DRN-5347379

The complaint

Mr D has complained about a transfer of his pension with The Royal London Mutual Insurance Society Limited ('Royal London') to a small self-administered scheme ('SSAS') in May 2014. Mr D's SSAS was subsequently used to invest in a Dolphin Capital loan note. The investment now appears to have little value. Mr D says he has lost out financially as a result.

Mr D says Royal London failed in its responsibilities when dealing with the transfer request. He says that it should have done more to warn him of the potential dangers of transferring, and undertaken greater due diligence on the transfer, in line with the guidance he says was required of transferring schemes at the time. Mr D says he wouldn't have transferred, and therefore wouldn't have put his pension savings at risk, if Royal London had acted as it should have done.

What happened

Around October 2013, Mr D signed a letter of authority allowing Claritas Group to obtain details, and transfer documents, in relation to his pension. Claritas Group contacted Royal London, enclosing Mr D's letter of authority and information request. Royal London sent Claritas Group the requested information on 22 October 2013. Claritas Group wasn't authorised by the Financial Conduct Authority ('FCA').

Mr D says his interest in the transfer followed an unsolicited approach. He says he was attracted by the prospect of investment returns of 12-13% a year.

On 1 May 2014 Mr D signed a letter of complaint that was sent to Royal London. Which is date stamped as being received on 9 May 2014. That letter explained that Mr D had already provided a letter confirming that he was aware of the dangers of pension liberation and did not wish to access his pension benefits before age 55. It said:

> "*In addition to the transfer request you have been provided with a letter from me to you stating that I am aware of the dangers of pension liberation fraud and do not wish to access my pension benefits before the age of 55. To clarify and expand upon this, I can confirm that:*
>
> *(a) I have not been offered, and will not take, a loan, savings advance, cash back, cash bonus or any other form of incentive in connection with this transfer;*
>
> *(b) I have not been advised that if I proceed with this transfer request that I may be able to access the proceeds from this transfer before age 55,*
>
> *(c) I understand that the rules of the receiving scheme do not permit me to take, and I will therefore not take, any of the proceeds of this transfer before age 55, unless I am in ill health and satisfy the statutory requirements to take my pension early; and*

(d) My transfer request is being made in order that I can take advantage of investment opportunities available under the receiving scheme, none of which are in any way connected with pension liberation."

The letter explained, in bold, that Mr D was aware that he had a statutory right to transfer and that Royal London had a legal obligation to make his transfer. Mr D said that the letter should be treated as a formal complaint about the delay if the transfer was not actioned within seven days.

On 12 May 2014 Royal London responded to the complaint explaining that it had made enquiries of HMRC in order to establish that the receiving scheme was properly registered and had completed the transfer. The letter explained that there was an issue with the cheques being returned. Although Mr D's transfer eventually completed on 20 May 2014 and his combined transfer value was around £58,000. He was 54 years old at the time of the transfer.

On 29 July 2014, the Timoran Capital SSAS invested £28,000 in a five-year Dolphin Trust loan note with an indicated fixed rate return of 13.8%. By July 2019 that loan note failed to mature. The Dolphin Capital investment is now well understood having had a lot of media coverage. Many investors in the loan notes like Mr D received no return and lost their investments. I am persuaded that is what happened in this case. It is unclear in what way the remaining transferred funds were used. Given the difficulties in tracking down this SSAS now I think it will be difficult to obtain an up to date valuation of Mr D's pension.

In August 2020, Mr D complained to Royal London via a claims management company ('CMC'). Briefly, his argument is that Royal London ought to have spotted, and told him about, a number of warning signs in relation to the transfer, including (but not limited to) the following: the SSAS was presumably newly registered, the SSAS administrator was not FCA authorised, there wasn't a genuine employment link to the sponsoring employer, the proposed investment was unregulated and overseas, the catalyst for the transfer was an unsolicited call and Mr D had been advised by an unregulated business.

Royal London didn't uphold the complaint. It said Mr D hadn't demonstrated that he had suffered any losses as a result of the transfer. And that he had a legal right to transfer and that none of the information it had about the transfer at the time gave it cause for concern.

The complaint was referred to our service. Our investigator was unable to resolve the dispute informally, so the matter was passed to me to decide.

My provisional decision

I issued a provisional decision to explain why I didn't think that Mr D's complaint should be upheld and offered both parties the opportunity to provide further argument or evidence. In summary, the reasons I gave for my provisional outcome were:

- I summarised what I thought the relevant rules, legislation and industry good practice meant for the way Royal London should have dealt with Mr D's transfer request.

- I was persuaded that Mr D had, more likely than not, been approached out of the blue and then advised to transfer to the Timoran SSAS by Claritas Group, who were not authorised to provide such advice.

- I didn't think that the Timoran SSAS had been set up with any involvement from Mr D. He was not appointed as a director of a sponsoring company and was not a trustee of the SSAS.

- I explained that I thought Royal London should have sent Mr D The Pension Regulator's Scorpion insert (explained in more detail later) when it responded to the request for a transfer pack in October 2013. But I explained that I didn't think it was necessary to make a finding on whether or not Royal London had sent Mr D the 2013 Scorpion insert. That was because I thought correspondence from Mr D made it clear that he understood the warnings that it contained prior to the transfer anyway.

- I considered the due diligence that was expected of Royal London at the time and the kind of risk it should have been alert to – which was the risk of pension liberation.

- The evidence from Royal London was very limited. Royal London had referred to a similar transfer to suggest that it would likely have had some concerns about this transfer. But could not be specific. This wasn't persuasive evidence of specific concerns.

- The evidence or correspondence from Mr D persuaded me that Royal London would have had direct confirmation from him that he was alert to the risk of pension liberation and was not going to do that. On balance, I didn't think it was reasonable to expect Royal London to have continued to investigate the circumstances where there was a clear statement of understanding of the type of scam it was looking out for.

Responses to my provisional decision

Royal London agreed with my provisional decision.

Mr D responded, via his CMC, to disagree with my provisional decision. I've considered all of the arguments in full but summarise what I consider to be the main issues raised as follows:

- It is inherently unlikely that Royal London wrote to Mr D with the Scorpion warning after the transfer request given the timescales involved. The transfer request was received on 29 April 2014 and actioned by 1 May 2014.

- The time between the transfer request and completion made it highly unlikely that Royal London did any due diligence at all.

- It questioned the fairness of my reliance of the letter from Mr D dated 1 May 2014. The CMC stated that it had not been provided with a copy of it. And suggested that introducers bombarded consumers with paperwork. It suggested that was likely what happened and proposed that Mr D may have been asked to sign it before the transfer had even been signed by Mr D prior to the application amongst other documents. It suggested Mr D was probably told it would be sent if it was needed, should Royal London delay.

- It queries whether it is reasonable to accept that Mr D would send a complaint letter about delays within two days of receipt of the transfer request.

- It argues that the absence of records from Royal London make it unreasonable to make a finding that it needn't have been concerned about pension liberation in this case. It considers that Royal London should provide evidence of the other Timoran Capital SSAS transfer request that it referred to as being similar to this transfer.

Follow up to my provisional decision

I considered Mr D's CMC's representations in full and reconsidered one of the findings of fact that I had made in my provisional decision – regarding the most likely timing of the

transfer request. I looked again at the correspondence that Royal London had shared and was of the opinion that my previous finding that Royal London had received the transfer request on 29 April 2014 wasn't a reasonable interpretation of the evidence. I instead explained why I thought that the 29 April 2014 was most likely the date on which Royal London had all of the relevant paperwork, rather than the date on which it received the initial request. I was of the opinion that the evidence did not enable an exact date of the transfer request to be determined.

This change in the way I thought this fact should be determined did not change my mind on the overall outcome of Mr D's complaint. But it did offer an explanation why I didn't think that the CMC's interpretation of the timeline was a reasonable way of interpreting the evidence.

Mr D's CMC responded to argue that it's interpretation of the evidence differed from mine and it thought it was equally as likely to be correct. It provided no new evidence from Mr D however and again asked that I reconsider all of its previous representations.

Royal London acknowledged my updated view and accepted it.

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 fully considered all of the arguments and evidence again, Mr D's additional arguments have not persuaded me to change my mind. My final decision is therefore that I am not upholding Mr D's complaint for similar reasons that I gave in my provisional decision and revisit below.

The relevant rules and guidance

Personal pension providers are regulated by the Financial Conduct Authority (FCA). Prior to that they were regulated by the FCA's predecessor, the Financial Services Authority (FSA). As such Royal London was subject to the FSA/FCA Handbook, and under that to the Principles for Businesses (PRIN) and to the Conduct of Business Sourcebook (COBS). There have never been any specific FSA/FCA rules governing pension transfer requests, but the following have particular relevance here:

- Principle 2 – A firm must conduct its business with due skill, care and diligence;
- Principle 6 – A firm must pay due regard to the interests of its customers and treat them fairly;
- Principle 7 – A firm must pay due regard to the information needs of its clients, and communicate information to them in a way which is clear, fair and not misleading; and
- COBS 2.1.1R (the client's best interests rule), which states that a firm must act honestly, fairly and professionally in accordance with the best interests of its client.

The Pensions Schemes Act 1993 gives a member of a personal pension scheme the right to transfer the cash equivalent value of their accrued benefits to another personal or occupational pension scheme if certain conditions are satisfied (and indeed they may also have a right to transfer under the terms of the contract). This right came to be exploited, with people encouraged to transfer to fraudulent schemes in the expectation of receiving payments from their pension that they weren't entitled to – for instance, because they were below minimum retirement age. At various points, regulators issued bulletins warning of the

dangers of taking such action. But it was only from 14 February 2013 that transferring schemes had guidance to follow that was aimed at tackling pension liberation – the "Scorpion" guidance.

The Scorpion guidance was launched by The Pensions Regulator (TPR). It was described as a cross-government initiative by Action Fraud, The City of London Police, HMRC, the Pensions Advisory Service (TPAS), TPR, the SFO, and the FSA/FCA, all of which endorsed the guidance, allowing their names and logos to appear in Scorpion materials. The guidance comprised the following:

- An insert to be included in transfer packs (the 'Scorpion insert'). The insert warns readers about the dangers of agreeing to cash in a pension early and identifies a number of warning signs to look out for.

- A longer booklet issued by TPAS which gives more information, including example scenarios, about pension liberation. Guidance provided by TPR on its website at the time said this longer leaflet was intended to be sent to members who had queries about pension liberation fraud.

- An 'action pack' for scheme administrators that highlighted the warning signs present in a number of transfer examples. It suggested transferring schemes should "look out for" various warning signs of liberation. If any of the warning signs applied, the action pack provided a check list that schemes could use to help find out more about the receiving scheme and how the member came to make the transfer request. Where transferring schemes still had concerns, they were encouraged to write to members to warn them of the potential tax consequences of their actions; to consider delaying the transfer; to seek legal advice; and to direct the member to TPAS, TPR or Action Fraud.

TPR issued the guidance under the powers at s.12 of the Pension Act 2004. Thus, for the bodies regulated by TPR, the status of the guidance was that it provided them with information, education and/or assistance, as opposed to creating any new binding rule or legal duty. Correspondingly, the communications about the launch of the guidance were predominantly expressed in terms that made its non-obligatory status clear. So, the tenor of the guidance is essentially a set of prompts and suggestions, not requirements.

The FSA's endorsement of the Scorpion guidance was relatively informal: it didn't take the form of Handbook Guidance, because it was not issued under s.139A of the Financial Services and Markets Act (FSMA), which enabled the FSA to issue guidance provided it underwent a consultation process first. Nor did it constitute "confirmed industry guidance", as can be seen by consulting the list of all such FSA/FCA guidance on its website.

I take from the above that the contents of the Scorpion guidance was essentially informational and advisory in nature and that deviating from it doesn't necessarily mean a firm has broken the Principles or COBS rules. Firms were able to take a proportionate approach to transfer requests, balancing consumer protection with the need to also execute a transfer promptly and in line with a member's legal rights.

That said, the launch of the Scorpion guidance was an important moment in so far it provided, for the first time, guidance for personal pension providers dealing with transfer requests – guidance that prompted providers to take a more active role in assessing those requests. The guidance was launched in response to widespread abuses that were causing pension scheme members to suffer significant losses. And the guidance's specific purpose was to inform and help ceding firms when they dealt with transfer requests in order to prevent these abuses and save their customers from falling victim to them.

In those circumstances, I consider firms which received pension transfer requests needed to pay regard to the contents of the Scorpion guidance as a matter of good industry practice. It means February 2013 marks an inflection point in terms of what was expected of personal pension providers dealing with transfer requests as a matter of fulfilling their duties under the regulator's Principles and COBS 2.1.1R.

What did personal pension providers need to do?

For the reasons given above, I don't think personal pension providers necessarily had to follow all aspects of the Scorpion guidance in every transfer request. However, I do think they should have paid heed to the information it contained. And where the recommendations in the guidance applied, absent a good reason to the contrary, it would normally have been reasonable, and in my view good industry practice, for pension providers at least to follow the substance of those recommendations. With that in mind, I take the view that personal pension providers dealing with transfer requests needed to heed the following:

1. As a first step, a ceding scheme needed to check whether the receiving scheme was validly registered.

2. When TPR launched the Scorpion guidance in February 2013, its press release said the Scorpion insert should be provided in the information sent to members requesting a transfer. It said on its website that it wanted the inclusion of the Scorpion insert in transfer packs to "become best practice". The Scorpion insert provided an important safeguard for transferring members, allowing them to consider *for themselves* the liberation threat they were facing. Sending it to customers asking to transfer their pensions was also a simple and inexpensive step for pension firms to take and one that wouldn't have got in the way of efficiently dealing with transfer requests. So, all things considered, I think the Scorpion insert should have been sent as a matter of good industry practice with transfer packs and direct to the transferring member when the request for the transfer pack had come from a different party.

3. I also think it would be fair and reasonable for personal pension providers – operating with the regulator's Principles and COBS 2.1.1R in mind – to ensure the warnings contained in the Scorpion insert were provided in some form to a member before a transfer even if the transfer process *didn't* involve the sending of transfer packs.

4. The Scorpion guidance asked firms to look out for the tell-tale signs of pension liberation scams and undertake further due diligence and take appropriate action where it was apparent their client might be at risk. The action pack points to the warning signs transferring schemes should have been looking out for and provides a framework for any due diligence and follow-up actions. Therefore, whilst using the action pack wasn't an inflexible requirement, it did represent a reasonable benchmark for the level of care expected of transferring schemes and identified specific steps that would be appropriate for them to take, if the circumstances demanded.

5. The considerations of regulated firms didn't start and end with the Scorpion guidance. If a personal pension provider had good reason to think the transferring member was being scammed – even if the suspected scam didn't involve anything specifically referred to in the Scorpion guidance – then its general duties to its customer as an authorised financial services provider would come into play and it would have needed to act. Ignoring clear signs of a scam, if they came to a firm's attention, or should have done so, would almost certainly breach the regulator's principles and COBS 2.1.1R.

The circumstances surrounding the transfer – what does the evidence suggest happened?

Royal London have explained that it's unable to locate much evidence for Mr D's transfer. And Mr D has been unable to provide much documentation relating to his SSAS. As a result, I have not seen: the transfer request that Royal London received, the SSAS application that Mr D made, when Mr D became a member of the SSAS or what steps Mr D has taken to correspond with his SSAS trustee to establish what happened. Royal London's lack of documentary evidence from the time also means that it is unable to demonstrate what due diligence that it did. In cases like this, where evidence is incomplete, I need to decide on a balance of probability what more likely than not happened.

Mr D has explained that he was approached out of the blue by Claritas Group. And that it was this firm that recommended that he move his pension in order to be able to invest in Dolphin Capital because it would perform better. He was told he could get returns around 12-13%. Which is consistent with the types of returns that were marketed to Dolphin Capital investors. Royal London corresponded with Claritas Group after receiving a letter of authority from Mr D. Which also supports Mr D's recollection of being approached and advised by Claritas Group. Claritas Group were not regulated by the FCA to provide financial advice.

On balance I am persuaded that Claritas Group were more likely than not involved in persuading Mr D to make this transfer. I say that because Mr D had a conventional pension and there is no evidence that he was actively seeking to invest the sum he had in more adventurous ways. And the pension that he transferred to was an occupational pension of the sort that a retail consumer was unlikely to find without being introduced to it by a third party.

The Timoran Capital SSAS was set up at some point prior to this transfer without any involvement of Mr D. No limited company was set up with Mr D as director and Mr D was most likely unaware of the sponsoring company of the SSAS or, the occupational nature of the scheme. Mr D would have had no employment links to whatever company may, in name, have sponsored the scheme. Timoran Capital was not a registered company and it is now difficult to understand how the SSAS came about. Unusually there does not appear to be any separate scheme administrator, with the sole trustee of the scheme seeming to be the administrator. As a consequence it is not possible for me to determine when Mr D became a member of the SSAS.

The absence of correspondence from the time between Royal London and the Timoran Capital SSAS similarly make it difficult to determine when the transfer request was sent to Royal London. Nothing in Mr D's testimony alludes to when that was.

In my initial provisional decision I stated that the transfer request was received from Timoran Capital SSAS on 29 April 2014. That date then became relevant in Mr D's representations because his CMC argued that it didn't leave time for Royal London to have done any due diligence. And it also called into question the veracity of Mr D's complaint letter dated 1 May 2014. And I agree that a letter of complaint made so soon after a transfer request would seem at odds with an assumption that the transfer request was received on 29 April 2014.

There is no direct evidence of the date the transfer request was sent or received. Mr D's testimony is silent on when he was advised to open the SSAS, when he signed the SSAS application, or when he thinks that the application was sent. So, the only reference to the transfer request that exists is in Royal London's complaint response of 12 May 2014.

On 12 May 2014 Royal London responded to the complaint of 1 May 2014 by explaining,

> "*I am sorry to learn how disappointed you have been that we have delayed your transfer. We have done this because we have been requesting information from HM Revenue & Customs. Under due diligence, we have to confirm the scheme that you wanted to transfer into was a valid registered scheme.*
>
> *I hope you can appreciate that we have to be cautious, but we have now completed your pension transfer. We received the relevant paperwork from Timoran Capital SSAS on 29 April 2014. I trust that you have received your confirmation letter that we sent you on 1 May 2014, and we posted cheques on 2 May 2014.*"

Looking at this wording of the letter in the wider context of the available evidence, I now think that it's evidence that Royal London accepted that it had delayed Mr D's transfer (as Mr D had alleged in his complaint of 1 May 2014). And explained that was to allow it to make enquiries of HMRC in response to the transfer request. Although it confirmed that Royal London had the relevant paperwork from Timoran Capital by 29 April 2014, I don't think that implied it was the likely date of the initial request to transfer.

I don't think that Mr D's complaint of 1 May 2014 would likely have been made if the transfer was only requested on 29 April 2014. So it is far more likely it was made somewhat earlier than that. It is also worth noting that the period from Claritas Group requesting a transfer pack (October 2013) and giving advice, and Royal London being in receipt of the relevant paperwork (29 April 2014) was six months.

I think it is more likely that the transfer request was first made at some point between these dates. The letter that is dated 1 May 2014 is, to my mind, a good indicator that the process was seeming to take too long. And six months from signing an initial letter of authority would to most people seem like a drawn out transfer process.

The Timoran Capital SSAS now appears uncontactable in any real sense with the sole trustee being the only means for members to try to ascertain what has happened to their pension funds. And Mr D appears not to have retained any of the documentation he had from the time of making his application.

What did Royal London do and was it enough?

The Scorpion insert:

For the reasons given above, my view is that personal pension providers should, as a matter of course, have sent transferring members the Scorpion insert or given them substantially the same information.

Royal London have explained that it has not retained all of the relevant documentation from the time. It explains that it would likely have provided Mr D with the Scorpion insert as it was its practice. But can find no supporting correspondence that, crucially, can prove that was the case. It has however provided us with a template letter that was sent to another customer in similar circumstances. It has found this as it says it related to a transfer to the Timoran Capital SSAS via a transfer request from Claritas Group. It believes that it most

likely had concerns about the parties involved and it would have sent a similar letter to Mr D with the Scorpion insert.

In this case however, I don't think it's necessary for me to make a finding on whether or not Royal London sent the Scorpion warning. That's because the letter from Mr D (dated 1 May 2014 and referred to earlier) clearly states that Mr D was aware of the risks of accessing his pension benefits before age 55 and that he was not doing that. The letter is typed up in a way that causes me to suspect that it was prepared for Mr D to sign. However, he signed it so I consider he was most likely aware of the contents. I set out above the relevant extract from this letter. And I think the content clearly implies that this was not the first letter that Royal London had been sent that clarified that Mr D understood pension liberation.

So I am satisfied that, even if Royal London didn't send him the Scorpion insert, Mr D was fully aware of risks that were warned of in the Scorpion insert prior to making his transfer. The Scorpion insert of 2013 would not have alerted Mr D to anything that he hadn't already confirmed that he understood. So I don't think receipt of it would have had any impact on his decision to go ahead with the transfer.

Due diligence:

In light of the Scorpion guidance, I think firms ought to have been on the look-out for the tell-tale signs of pension liberation and needed to undertake further due diligence and take appropriate action if it was apparent their customer might be at risk of pension liberation. This was based on the guidance in February 2013 referred to earlier and before the guidance was given a broader scope to cover scams more generally. In this case, I think that the information that Royal London received regarding Mr D's transfer would have correctly reassured it that Mr D was not at risk of the type of pension liberation scam it should have been alert to.

Royal London have told us that it was likely that it identified concerns about the third parties involved in Mr D's transfer request. Whilst it cannot be specific, it explains that this opinion is supported by transfer documentation for a different customer's transfer to these schemes of a similar period. In that case, it says it sent a pension liberation warning letter, with the Scorpion insert, to that customer. Which it says would have been done where it had sufficient concern to do so. So it considers it likely the same letter would have been sent to Mr D for the same, unspecified reason. In addition to this, Royal London ought to have also considered that Mr D was applying pressure to carry out the transfer quickly. So I think that there were some warning signs that might have caused it to consider using the checklist from the Scorpion Action Pack.

But I am also mindful that the Action Pack was not mandatory. There was a judgement for businesses like Royal London to make about whether to further delay a transfer in order to make additional checks. I therefore need to be convinced that, faced with the information Royal London had, it should have been taking the next steps. And I'm not persuaded that moving to the check list should have been a necessary step in this case.

I've considered Royal London's presumption that it may have had concerns about the third parties involved. It does not have the lists from the time of suspected parties. I am aware that Claritas Group were likely a third party that may have been associated in other transfers to schemes, some of which may already have been suspected of involvement in pension liberation. The receiving scheme in this case was a SSAS. It was likely, by its nature to have limited membership. So was similarly unlikely to have featured in enough other pension transfers to have been specifically highlighted as being of concern. And I have been unable to find any evidence from the time that would have cast doubt on the legitimacy of the Timoran Capital SSAS. So I am not persuaded that Royal London would have had evidence

to consider that a transfer specifically to that SSAS carried a high likelihood of a pension liberation scam risk.

The letter that I have seen from Mr D from May 2014 certainly indicates that he was trying to hurry the transfer process. But I have to weigh these warning signs against the fact that it also provided clear statements to Royal London about Mr D's awareness of the risks of pension liberation and his intentions regarding that. It provided a clear statement to Royal London that Mr D was not about to do something that fell within the scope of the type of harm that Royal London needed to be alert to. And, as I set out above, the letter started by indicating that Mr D had already sent Royal London a letter stating that he was "*aware of the dangers of pension liberation fraud*". So I think that Royal London, more likely than not, had already had correspondence reassuring it that Mr D was not going to liberate his pension even before this letter. On balance, I think it would have been reasonable for Royal London to consider the risk of pension liberation harm to be minimal given the correspondence it had.

I've considered whether the circumstances behind the transfer were unusual enough in themselves that Royal London should have done more to warn him about what he was intending to do, even if the liberation threat would have appeared minimal. Specifically, whether Royal London should have warned about the unusual nature of the receiving scheme which Mr D's CMC says would only be suitable for very few customers.

But I think such an argument would misread what should, reasonably, have been expected of transferring schemes at that time. Investigations into the receiving scheme, sponsoring employer and intended investments were a means to an end: to establish the risk of liberation. Once that threat was discounted then I think it reasonable for ceding schemes to consider the scam threat as being minimal and process the transfer as normal.

I also see no persuasive reason why a ceding scheme needed to share with its members the liberation warnings signs it found – but discounted – during its due diligence process. As I've said previously, a firm needed to take a proportionate approach to transfer requests, balancing consumer protection with the need to also execute a transfer promptly and in line with a member's statutory rights. Expecting a firm to share its due diligence "workings" in this way would cut across this (and could potentially be viewed as a self-serving tactic to hold on to a customer).

Summary

I understand that Mr D has suffered a loss as a result of what happened after this transfer so will be disappointed with this provisional decision. But the guidance that TPR had put in place at the time that Mr D's transfer request was completed focussed on the risk of consumers falling victim to a type of pension liberation scam. And for the reasons I've explained above, I think there was enough information for Royal London to discount the risk of that in the transfer request it received. So I don't think it would be fair or reasonable in these circumstances to suggest that Royal London ought to have delayed the transfer process further to conduct additional checks to safeguard against an outcome type that it should reasonably have considered to be unlikely.

My final decision

For the above reasons I am not upholding Mr D's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr D to accept or reject my decision before 2 April 2025.

Gary Lane
Ombudsman