributions until 16 April 2025.

The rules that Scottish Widows need to follow in respect of cancelling Mr E's pension and refunding pension contributions to him are clear, and Scottish Widows has no discretion over these rules.

I've set out above why I think that Scottish Widows acted correctly in this case and therefore, as I don't think that Scottish Widows has done anything wrong, I'm unable to uphold Mr E's complaint.

### **My final decision**

My final decision is that I don't uphold Mr E's complaint against Scottish Widows Limited.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr E to accept or reject my decision before 4 December 2025.

Ian Barton  
**Ombudsman**

