

The complaint

Mr H complains that Utmost Life and Pensions Limited didn't carry out adequate due diligence before it transferred his pension to another pension provider in 2013. He says that Utmost did not give him any warnings about the transfer or set out any risks. It also didn't stop the transfer when he requested. Mr H believes his pension has suffered significant losses.

What happened

At the time of the events in question, Utmost was called Equitable Life. But as Utmost is the party that is responsible for answering the complaint, I will refer to Utmost throughout.

Mr H says he was considering transferring his pension from Utmost in 2013 because it had lost a court case regarding its bonus payments and he wanted to transfer to a scheme that was "*not in financial trouble*". It was then that he was contacted by an individual representing The Capital Consultancy who, after visiting him, asked him to complete a form authorising the release of information about his Utmost scheme.

Mr H says that he did not believe he was agreeing to, or authorising, any transfer of his Utmost scheme at this time. However he was subsequently sent information by Utmost that confirmed his pension had been transferred. Mr H says he contacted Utmost on 19 March 2013 to stop the transfer but was told the transfer had been made and it was too late.

Mr H was later, in 2018, informed that the pension scheme to which he had transferred had been taken over by Dalriada Trustees Limited. It informed him that there were no liquid funds held by his pension.

Mr H complained to Utmost but it did not uphold his complaint. In summary, it said it received a request to transfer his pension to the VRSEB Retirement Plan (VRSEB), not 'Fast Pensions'. It was not party to any transfer to Fast Pensions. It was provided with the VRSEB registration number and HMRC registration and therefore transferred to a legitimate pension scheme. So it didn't believe it had acted inappropriately given it had been requested by Mr H to transfer to the scheme.

Mr H referred his complaint to the Financial Ombudsman and it was considered by an investigator. The investigator didn't believe the complaint should be upheld.

In summary, her view was that, given the circumstances, Utmost should have supplied the document titled 'Predators stalk your pension', provided by The Pensions Regulator, to Mr H before he transferred. However Mr H had said that he wouldn't have believed that relevant to his situation – so the investigator didn't believe that would have altered his decision to transfer.

She didn't believe there were any other persuasive reasons why Utmost shouldn't have processed the transfer – given that Mr H had otherwise authorised this on the form he signed. She didn't believe that when Mr H had contacted Utmost to try and stop the transfer, Utmost could have done so – as the transfer had already been made at that point.

Mr H didn't agree and said that it seemed a decision was being reached based on one form. And that he found it unusual that he had been contacted about transferring his pension

scheme by another business, shortly after contacting Utmost. Mr H said he would like his complaint to be reviewed. Therefore the complaint has been passed to me.

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.

Having considered all the evidence I agree with the investigator that the complaint against Utmost should not be upheld. I appreciate this will be disappointing for Mr H, especially as he may have suffered significant loss by the actions of other parties. But this complaint is about Utmost and I do not believe it has caused his loss.

I have seen a letter dated 14 March 2013 from 'AC Management and Administration Limited' to Utmost. This sets out that it encloses transfer documentation to transfer Mr H's pension to VRSEB. It said it was VRSEB's administrators, and it supplied confirmation that VRSEB had been registered with HMRC.

The form contained Mr H's details and Utmost pension details as well as the following comment:

"I write to confirm that I wish to transfer my pension funds to a new scheme"

There were then details of the VRSEB scheme. Mr H signed this form.

I appreciate that Mr H says he signed this form without appreciating that a transfer would take place but Utmost was not party to that and I do not believe it can be fairly held responsible for Mr H being misled by other parties. I do not believe Utmost would have been aware that Mr H was only requesting information.

In terms of the action it then took, in transferring the pension, it was acting on what it reasonably believed to be Mr H's instructions. It had an obligation to act on his instructions. In this situation I do not believe there is reason why it shouldn't have done so or taken further action to establish if the transfer should go ahead. It is not my view that there were matters that should have caused Utmost to believe that the transfer was suspect in some way. As set out above, Utmost transferred to a properly registered pension scheme. It has confirmed that it doesn't hold any record of any other transfers to the same scheme at around the same time.

I agree with the investigator that Utmost ideally would have supplied the 'Predators stalk your pension' document to him. But here Mr H has said that would not have affected his decision to transfer. So Utmost's failure to provide the booklet wouldn't have affected the transfer.

As to Mr H's contact with Utmost to try and stop the transfer, I have seen an Utmost record that he contacted it on 21 March 2013. However it was recorded that he was told at that point the transfer had been made and to contact the receiving scheme. I have not seen evidence that Utmost could have prevented the transfer at that point.

I know that Mr H believes it more than just a coincidence that he was contacted by another business shortly after contacting Utmost about his pension. But I have not seen any evidence that Utmost was involved in that.

My final decision

I do not uphold the complaint or make any award.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 22 March 2022.

David Bird

Ombudsman