



SIPP and SSAS round up

Spring 2026

Welcome to the latest edition of the TLT SIPP and SSAS round up. In this edition we cover key news, cases, and determinations that highlight recurrent issues, plus round up recent and expected developments. If you would like to discuss any item in further detail, please speak to a [key contact](#).

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The Pensions Ombudsman

TPO continues to transform its service. Its recently introduced 'lead case' approach is being well used (see our later Determinations pages). Our **March 2025 briefing** covered recommended actions in relation to these cases. Note that, once a lead case determination has been published, TPO expects other schemes to be aware of the learnings from it and to act on these in practice, and that schemes with the same issue will make similar awards to affected members.

SIPP and SSAS providers should keep themselves aware of TPO's publications and updates as these are issued, so they can stay on top of changes in TPO's approach, and key determinations. We understand that several may be due in the coming weeks and months.

In December, TPO **published** further information designed to help members understand the key issues arising when a pension has been overpaid.

Beyond overpayments, several general lessons can be extrapolated from the guidance:

- with all complaints, TPO expects members and pension schemes to work together to resolve the situation, whether informally or formally via the scheme's Internal Dispute Resolution Procedure, before turning to TPO
- TPO expects schemes to share useful information with members when queries or challenges are raised, including flagging, where relevant, a potential defence a member may have
- TPO expects schemes to record their decision making in complaints cases, so that this can be presented to TPO at the time of submissions to give TPO a full picture at as early a stage as possible.

The Pensions Regulator

- TPR's latest **DC landscape report** tells us that, of 25,160 DC schemes, over 24,000 are 'micro schemes', 87% of which identified themselves as a relevant small scheme (ie a SSAS) up from 84% in 2024.
- TPR has issued an updated industry alert regarding rising levels of **impersonation fraud**, involving unauthorised access to members' accounts using hacking and impersonation techniques. Trustees and administrators should be vigilant and report any suspicions.

TPR recommends that scheme administrators should educate members on the importance of online security, encouraging them to ensure their pension account details are up-to-date and to turn on two step verification; signpost members to City of London police **identity fraud guidance** and the Government's '**Stop! Think Fraud**' **guidance**; review existing security measures and read the PASA '**Protecting Identities During High-Risk Events**' **guidance**; and report fraud or **cybercrime to Report Fraud** (previously Action Fraud).

In its recent pension fraud **webinar**, TPR noted that it is working with the DWP to ensure the transfer legislation adequately covers SSASs, which are considered a particular source of fraud risk.

We will watch out for additional checks on SSAS transfers that might be included in any forthcoming (and long-expected) changes to the Transfer Regulations.



Financial Conduct Authority

Targeted Support

The FCA has **published** further detail on supporting firms on ‘targeted support’ (including in relation to pensions). The finalised policy statement aims at the gap between existing guidance-based services and more bespoke advice, and looks to enable firms to provide suggestions designed for groups of consumers with common characteristics (rather than based on the individual’s detailed circumstances), to help them make financial decisions on complex areas. Firms have been able to apply for targeted support permission from March, with the final rules coming into force on 6 April.

A joint FCA statement with the **Financial Ombudsman Service (FOS)** clarifies how they will work together in the event of future complaints relating to targeted support, and a second with the **Information Commissioner’s Office (ICO)** covers how firms can communicate with consumers in the context of existing direct marketing rules. The FCA guidance on **considerations when designing consumer segments** shares non-exhaustive practical examples to help firms make these judgements.

Providers and trustees should note that when deciding what is ‘fair and reasonable’ in all the circumstances of a complaint about targeted support, FOS will take this publication into account as a benchmark.

Generally, providers should make sure they understand the concept and limits of targeted support, particularly given the complexities of pensions, and the need to tread a careful line between giving advice and guidance.

Simplifying advice

At the end of March, the FCA issued a consultation on **simplifying pensions and investment advice rules** to make it easier for firms to give more simplified forms of individualised financial advice to consumers. This was created in response to feedback on supporting consumers’ pensions decisions and the review of FCA requirements following the introduction of the **Consumer Duty**. The consultation closes on 22 May.

Pension planning

The FCA is **consulting** on a new regime for interactive digital pension planning tools for personal pension schemes, including SIPPs.

The consultation looks at adapting pensions requirements for a changing market, and a new step in the non-advised transfer process, aimed at supporting those consumers to make informed decisions about whether and where to transfer or consolidate their DC pensions.

The proposals were prompted by concerns that members are making decisions to transfer or consolidate pots without considering factors such as fees and charges and investment choice, or understanding the benefits that may be lost on transfer such as valuable guarantees. The FCA also expects that consumer engagement will increase once pensions dashboards are available, and the regulatory framework must evolve to meet that shift.

The DWP is considering whether similar requirements for occupational pension schemes would be beneficial. The consultation closed in February and a policy statement and final Handbook text are due in the second half of 2026.

SIPP operators should consider how they may need to evolve in response to consumer behaviour.

Pension Priorities

The FCA has set out its 'Regulatory priorities' for 2026; see TLT's analysis of the **cross-sector themes** and what they mean for firms. For the first time, it has published its **Pensions Priorities** separately; these include 'ensuring well-run schemes that provide value for money to savers', supporting the development of the framework (in the new Pension Schemes Act) for member transfers through contractual override and assessment against the scale test, with new supervisory and intervention powers; encouraging effective support for consumers; supporting growth and innovation; and modernising pensions and long-term savings.

Specifically, it states that it will continue to focus on improving the regulatory framework in the SIPP arena, continuing its steps towards a more proactive regulatory approach here. A consultation on due diligence and client asset requirements in the SIPP market is expected in H1 2026.

SIPP operators should stay on top of developments and be ready to review their current frameworks against changing FCA expectations.



A consultation on the pension charge cap, performance fees and transparency of charges is also due in Q2 2026, with findings to be published before the end of the year.

- Together with other recent reforms and consultations, these signal a change of direction by the regulators and highlight important considerations of which SIPP providers should be mindful.
- Our Financial Services Regulatory team are experts in this area and support clients with these developments – please contact Andrzej Wieckowski if you would like to know more.



Andrzej Wieckowski

Partner, Financial Services Regulatory

+44 (0)7484 515 371

andrzej.wieckowski@tlt.com

Financial Ombudsman Service

The **FCA**, **FOS** and **HMT** have now announced their changes to **modernise the FOS/FCA redress system**. The changes aim to return FOS to being a fast-acting, impartial complaints body, functioning as an efficient alternative to the courts, giving greater certainty for consumers and firms through clearer, more consistent and easier-to-navigate redress.

The changes should help providers understand how to identify issues that have the potential to cause harm and need redress at an early stage, to resolve complaints more effectively and proactively, and to notify the FCA at an earlier stage where its involvement is needed.

The changes:

- adapt FOS' 'Fair and Reasonable' test used to determine cases: where firms have met their obligations under relevant FCA Rules, they must be found to have acted fairly and reasonably by FOS. Only the standards applicable at the time of the act or omission being complained about should apply

- introduce a referral system between FOS and the FCA, and require FOS to seek a view from the FCA where there is any ambiguity in FCA requirements, or where an issue may have wider implications across the financial services industry
- introduce an absolute time limit of 10 years for bringing complaints to FOS, but giving the FCA the ability to make exceptions to this time limit. Exceptions would be product-specific (and likely to cover longer-term products such as pensions)
- require FOS and the FCA to publish thematic reports providing information and clarification on how certain types of complaint will be considered
- ensure at a registration stage that complaints referred to FOS are within its scope and ready to be investigated, before being allocated to a caseworker. There will be new powers to dismiss complaints that sit better elsewhere or can be resolved through different means, or where there has been no material financial loss, distress or inconvenience

The **consultation** closes on 11 May, and a policy statement will be produced by the FCA later this year. Legislation will clarify FOS' role and operating framework alongside the FCA, although we have no timescale for this yet; however, the reforms are starting to be delivered in practice now.

Compensation interest rates

FOS confirmed its **revised position on interest applied to compensation awards** at the start of the year. A new interest rate (of the Bank of England's base (average) rate plus one percentage point, to better reflect actual economic conditions and the cost to consumers) applies to the compensation for cases referred on and after 1 January 2026. It can also, however, still direct a business to pay 8% simple interest if it doesn't pay compensation on time.

Further detail and an interest calculator can be found in **FOS' press release**.

Tax

We have expertise in advising on the tax aspects of pensions and payments from pension schemes including SIPPs and SSASs. This includes specialist SDLT expertise.

Partnership relief

The recent case of **COMFG Holdings Ltd v Welsh Revenue Authority** has considered the much-debated issue of whether SIPPs and SSASs (in this case, a SSAS) can benefit from the 'special partnership' rules on SDLT or Land Transaction Tax (LTT) on property transfers between related parties. In this case, the First-tier Tribunal held that the property was not 'partnership property' for the purposes of relief from LTT because on the facts the entire interest in it was held by the trustees of the SSAS in accordance with the trust deed and rules and as evidenced in the property sale documents. Further, there was no partnership agreement or partnership accounts, and all income from the property was paid to the trustees of the SSAS.

The case demonstrates that there must be robust evidence that a partnership exists to rely on partnership relief.



Importantly, this case does not address the wider question of whether SSAS trustees could in principle sell as partners if the facts were different. However further cases on LTT and SDLT on purchases and transfers by SIPPs or SSASs are likely to follow, so this is an issue to keep an eye on for any developments.

Please contact Emma Bradley if you would like to know more.



Emma Bradley
Partner, Pensions and Tax
+44 (0)7747 462 131
emma.bradley@tlt.com

Inheritance Tax

Our forthcoming webinar series includes a look at Inheritance Tax (IHT) on pensions and challenges and opportunities for SIPP and SSAS providers in relation to the changes. **The Finance Act 2026** received Royal Assent on 18 March. The IHT drafting was amended significantly while progressing through Parliament, but the overall change (resulting in unused pension funds and death benefits payable from a pension forming part of a person's estate for IHT purposes) will still come into force from April 2027.

Following engagement with industry stakeholders on the administration of the measure, the Government announced that personal representatives (PRs) rather than pension scheme administrators (PSAs) would become liable for reporting and paying any IHT due on pensions.

At Budget 2025, the Government announced further changes to support PRs administering estates containing pensions, by providing them with the ability to direct PSAs to withhold taxable pension benefits for up to 15 months from the date of death and to direct PSAs to make payments of IHT directly to HMRC.

HMT **confirms in its recent response** to the Economic Affairs Committee that it will consult on draft regulations, and publish a list of clarifications on common questions that have been raised by industry, this spring. HMRC guidance and other supporting materials will be published in advance of April 2027.

Together these will include details on evidence requirements and the proposed information sharing obligations on PSAs, and templates and interactive tools to support PRs. While the Government did acknowledge in its response the difficulties the policy may create for schemes with illiquid assets, it declined to make changes in relation to this.

Register your interest for our forthcoming on-demand webinar series to learn more, or contact **Damien Garrould** or **Jacob Cork**.



Determinations: Transfers

A number of TPO determinations in relation to SIPP and SSASs from recent months have addressed the issue of transfers. While some only cover transfers to SIPP and SSASs, they give welcome reminders to all schemes, and show some interesting developments:

- A determination in the case of **Mr N** dismissed a complaint brought by a member against their public sector scheme. It concerned a statutory transfer of DB pension to a SSAS, and applied the reasoning TPO gave in the key determination *Mr D v Open Trustees Limited* (which we reported on in detail in our **November briefing**). In *Mr N*, TPO again found that the trustees only had a duty to undertake the checks and due diligence necessary to fulfil the express statutory requirements in the Pension Schemes Act 1993, and not the additional steps suggested by TPR's 2013 Action Pack. The trustee owed no duty to carry out due diligence checks in respect of the receiving scheme under the scheme rules, statute, general law or by way of a voluntary

assumption of responsibility. (The fact that here, the member had accepted personal responsibility in writing and indicated he had done his own research, helped TPO find that no reasonable reliance on the trustees could be established.)

- In the case of **Mr S**, TPO found that a transfer, albeit non-statutory, was made in accordance with scheme rules – so the same reasoning was followed; the trustee had no additional duty to carry out due diligence in relation to a statutory transfer or a non-statutory transfer, save to the extent of ensuring applicable requirements of legislation or of the relevant scheme rules were met. TPO held it was acceptable for trustees to follow a standard practice for transfers even when a transfer did not meet the precise conditions for a statutory transfer.
- The case of **Mr T** concerned a transfer to a SSAS that turned out to be a liberation scheme, and followed TPO's above reasoning on due diligence obligations.

This determination is significant for its decision not to follow the definition of 'earner' in the seminal *Hughes* case – here, finding that a member had the right to transfer credits, regardless of current earnings, and again giving a trustee-friendly result, potentially making it easier for a scheme to show that a transfer was statutory and therefore that a scheme was obliged to make the transfer. Whether TPO's departure from judicial precedent is allowed to stand will be interesting to follow.

Why they matter

While generally the direction of travel from TPO's determinations seems trustee-friendly (provided the legal requirements were met), it should be noted that these decisions are of course each limited to the relevant statutory requirements at the time of the transfers complained of. While these are useful for complaints that may still be coming through from that period, the reasoning is of course less applicable to current transfers, since the introduction of the new statutory transfer regime in November 2021 and red and amber flag system.

These decisions remind trustees, administrators and operators of all schemes including SIPPs and SSASs to make sure they are always up to date with relevant statutory requirements, guidance, industry standards and ombudsman publications, reviewing their own practice and procedures in the light of new key information or determinations. Speak to us for advice or training on any aspect of legal compliance and good practice in relation to transfers.

Further determinations setting out TPO's view on transfers made from personal pension schemes including SIPPs (which are subject to the FCA perimeter, different regulatory burdens and can come under the jurisdiction of FOS as well as TPO) are expected soon.

The FCA also commented on transfers as one of its priorities in the recent **Pensions report** and **Review of Life insurers' pension transfer process**. It expects firms to avoid causing foreseeable harm through poor or unnecessarily slow service, and notes that further improvements to transfers are both possible and necessary to ensure a positive customer experience.

- On a more specific issue, the determination in **Mrs N** held that, where a member requested a statutory transfer to a QROPS, transferring trustees could reasonably require them to obtain legal opinions to evidence the QROPS' validity (here two, covering English and Maltese law) at the member's own cost.

While members may have a statutory right to transfer to a QROPS, the transferring scheme faces tax consequences if the scheme turns out not to be 'qualifying.' The determination acknowledges the complexity for transferring trustees in assessing whether a scheme is a QROPS, including confirming how the scheme is regulated in its country of establishment and its tax treatment. TPO held that these matters were not reasonably within the transferring trustees' expertise or responsibility. The trustees' request for two legal opinions was therefore reasonable and legitimate, both to satisfy itself that the transfer would constitute a permitted exercise of the member's statutory transfer right and to determine whether any tax charges were payable.



Determinations: Investments

Determinations relating to investments highlight the unique issues SSASs can face in requiring unanimous decision-making, and having non-specialist member-trustees.

A recent **lead case for a number of linked cases** follows in the footsteps of a previous determination (PO-25984) covered in detail in our **March 2025 briefing**. The material facts of the complaint, and the roles of the respondents, were substantially the same, and TPO reached the same conclusions applying the same reasoning as before in relation to the single-member SSASs (which each had the same structure, administrator and independent trustee, and broadly similar scheme documentation, but with different underlying – but all high-risk – investments). TPO held that the independent trustee had failed to fulfil its duties to assess the suitability of the proposed investments, which amounted to maladministration and breach of trust, and which fell below the standard of care owed to the members.



TPO determined that liability should be apportioned between the independent trustee (80%) and each co-trustee member complainant (20%), rather than applying joint and several liability.

In reaching this conclusion, TPO considered the economic and factual circumstances, and knowledge available, at the time the investments were made. TPO also considered the broader context; in particular, the circumstances of the individual members, the nature of the pension schemes and the need for diversification of investments.

As the independent trustee was providing its professional services to each SSAS for a fee (and had considerable experience of SSAS management and trusteeship), TPO held it to be a professional trustee with additional responsibilities and duties. It had failed to understand – or at least exercise – these.

Under each SSAS's trust deed and rules, trustee decisions on investments required unanimity. TPO contrasted the position of the complainants (who did not have the knowledge or understanding to assess the suitability of the investments) with that of the independent trustee (who was 'uniquely placed', both in terms of being able to apply professional judgement as to the suitability of the proposed investments, and also to prevent the investments from proceeding if they were unsuitable).

Another **lead case** similarly upheld a complaint awarding compensation for materially significant distress and inconvenience suffered as a result of the independent trustee's failure to consider the need for diversification, assess the suitability of the investment or act in the member trustee's best financial interests. Although the member trustee here had not encountered the same level of distress and inconvenience as the applicant in PO-25984, as the professional trustee had failed to apply the learnings and principles that TPO 'clearly established' in that case to other similarly impacted customers, the award was appropriate.



Determinations: Miscellaneous

Another TPO determination of interest spans both scheme administration and investment issues. In **Mr R**, a SSAS administrator was directed to refund fees and charges following maladministration. Among other issues, the predecessor administrator had split the SSAS investments to pay a death benefit to another member in a way that left Mr R unable to transfer his own share and facing delays in taking a lump sum. The decision is a reminder that a significant proportion of SSAS assets are often held in illiquid investments. This can create real difficulties when there is a need to release assets – a recurrent feature in practice for SSASs. Alongside the practical constraints on acting quickly, and the competing interests of different members and beneficiaries, trustees and administrators also need to consider the wider impact of any asset release. Where this would materially change the scheme's overall investment profile, it may be necessary to review the asset mix going forwards and make a formal, properly authorised, decision.

The determination also underlines the importance of understanding scheme rules and complying with any formal requirements they impose. Although the administrator as professional trustee had prepared and acted on a resolution approving asset allocation, it did not meet the scheme's requirements, which called for written resolutions signed by all trustees. Without the necessary signatures, the resolution was invalid. The failures around authorisation, information sharing and confirmation of unanimity amounted to a breach of the trustee's duty of skill and care.

FOS on cyber failures

Finally, a FOS decision highlights the growing risks of fraud and cybercrime in the pensions context. **Mrs X** complained that her adviser had sent confidential SIPP information via unsecured emails, which were intercepted by fraudsters, leading to significant loss.

Although the fraud itself was carried out by a third party, the adviser had not met its obligations. FOS found it 'fair and reasonable' for the adviser to compensate Mrs X in full, given its failure to use secure communication methods or protect sensitive information.

The adviser should have been using its secure portal for communications, but failed to do so; it had also sent emails containing bank account details and SIPP references which had not been password protected or encrypted in any way. This left Mrs X susceptible to fraud – which was a foreseeable risk, and so one for which they were responsible.

Hot Topic: Members who lose capacity

Partners Damien Garrould and Debbie Gale will be speaking alongside representatives from the Alzheimer's Society at the AMPS Conference (see page 16 for details), on powers of attorney, loss of capacity, and Court of Protection issues.

LPA due diligence and preparation

Lasting powers of attorney (LPA) can be an issue for SIPP and SSAS providers, with a large increase in their use over recent years. The member-directed nature of a SIPP or SSAS means the attorney will have significant decisions to make on behalf of the member and the provider may be required to take instructions from an attorney on a regular basis.

Providers need to be certain that an attorney appointed under an LPA has authority to act on the member's behalf, to protect the vulnerable member and reduce the risk of claims from aggrieved family members that the provider failed to comply with its legal duties, resulting in a financial loss for the member and beneficiaries.

SIPP or SSAS providers should carry out due diligence checks on the LPA to mitigate such risks. Speak to us for the steps that should be taken here and the questions that should be covered off.

Preparation for dealing with an LPA should cover governance (including having suitable policies in place, taking into account FCA guidance on the fair treatment of vulnerable customers); taking advice on complex cases; ensuring that relevant key people are properly trained on the issues; clear communications with members to help manage expectations and to increase engagement; and a review of SIPP and SSAS documentation.

Loss of capacity

There are separate considerations where a member who loses mental capacity is also a trustee of their SIPP or SSAS, and specific advice should be taken on the requirements and limitations of trustee powers of attorney, the potential need to replace that trustee, and options for mitigating the risk of loss of certain SSAS exemptions.

Court of Protection issues

Trustees are required to make an application to the Court of Protection in some circumstances for permission to use the statutory power to replace a trustee who has lost capacity, and trustees should consider if an application is appropriate where they are proposing to take steps in relation to a member who has lost capacity which could affect their benefits under the scheme. Speak to us if you would like advice on whether an application is necessary, or legal support with making an application.

Looking ahead

Key developments to look out for over the next quarter

- The King's Speech is expected in May. We will update you on any SIPP and SSAS-relevant announcements.
- From 19 June, all organisations must have a process in place for handling data protection complaints. The ICO has produced practical guidance on meeting this requirement. Pension schemes should review their complaints processes to ensure data protection complaints are covered, put a clear written policy in place and check whether their privacy notices need updating.
- The new Pension Schemes Act 2026 introduces a minimum size requirement for certain default arrangements used for auto-enrolment. By 2030 at least one default arrangement within a master trust or personal pension scheme must have £25 billion in assets under management.

While SSASs and individual SIPPs are out of scope, SIPP providers offering auto-enrolment products should consider whether the requirement could apply and how any shortfall would be managed.

Changes under the Value for Money framework are also limited for now, but workplace SIPPs should review their position. The FCA has noted in its Regulatory Priorities that 'there are also opportunities to improve the price and value of non-workplace pensions.'

- As mentioned on page 5, we expect an FCA consultation on SIPP market due diligence and client asset requirements.
- Use of AI across pensions administration and advice continues to grow. Providers should keep pace with guidance and developments, including last year's PASA paper and the FCA's consultation on digital pension planning tools (page 4) and **speech** on technology's commercial opportunities for providers, while taking a robust approach to risk and governance.

- Finally, we await response on the **Government's pension trustees and governance consultation**. A recent **submission by the PPF/FAS** references SSASs specifically, highlighting the value of clearer frameworks for small schemes, particularly, for example, in managing issues such as conflicts of interest. The response voiced caution about allowing a minimum size threshold, and hopes all schemes will sign up to minimum standards of trustee behaviour.

Keep on your radar



TLT SIPP and SSAS round up

- Pension Dashboards: Schemes **must ensure they are prepared for connection**, with robust governance in place to manage risks and promote data quality. (SSASs are not yet caught but may be brought into scope in the future.) See our **Insight** for recommendations.
- Inheritance Tax: speak to us for actions you should be taking in light of the forthcoming changes, to ensure your scheme documentation is appropriate and SIPP and SSAS members are aware of the changes.
- General Code: Schemes should be well underway in their progress towards General Code compliance. Our **Insight** summarises the key considerations for SSAS trustees and SIPP operators.

Cyber-attacks and scams continue to grow in complexity and spread, and all SIPP and SSAS providers should ensure they take advice to be prepared for the challenge.

Recent and forthcoming from TLT's SIPP & SSAS and Pensions Team

- **Register your interest** for our upcoming SIPP & SSAS on-demand webinar series. Sessions will cover tricky death benefit cases, challenges and opportunities in relation to IHT and pensions and financial services regulatory updates relevant to SIPPs.
- Catch us at the AMPS Conference at IET Savoy Place, London on 12 May 2026.
- For more information on our SIPP & SSAS experience and relevant insights, visit our **SIPP & SSAS Hub**.

Key contacts

We are experts in SIPP and SSAS pension schemes.

We advise operators, professional trustees, scheme administrators, independent financial advisers and wealth managers on the full range of legal issues relating to SIPPs and SSASs.

Our experienced team comprises SIPP and SSAS experts across a wide range of specialist legal areas, including pensions, trusts, property, employment, tax, data protection, corporate and commercial.

We have an excellent understanding of how SIPPs and SSASs are structured and the key issues – this enables us to deliver clear solutions, based on commercial and practical considerations, to help our clients achieve their aims.

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Damien Garrould

Partner
Pensions

+44 (0)7890 596 178

damien.garrould@tlt.com



Emma Bradley

Partner
Tax

+44 (0)7747 462 131

emma.bradley@tlt.com



Andrzej Wieckowski

Partner
Financial Services Regulatory

+44 (0)7484 515 371

andrzej.wieckowski@tlt.com



Fiona Goodman

Managing Associate
Pensions

+44 (0)3330 061 242

fiona.goodman@tlt.com