

ENGLAND AND WALES / JUDGMENT

Your Family Services v The Pensions Regulator

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Neutral citation number: [2026] UKFTT 00337 (GRC) First-tier Tribunal (General Regulatory Chamber) Pensions Case Reference: FT/PEN/2025/0195 Decided without a hearing Decision given on: 10 March 2026 Before JUDGE HARRIS Between YOUR FAMILY SERVICES and THE PENSIONS REGULATOR Appellant Respondent Decision: The proceedings are struck out under Rule 8(2)(a) because the Tribunal does not have jurisdiction to consider them.

REASONS

1. This is a reference against a fixed penalty notice (“FPN”) issued under section 40 of the Pensions Act 2008 (“the Act”) and Escalating Penalty Notice (“EPN”) under section 41 of the Act by the Pensions Regulator (“the Regulator”). The Tribunal by directions dated 29 January 2026 noted that it appeared no review was conducted by the Regulator under section 43(1)(a) or (b) of the Act. The Tribunal directed that, in accordance with Rule 8(4) the Appellant should make representations no later than 13 February 2026 as to why the matter should not be struck out for want of jurisdiction because no review has been undertaken by the Regulator.
2. Under Rule 8(2) of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009, the Tribunal “must strike out the whole or a part of the proceedings if the Tribunal - (a) does not have jurisdiction in relation to the proceedings or that part of them; and (b) does not exercise its power under rule 5(3)(k)(i) (transfer to another court or tribunal) in relation to the proceedings or that part of them” © CROWN COPYRIGHT 2025
3. Under section 43(1) of the Pensions Act 2008, the Regulator may review a fixed penalty and escalating penalty notice, “(a) on the written application of the person to whom the notice was issued, or (b) if the Regulator otherwise considers it appropriate”. The prescribed period for a written application for a review under section 43(1)(a) is 28 days from the date of the notice.
4. Under section 44 of the Pensions Act 2008, a person can make a reference to the Tribunal in respect of the issue or amount of a penalty notice. The conditions are that the Regulator has completed a review under section 43, or “the person to whom the notice was issued has made an application for the review of the notice under section 43(1)(a) and the Regulator has determined not to carry out such a review” (section 44(2)(b)). 5. It is not clear from the

documents submitted by the Appellant when the FPN was issued, but it appears that the EPN was issued on 21 May 2024. The Appellant requested a review of the EPN but does not appear to have done so for the FPN. The Regulator wrote to the Appellant by email on 26 July 2024 and declined to conduct a review because it had been received outside the 28-day time frame for doing so and declined to conduct a review on its own initiative.

6. The Appellant made a reference by way of form GRC1 which was dated 27 August 2025. Its grounds for appeal stated the following: “I would like to explore the late appeals process for payment of penalty fees being reviewed. The Pensions Regulator has sent me a penalty of 10400 for not declaring that my staff didn't want to pay into a pension and missing letters notify warning of the penalty, and a period of hospital admission has led to this fee. Prior to this situation I was under the impression that I had completed the required documents needed, none of my staff were eligible to pay into a pension and the 1 staff member that later became eligible wanted a year to sort out her finances. We had started exploring which pension provider to use to proceed with pension payments in September 2024 at their request as thus would be 1 year. A letter was sent to the business address dated the 18th June 2024 stating that daily charges of £500 would be incurred. I was unable to attend the office to collect documents to review from the 12th June as I had been out of the country and unwell. When I returned to the UK being unwell, I attend the GP on the 21st June which I have supplied evidence of. In addition to this both my children became hospitalised and then I became hospitalised being discharged on the 6th of July. It wasn't until my discharge that I was able to arrange to gain access to all post from the office. As soon as I received the letter, I made efforts to resolve the situation on the 7th July however this was the first letter that I had received notifying me of penalties. Future communication is now received via email to avoid any future issues of miscommunication and new processes have been put in to ensure post is received more efficiently. I have spoken with the Pension regulators about this and they explained additional letters were sent at the beginning of the year, but I have no record of them. I made efforts to appeal based on the attached evidence and was dismissed. I have been given your details today to explore further support with appealing the decision made as the funds being requested will significantly impact the business and staff for whom rely on our service to receive a pension. Please could you advise what support could be offered and next steps. “
7. The appeal was incomplete, because it was not clear from the documents provided that there was a right to appeal to the Tribunal.
8. By directions and email issued on 28 August 2025, the Appellant was required to provide a copy of the decision they are seeking to challenge within 28 days. The Appellant did not comply with this direction.
9. By further directions dated 17 October 2025, the Appellant was required to provide a copy of the decision they are seeking to challenge or a copy of the completed “Pensions – Right to Appeal” form by 31 October 2025.

10. On 31 October 2025, the Appellant provided a completed “Pensions – Right to Appeal” form but relied on the fact that a review had been conducted. Supporting documents were attached, but not in a form that was readable by the Tribunal and the Tribunal directed on 5 February 2026 that further copies should be provided in a readable format.
11. On 7 February 2026, the Appellant emailed copies of the documents and an updated “Pensions – Right to Appeal” form to the Tribunal. Among the documents attached was the email from the Regulator refusing to conduct a review of the EPN dated 26 July 2024 and an email evidencing that a review was requested on 22 July 2024, so more than 28 days after the issue of the EPN on 21 May 2024. The updated form ticked the box marked “I have another reason why the appeal should proceed” and stated: “I am currently not sure which box to select Condition A - I previously thought a review had taken places however, from rereading the attached letters the pensions regulator sent it was a review of my review application that was not considered as it was passed 28 days however the information submitted as part of the review application which you have access to explains why this happened. In addition to this in the letter regarding the review decision it says, “Please also note that the Tribunal does not deal with complaints about our decision not to undertake a review”. This was why I believed I would not be able to get support from your service. Condition B - I didn’t receive the initial notice that was sent by the pensions regulator. In addition to this as noted in other information provide, the notice that I did eventually receive was delayed due to extenuating circumstances which have been explained in detail. able to get any support with this.”
12. It appears to me that the Tribunal does not have jurisdiction because the conditions in section 44(2) of the Pensions Act 2008 are not met. The decision in Mosaic Community Centre Limited v Pensions Regulator (PEN/2015/0004) as shows that the Tribunal only has jurisdiction when a review under section 43 has been undertaken by the Regulator. No evidence has been provided that there was a review in this case. There is also positive evidence that, in relation to the EPN, the Regulator did not carry out a review within the meaning of section 44(2) because the Appellant had not requested a review in the prescribed 28-day period which is set down in Regulation 15(1) of the Employers’ Duties (Registration and Compliance) Regulations 2010. It appears to me therefore that the necessary conditions in section 44 to permit a reference to the Tribunal are not met.
13. The Appellant says that it did not receive the notices. It has provided evidence to show that there was some delay in receiving notices in July 2024 for medical reasons but no explanation of the fact that the EPN and FPN were not received. It appears from the Appellant’s GRC1 form that documents were sent to the business address. This therefore engages the presumptions of service set out in section 303(6)(a) of the Pensions Act 2004 and Regulation 15(4) of the Regulations. This means there is no evidence about receipt of the notices in this case that needs to be tested at a hearing before the First-Tier Tribunal.

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14. It is clear from the information provided that no request for a review of the FPN or EPN was made within the 28-day time limit. The Regulator refused to conduct any review for this reason. This means that the conditions of Section 44 of the Pensions Act are not met. There is no issue relating to receipt of notices. The Tribunal does not have jurisdiction to consider this reference and so it is struck out under Rule 8(2)(a). Signed Judge Harris Date: 12 February 2026. 4
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Prepared on 22 October 2026 · Esheria