

The complaint

Mrs T complains that Scottish Equitable Plc trading as Aegon (“Aegon”) has failed to assist her by making an application to the Redundancy Payments Service (“RPS”), part of the government agency called the Insolvency Service, for the payment of an employer pension contribution.

What happened

I issued a provisional decision on this complaint in November 2025. In that decision I explained why I thought the complaint should be upheld and what Aegon needed to do in order to put things right. Both parties have received a copy of the provisional decision but, for completeness, I include some extracts from it below. In my decision I said;

Mrs T holds pension savings with Aegon that have arisen from contributions made by her and her former employer. Sadly, Mrs T’s employment ended when her employer entered administration on 24 February 2025.

As I will go on to explain, the information that Aegon was given by Mrs T, and the insolvency administrator was either incomplete or incorrect. But it is now agreed between all parties that Mrs T didn’t receive any salary from her employer for her work in February 2025 – although those payments were later covered by the RPS. But Mrs T also didn’t receive any pension contribution from her employer for her work in February. She says that in order for that payment to be recovered Aegon and the insolvency administrator would need to make an application using form RP15.

Aegon has discussed the matter with the insolvency administrator. It has advised Aegon that no salary was paid by the employer for the month of February, so it has no pension contributions to recover or pay to the firm. So Aegon told Mrs T that it was unable to help her any further – it said it could only add contributions that it had actually received. Unhappy with that response Mrs T asked us to look at her complaint.

I would first like to express my sympathy for the situation Mrs T found herself in during the early part of this year. It cannot have been easy learning that her employer had entered administration and that she would be made redundant. And those difficulties will not have been helped by the time she has needed to spend on dealing with this complaint. Although in money terms the amount that Mrs T is claiming is relatively modest, I can fully understand why it is important to her that she is fairly rewarded for the work she undertook in the lead up to the loss of her job.

The facts around this complaint have evolved over time. So, I have some sympathy for the initial responses that Mrs T received from Aegon. When Aegon first became aware of Mrs T’s situation it was reliant on information provided by the insolvency administrator. It doesn’t seem that the information Aegon recorded on its systems correctly reflected Mrs T’s circumstances. But I don’t think Aegon was at fault for those errors – I haven’t seen anything that suggests it received correct information but transposed it incorrectly. Instead, I think that due to some information being poor

or missing, assumptions were made by both Aegon and the insolvency administrator that resulted in the errors.

I think it would be helpful here if I set out my understanding of the basic facts of this complaint. Mrs T's employment ended on 24 February 2025. Her contract of employment saw her receiving her salary monthly in arrears with payment being made on or around the 24th of each month. So, when her employer entered administration no payroll run was completed for February 2025. That meant that Mrs T didn't receive her normal salary, although I understand that payment was later made by the RPS. But it also meant that no deduction was taken from Mrs T's salary for her pension contribution, nor did her employer make its contribution either.

Aegon's records show that in the months leading up to the termination of Mrs T's employment it had received monthly contributions to Mrs T's pension of £412.48. I understand that contribution comprised £274.99 each month paid by Mrs T's employer. So that would lead me to calculate that the employer contribution due to Mrs T for the 24 days she worked in February 2025 amounts to £216.98.

Aegon discussed the situation of all the employees in a similar position to Mrs T with the insolvency administrator when it first became aware of the situation. And it has had further discussions about Mrs T's situation since our investigator issued his assessment. The insolvency administrator has confirmed at each stage that, since no payroll was run in February 2025, it had no authority to make any pension contributions in respect of those employees who had been made redundant.

But that isn't the basis of the complaint that Mrs T has made to Aegon. She has told the firm that it, and the insolvency administrator, would be able to make a claim on her behalf to the RPS for that missed employer contribution. But Aegon has said, in accordance with the information it has been given by the insolvency administrator, no claim is possible.

Mrs T has provided us with some very helpful signposting to information published by the government's Insolvency Service and the Pension Protection Fund, that appears to relate directly to her circumstances. Specifically, she has shown us that the guidance says the following;

The sum recoverable from the RPS in respect of unpaid employee contributions is set out at section 124(5) of the Pension Schemes Act 1993. It is limited to the amount deducted from the pay of the worker in respect of their contributions to the scheme during the 12 months immediately preceding the date on which the employer became insolvent. A claim cannot be made in respect of a worker's contributions to the scheme unless they were actually deducted from that worker's pay.

If the RPS has already paid wages for a period, those wages were not actually paid by the employer, so no deductions occurred from which employee contributions could have been taken.

In contrast, employer contributions can still be claimed even when there is an overlap with periods for which the RPS paid arrears of wages. The pension claim guidance for insolvency practitioners clearly states: "If there is an overlap, we cannot pay employee contributions. We can pay employer contributions". This is because employer contributions are owed by the employer "on his own account" under Section 124 of the Pension Schemes Act 1993, independent of whether wages were actually paid to employees.

Claims for partial periods will be considered by the RPS. For example, if a pension contribution falling due annually on 31 March was paid, and insolvency then occurs on 30 April, a claim for 30/365ths of the contribution due to the next 31 March payment is admissible. The same rationale applies to contributions due at alternative intervals, for example, monthly or quarterly.

Mrs T didn't suffer any deductions from her wages in respect of pension contributions in February 2025 – and she received her wages from the RPS rather than her employer. So, there are no grounds for a claim to be made to the RPS on that basis. But I am satisfied that it would be reasonable for a claim to be made to the RPS for the pension contribution Mrs T did not receive from her employer that was due in February 2025, despite her wages being already paid by the RPS. So, I now turn to the mechanics of how that claim should be made.

Claims to the RPS of this nature are submitted using a form titled RP15. That form comprises two parts. Part one of the form is completed by the pensions administrator – Aegon in this case. And part two is completed by the insolvency administrator. There doesn't seem to be any clear direction on who should start the claim process, but given the form is in two parts I think it would be logical that part one be completed first. So, I don't think it unreasonable to conclude that Aegon should be responsible for commencing the claim.

I accept that no claim can be submitted to the RPS unless it is agreed by both the pension administrator and the insolvency administrator. And given what has happened to date it is far from certain that the insolvency administrator will support the claim. But the complaint I am dealing with here relates to the actions of Aegon. And since I have found Aegon should be responsible for starting the process, and it hasn't done so, I am currently minded the complaint should be upheld. Should Aegon complete the required RP15 form and it be rejected by the insolvency administrator, that would then leave Mrs T with a clear path to take matters further, and if she thinks it appropriate raise a complaint to the body responsible for the work of the insolvency administrator.

I want to make it clear that, unless Aegon receives a payment from either the insolvency administrator or the RPS, it would be unable to add the missed contribution to Mrs T's pension savings. So, its responsibility for Mrs T not receiving the contribution is rather limited. I am not making any award of financial compensation for that reason, although as I will set out in my directions below, I leave it open to Aegon to make an offer to Mrs T to close the complaint should it think it appropriate.

In summary, the evidence and guidance I have seen, leads me to a reasonable conclusion that Mrs T has a right to request the missed pension contribution be paid by the RPS. So, I don't think Aegon has treated her fairly by failing to start that claim and pass matters over to the insolvency administrator. Subject to any further representations I receive on this provisional decision I intend to direct Aegon to complete the RP15 form on behalf of Mrs T and submit it to the insolvency administrator for completion and forwarding to the RPS.

I invited both parties to provide us with any further comments or evidence in response to my provisional decision. Mrs T has said she agrees with my provisional decision and was happy to accept either of the redress options I set out. Aegon has provided some further comments. Although here I am only summarising what Aegon has said, I want to reassure the firm that I have read, and carefully considered, its full response.

Aegon has said that it doesn't disagree with my assessment of the overall situation, and it too empathises with the position Mrs T. However it does have concerns about how I'm asking Aegon to correct the situation by asking it to initiate and commence the RP15 claim process on behalf of Mrs T. Aegon does however confirm that, should a final contribution be received, it is willing and able to reopen the pension scheme to allow the payment to be applied.

Aegon says it is not aware of any regulatory or legislative requirement for it to initiate the RP15 process. It says that responsibility appears to fall on the insolvency practitioners. It has pointed me towards a best practice guidance document issued by The Pension Protection Fund that it says is again aimed at insolvency professionals. It says the research it has undertaken would suggest it unusual for a pensions administrator to start the RP15 process.

Aegon says that ultimately it falls to the insolvency practitioner to verify any RP15 claim. If it fails to complete the form, or refuses to verify the claim, Aegon would have no further action available to take. It says that it might be seen as acting in bad faith to complete the form knowing that the insolvency practitioner has previously suggested no claim was possible. Aegon proposes that I should amend my directions to it contacting the insolvency practitioner to ask it to confirm its agreement that Mrs T was due a pension contribution for February, and if so that it initiates the RP15 process.

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.

As I set out in my provisional decision, in deciding this complaint I've taken into account the law, any relevant regulatory rules and good industry practice at the time. I have also carefully considered the submissions that have been made by Mrs T and by Aegon. Where the evidence is unclear, or there are conflicts, I have made my decision based on the balance of probabilities. In other words I have looked at what evidence we do have, and the surrounding circumstances, to help me decide what I think is more likely to, or should, have happened.

And I repeat my reflections on the role of this service. This service isn't intended to regulate or punish businesses for their conduct – that is the role of the Financial Conduct Authority. Instead this service looks to resolve individual complaints between a consumer and a business. Should we decide that something has gone wrong we would ask the business to put things right by placing the consumer, as far as is possible, in the position they would have been if the problem hadn't occurred.

As I said earlier, the guidance document that Aegon has sent me has been published by The Pension Protection Fund and is titled "*Guidance note 12 - Completing forms for claims on the Redundancy Payments Service*". I have found the contents of that document very helpful, and would like to draw the following sections to Aegon's attention;

- 4.1 *Part 1 is completed by the scheme trustees or administrators, setting out among other things the unpaid sums due to the scheme. Part 2 is completed by the IP [Insolvency Practitioner]. It confirms some of the information in Part 1 and provides the remuneration paid to employees in the 12 months ending with the date prior to the date of insolvency*
- 4.5. *IPs are asked to complete, countersign and return their section of claim forms sent to them as soon as possible. They are expected to have retained sufficient*

employer records, or access to the records, to enable them to complete the relevant section of form RP15.

- 5.3. *Part 1 of form RP15 should be completed by the pension scheme trustees or scheme administrators.*
- 5.8. *Once part 1 has been completed, the form should be sent to the insolvency practitioners dealing with the insolvent employer so they can fill in and sign part 2.*

So I think this guidance is clear that the expectation is that the pension scheme administrator – Aegon in this case – should be the party to initiate the completion of the RP15 form. That follows the presumption that I set out in my provisional decision, but now makes it even more clear that the IP is being asked to validate information provided by the scheme administrator. Sections 5.3 and 5.8 of the guidance that I have noted above provide a clear direction that part 1 of the form needs to be completed by Aegon, and then the form be sent to the IP.

In practical terms I don't think it would be unreasonable for Aegon to share my findings in this decision with the IP, so at the very least it is aware that it will shortly be receiving a part completed RP15 form for its attention. But as I set out in my provisional decision I think it important that Aegon ensures the RP15 form is completed so Mrs T would have a clear cause of action should the IP fail to take the claim to the RPS.

I repeat my provisional findings that I accept Aegon cannot ensure that any claim is ultimately made, or whether it would be successful. However I remain of the opinion that Aegon needs to start that process on Mrs T's behalf. So I will uphold her complaint and direct Aegon to complete the RP15 form on her behalf and submit it to the insolvency administrator for completion and forwarding to the RPS.

Putting things right

Within 28 days of being notified of Mrs T's acceptance of this final decision Aegon should commence the process of claiming a missed employer pension contribution on behalf of Mrs T by completing an RP15 form and forwarding it to the insolvency practitioner for its attention.

Once Aegon has completed and forwarded the RP15 form to the insolvency practitioner it should confirm that to Mrs T in writing. It should provide Mrs T with contact details for the insolvency practitioner (or agree to forward her correspondence) should she need to enquire about the progress of the claim.

My final decision

My final decision is that I uphold Mrs T's complaint and direct Scottish Equitable Plc trading as Aegon to put things right as detailed above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs T to accept or reject my decision before 8 January 2026.

Paul Reilly
Ombudsman