DRN-5441066

The complaint

Mr R has complained about a transfer of his ReAssure Limited (ReAssure) personal pension to a Qualifying Recognised Overseas Pension Scheme (QROPS) in Malta called Harbour Pensions on 5 March 2014. Mr R's QROPS was subsequently used to invest in The Blackmore Global Fund which Mr R's representatives have described as an Unregulated Collective Investment Scheme (UCIS). Mr R says he has lost out financially as a result.

Mr R says ReAssure 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 R says he wouldn't have transferred, and therefore wouldn't have put his pension savings at risk, if ReAssure had acted as it should have done.

What happened

I set out the background to this complaint and my provisional findings in my provisional decision of 20 February 2025, this is attached and forms part of this decision.

In response to the decision, Mr R's representatives said:

- ReAssure would've identified that Mr R was in receipt of unregulated advice.
- ReAssure had referred to the unregulated Aspinal Chase as the IFA.
- Whilst I'd taken the decision in principle that it wasn't until July 2014 that TPR's Action Pack's widened in their focus. I'd also said that the firm's considerations didn't start and end with the Scorpion guidance. And if it had good reasons to believe a customer was being scammed, it should act. To not do so would be in breach of COBS.
- It says this was apparent in Mr R's case as it ought to have been clear he was receiving unregulated advice to transfer his pension.
- It doesn't agree with my comment that overseas advisers and introducers being involved wasn't unusual as he was transferring to a QROPS. Or that ReAssure didn't know enough about their role to be in a position to conclude whether they were breaching regulations.
- It says on the documentation ReAssure had there were only two firms involved, neither of which were FCA regulated. And the likelihood is that one of these provided the advice. Therefore there was a clear risk of unregulated advice being given.
- It says on another of Mr R's cases I reached a conclusion upholding the case on the basis advice had been given by an unregulated party and had the appropriate warnings being given to Mr R the transfer wouldn't have occurred. The circumstances were different as I had concluded in this case that ReAssure didn't need to use the TPR checklist to do further due diligence but the presence of an unregulated adviser was

clear here, so it didn't require further due diligence to uncover this.

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 done so, I see no reason to alter the findings I reached in my provisional decision. That decision already covers the reasons I don't agree with Mr R's representatives' response set out above. But I will repeat some of the key points below for ease of reference – summarised from the text of the provisional decision.

As I explained in that decision, at that time ReAssure's task was to balance out the risk of enabling pension liberation with the risk of unfairly holding up legitimate pension transfers that were not for the purposes of liberation. It was clear that TPR thought that the greatest risk lay with schemes that had only recently been registered/recognised by HMRC, and/or the member was given an unsolicited offer of early access to cash. A scheme which had remained on HMRC's QROPS list for a longer time without issue was less likely to be involved in this sort of activity.

As I explained in the provisional decision, QROPS weren't the focus of TPR's concerns at the time the 2013 action pack was issued. And the purpose of the action pack at that time was to direct efforts on preventing early release pension liberation, rather than anything else.

In Mr R's case the QROPS had been showing on HMRC's published list without issue for nearly a year. So, in my view Harbour Pensions was even less likely to have been a vehicle for early release pension liberation – otherwise it would most probably have already been removed from the QROPS list.

Without a reason to suspect that the transfer was in some way connected to pension liberation – the threat ReAssure was tasked with identifying at the time of Mr R's transfer – I don't think it had sufficient reason to question what his reasons were for establishing the QROPS.

I don't agree that it would've been immediately obvious to ReAssure that Mr R had been given unregulated advice and was at risk of a scam. As Mr R's representatives will be all too aware, the firm requesting information and transfer documentation isn't always the firm that carries out the advice – as ReAssure would've known at the time. And it wasn't a requirement that Mr R got advice either. Many firms acted as introducers to regulated firms that they had arrangements with. Furthermore, as I explained once ReAssure had discounted the threat of liberation, I don't think it's reasonable to expect them to have done further due diligence to establish why Mr R had chosen to transfer and whether he'd received advice. I also think there is no relevance that can be drawn to ReAssure's internal notes that referred to Aspinal Chase as 'IFA' it is likely used as shorthand for any firm requesting information (with authority received).

I don't think there would have been a purpose to ReAssure attempting to piece together the very limited information it had about who might have advised Mr R. The action pack set out a framework under which it would have got to the bottom of that matter by asking Mr R directly, but only if the circumstances warranted it (because the transfer had been deemed at heightened risk of liberation activity). And in this case, the circumstances didn't warrant such enquiries of Mr R.

In summary, I think these arguments misread what should, reasonably, have been expected of transferring schemes at that time. Investigations into the receiving scheme 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.

My final decision

For the reasons explained above and in my provisional decision, I do not uphold this complaint and make no award.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr R to accept or reject my decision before 28 April 2025.

Simon Hollingshead
Ombudsman

Provisional decision

What happened

Mr R had a personal pension policy with ReAssure Limited (formerly Legal & General). We have limited documentation and evidence about the transfer as the documentation was lost when the policies migrated from Legal & General to ReAssure's systems. However, we do have Mr R's testimony and at around the same time Mr R transferred another pension from another provider to the same QROPS, which most likely went through a very similar journey.

In early 2014, Mr R's testimony is that he was contacted by Aspinal Chase, a firm not authorised by the FCA offering a free pension review. He was contacted by cold call and told the pension was frozen and he could transfer elsewhere for much better performance.

I can also see that on 17 February 2014 Mr R completed an application for Harbour Pensions and listed in the adviser section is St James International a firm based in the Czech Republic (now Czechia). As part of that section there is a space for name of regulator but this was left blank. From what I can ascertain this wasn't sent to ReAssure.

On 5 March 2014, ReAssure sent £35,781.83 to Harbour Pensions.

Mr R's funds were invested in The Blackmore Global Fund which Mr R's representatives have described as a UCIS and not suitable for promotion to retail clients.

In November 2020, Mr R complained to ReAssure. Briefly, his argument is that ReAssure 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 QROPS was newly recognised by HMRC, it was overseas, the transfer followed high pressure sales techniques, the catalyst for the transfer was an unsolicited call and he had been advised by an unregulated business.

ReAssure didn't uphold the complaint. It said Mr R had a legal right to transfer and that it would've checked the status of the QROPS before allowing the transfer to process. It said its declaration at the time would've required Mr R to confirm he had read the information supplied from The Pension Regulator (TPR).However the copy it has supplied us of this form is dated 2019, many years after the transfer took place.

Our investigator was unable to resolve the dispute informally, so the matter was passed to me to decide.

What I've provisionally 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.

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 ReAssure 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.

An overseas pension scheme is defined in HMRC regulations as being one which is subject to specified regulatory and taxation restrictions in the country of establishment. To become a QROPS it must also be:

- Recognised, meaning in short that it meets specified tests applied by HMRC, including on minimum retirement age and the application of tax relief.

- Qualifying, meaning it must notify HMRC that it is a recognised overseas pension scheme; provide appropriate evidence of this; undertake to adhere to HMRC's requirements; and not be otherwise excluded by HMRC from being a QROPS.

Overseas schemes that have notified HMRC that they qualify to be a QROPS are included in a published list on HMRC's website.

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, which is either registered with HMRC for tax purposes or is a QROPS. 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.

<u>What did personal pension providers need to do?</u>

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. 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.

2. 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.

3. 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.

4. These were additional requirements over and above what a ceding scheme would always have needed to when processing a QROPS transfer. Those requirements included checking

whether the QROPS was on HMRC's published list, and ensuring the necessary HMRC forms were completed.

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?

At the time of transfer Mr R was 54 years of age and was working as a lorry driver with an income of approximately £20,000 per annum. He resided in rented accommodation. After Mr R's transferred a pension in 2013 (which is subject to a separate complaint), Mr R began to be contacted by a number of unregulated introducers who he gave authority to contact his pension providers about his pensions.

In late January 2014 Mr R signed a letter authority for Aspinal Chase who described themselves as a consultancy company and its main address was in Gibraltar but this request came from its address in Manchester. The letter of authority said it performed pension tracing and administration services. We know from the linked case that this was forwarded to the other provider and Aspinal Chase asked for a transfer valuation and transfer pack and the relevant overseas QROPS forms. This is very likely to have been the same for his ReAssure Pension.

In the other case the provider then received a transfer request from Harbour Pensions a QROPS in Malta. Included within this was proof of its HMRC registration dated 9 April 2013. Again I suspect the same thing happened here. The ReAssure transfer completed on 5 March 2014.

Mr R told us that he was told he could make significantly more money by transferring his pensions (he also transferred other pensions around this time). Aspinal Chase made no assessment of if the pension was appropriate for him. He doesn't recall any conversations with ReAssure or the other provider and can't remember receiving Scorpion leaflets from either. He didn't have concerns as he felt he was doing the right thing. He never met Aspinal Chase as they were based in Manchester.

It should be said that the Harbour Pension application form lists St James International as the adviser and not Aspinal Chase. I don't have the supporting evidence to make a call on which party spoke to Mr R and why if it was Aspinal Chase, St James International was listed. But whether it was Aspinal Chase or St James International or a combination of the two won't have any bearing on my outcome, so it's not necessary to make a finding on this.

Mr R's representatives also told us that the initial contact from the unregulated introducers was via cold call.

Mr R transferred three pensions, one firstly went to another pension (now known to be a liberation scheme) but they all ended up in the same Harbour QROPS. And all through the same process as this one. He's told us he has lost a significant amount of money as his pension is only valued at £18,000 now (which is less than half of what was transferred in total) and he is unable to access the money to transfer elsewhere. But his representatives have explained the fund is illiquid and its highly likely all the money has been lost.

What did ReAssure 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.

There is no evidence ReAssure sent a copy to Mr R. It says it would've been enclosed as part of the transfer information and the transfer declaration form refers to TPR and an enclosure. But the example form supplied is dated approximately five years after the transfer. So with no supporting evidence to say that it sent Mr R a Scorpion leaflet, I've reached the conclusion it likely wasn't sent to him.

Mr R's other provider also didn't send him this leaflet or gave any other warnings about the transfer. Mr R was given a copy of the Scorpion Leaflet in relation to a transfer that post dated this one. So I'm satisfied that Mr R didn't see the Scorpion leaflet before he transferred his ReAssure pension.

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.

ReAssure most likely (as this is what it sent to the other provider at or around the same time) received the following information from Harbour Pensions with the transfer request, Letter of Authority, Bank details of scheme for Mr R, HMRC Letter confirming the scheme is a QROPS, Signed & completed HMRC forms: APSS263. CA1890 and completed and signed discharge forms. This is what they sent in the other case and it seems both transfers happened at the same time. ReAssure says it would have checked that the receiving QROPS was on HMRC's published list. This step ensured that the transfer payment both qualified as an authorised payment for tax purposes and also satisfied Mr R's statutory right, and potentially other legal rights, to transfer. Even if it didn't do so, Harbour Pensions was registered with HMRC.

ReAssure said it carried out the appropriate due diligence but hasn't specified what this was or whether this went beyond the above.

I'm aware that Mr R also considers that one of the case study examples used in the Scorpion action pack, mentioning 'transfers overseas', applies to his case. This wasn't included in a bulleted list of *'things to look out for'*, each represented by an exclamation mark graphic in the shorter Scorpion leaflet. But I agree that ReAssure should have considered things in the round (including, for example, the case studies in the action pack) to decide if there was a material risk of liberation presenting itself in a transfer request. Page 4 of the action pack used the same exclamation mark graphic (denoting a 'warning sign') in the example of an individual who transferred to a pension scheme which, after paying her a cash incentive, invested the rest of the funds overseas. The warning sign was shown as:

> ***"Transfers overseas***
> *One technique that pension fraudsters use is to send a large portion of the pension transfer overseas. This makes the funds harder to trace and retrieve when the arrangement is closed down."*

Clearly where a UK occupational scheme transfers funds overseas, that was being highlighted by TPR as a potential warning sign of pension liberation activity. Many such schemes that I'm aware of have employed that strategy. However it doesn't seem to me that TPR was referring here to the type of transfer Mr R was making, to a QROPS.

The reference to a 'portion' of the funds being transferred overseas makes clear, in my view, that it's referring to a UK pension scheme – *i.e.* the entire transfer from the ceding scheme isn't directly to an overseas arrangement. The case study goes on to indicate beyond doubt that it was a UK occupational scheme, as it says the scheme was subsequently closed down after both HMRC and TPR took action. Also, the case study follows someone who transferred in order to take cash from her pension, not someone who transferred with the intention of investing in a specific way.

So in my view, QROPS weren't evidently the focus of TPR's concerns at the time the 2013 action pack was issued. And the purpose of the action pack at that time was to direct efforts on preventing early release pension liberation, rather than anything else.

In Mr R's case the QROPS had been showing on HMRC's published list without issue for nearly a year. So in my view Harbour Pensions was even less likely to have been a vehicle for early release pension liberation – otherwise it would most probably have already been removed from the QROPS list.

That also meant that one of the key things prompting a ceding scheme to do further due diligence under the Scorpion guidance (a recently registered, or in this case recognised) scheme also wasn't present in this case. For the reasons I've already given above, the fact that the transfer went overseas wouldn't have been a cause for concern in this particular case. And no other features of the transfer stood out as being warning signs of early release pension liberation.

It wasn't until the 24 July 2014 update to the Scorpion guidance that the focus shifted away from just pension liberation to pension scams in general. This gave more prominence to overseas investments. And the potential for a QROPS to facilitate investments which were at risk of a scam in that wider

sense, rather than liberating funds back to the member, was greater. Mr R seems to be saying that ReAssure should have spotted these issues in his transfer. But these weren't the issue ReAssure was being asked to look out for at that time, so it wouldn't be fair or reasonable to expect a ceding scheme to go further than TPR's guidance was asking it to at the time.

The main message given both in the action pack and insert at that time was of consumers receiving upfront offers of cash, so I don't think it would be fair and reasonable for me to expect a ceding scheme to have been on the lookout for something else.

There was always a possibility that some consumers might suffer losses from making inappropriate investments as a result of transferring to a QROPS. That might also happen where they transferred to some UK schemes, such as SIPPs. So it doesn't to my mind mean it would have been a proportionate response to place *all* QROPS transfers under suspicion as soon as the February 2013 Scorpion campaign gave ceding schemes a new role to carry out due diligence.

As I mentioned, ReAssure's role was to balance out the risk of enabling pension liberation with the risk of unfairly holding up legitimate pension transfers that were not for the purposes of liberation. I think it was appropriate for ReAssure to concentrate on which transfers (including some of those to QROPS) were at greater risk of liberation. It was clear that TPR thought that the greatest risk lay with schemes that had only recently been registered/recognised by HMRC, and/or the member was given an unsolicited offer of early access to cash. That's for good reason, because a scheme which had remained on HMRC's QROPS list for a longer time without issue was less likely to be involved in this sort of activity.

That was consistent in my view with the approach TPR had taken to transfers to SIPPs in the 2013 action pack checklist. Not all SIPPs were under suspicion – only those claiming to be a SIPP but which were not authorised by the Financial Conduct Authority. They would rightly be seen as at greater risk of liberation. A QROPS in another EU country will generally be authorised by the equivalent regulator to the FCA in its country of establishment, in order to qualify for that definition.

I'm also satisfied Mr R wouldn't have stopped the transfer even if ReAssure had sent the Scorpion insert. As the insert was focussed on the threat posed by liberation – and the consequences of taking cash from a pension before the age of 55 in particular – I don't think it would have dissuaded Mr R from transferring given he was transferring for different reasons. Mr R was 54 years old at the time of advice and we've subsequently asked him about the warnings that would've been given on the 2013 Scorpion insert. He only responded to say it would've made a difference but gave no details as to why. However, given the rest of Mr R's testimony that he was transferring for reasons other than liberating his pension, I don't think sight of the Scorpion leaflet would've changed Mr R's mind. The majority of the warnings in the leaflet didn't apply to him. Furthermore, after the transfer in question here, Mr R transferred another pension to Harbour Pensions – after receiving a copy of the Scorpion leaflet. I think this is the most compelling evidence that it wouldn't have made a difference to him – as he still chose to transfer to the same scheme despite receiving the warnings that ReAssure ought to have given him via the insert.

Mr R also argues that some of the circumstances behind the transfer were unusual enough in themselves that ReAssure should have done more to warn him about what he was intending to do, even if the liberation threat would have appeared minimal.

Mr R argues that ReAssure should have warned that it was unusual for him to be transferring a pension overseas – and checked whether the reason for doing that was because he was moving or planned to move overseas.

At the time (unlike today) there wasn't a prospect of a tax charge that had to be levied by the ceding scheme in certain circumstances where someone transferred their pension overseas whilst remaining resident in the UK. I think whether it was appropriate for Mr R to be transferring his pension to Malta was a financial planning matter that it wasn't ReAssure's role to intervene in.

Without a reason to suspect that the transfer was in some way connected to pension liberation – the threat ReAssure was tasked with identifying at the time of Mr R's transfer – I don't think it had sufficient reason to question what his reasons were for establishing the QROPS.

Mr R argues that overseas advisers and unregulated introducers were involved. But as he was transferring to a QROPS, it wouldn't be unusual that overseas parties would be involved. ReAssure didn't know enough about their role to be in a position to conclude that they were breaching regulations or weren't acting in Mr R's best interests.

I don't think there would have been a purpose to ReAssure attempting to piece together the very limited information it had about who might have advised Mr R. The action pack set out a framework under which it would have got to the bottom of that matter by asking Mr R directly, but only if the circumstances warranted it (because the transfer had been deemed at heightened risk of liberation activity). And in this case, the circumstances didn't warrant such enquiries of Mr R.

I think these arguments misread what should, reasonably, have been expected of transferring schemes at that time. Investigations into the receiving scheme 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.

My provisional decision

For the reasons explained, I am not intending to uphold the complaint.

Simon Hollingshead
Ombudsman