

The complaint

Ms A has complained about the advice she was given by Origen Financial Services Limited not to transfer her defined benefit pension (DB). Ms A says she wasn't given clear information which has left her feeling trapped in her pension and in financial difficulties. Ms A has also said that she felt pressured and rushed into agreeing with Origen's advice.

What happened

Ms A's complaint was considered by one of our investigators. She sent her assessment of it to both Ms A and Origen Financial Services Limited (Origen) on 4 December 2025. The background and circumstances to the complaint were set out in that assessment and are known to both parties so I won't repeat them all again here. However in summary, Ms A received an enhanced transfer value offer from her defined benefit (DB) occupational pension scheme (OPS) in October 2019. Ms A was referred to Origen to discuss her options. She spoke with an adviser in January 2020 who completed a fact find which recorded that Ms A:

- Was in her early sixties, divorced and employed full time.
- Planned to retire at age 66.
- Was a deferred member of the OPS with 12 years of service accrued in it.
- The pension had a transfer value of £67,290, which included an £11,215 enhancement.
- Ms A also held a smaller personal pension which had a value of £31,500.
- Ms A was expecting a full state pension and had savings of £17,202. She had no significant liabilities.
- Ms A had a very cautious attitude to risk and no capacity for loss.

Origen issued its advice report to Ms A in February 2020. Its advice was that it wasn't in Ms A's best interests to transfer her OPS away from the scheme. Origen's reasons for this included:

- Ms A didn't need immediate access to the benefits of her pension and still had time to review her benefits before retirement if her circumstances changed.
- The benefits provided by the OPS would form a significant part of Ms A's retirement income and therefore it was in her best interest to protect those benefits.

Ms A didn't initially respond to Origen's advice report. However she later confirmed in October 2020 that she was happy to manage her pension and was being supported by a family member in doing so. Ms A remained in the OPS.

In 2025 Ms A complained to Origen about its advice. She said that Origen's advice wasn't in her best interests because she was never informed she would be locked into her OPS pension if she didn't transfer out. Ms A explained that her circumstances had now significantly changed and she needed to access her funds to support herself in poor health. And without flexibility, she was struggling financially. Ms A said that she was pressured into

accepting Origen's advice and had she been properly informed she would have gone ahead with a transfer.

Origen didn't uphold Ms A's complaint and she referred the matter to us.

Our investigator considered Ms A's complaint, but she didn't think it should be upheld. She said, in summary, that it was worth noting that a defined benefit pension was considered one of the most beneficial pensions a customer could hold, and for this reason the regulator's guidelines surrounding a transfer away from such a scheme was strictly enforced. She explained that the regulator's starting point for financial advisers was that a transfer out of a DB pension should be considered unsuitable. However that each case had to be considered on its own particular circumstances.

The investigator noted Ms A had a very cautious attitude to risk, and no capacity for loss. She said Ms A was living comfortably with surplus income each month, and had no significant liabilities. The investigator said Ms A wasn't looking to access the benefits from her OPS at that time, and had no real reason to transfer her pension away from it for flexibility.

The investigator said Origen had recognised this, and had advised that it was best for Ms A to protect the valuable benefits her DB scheme could provide at retirement instead of transferring away and exposing her benefits to market risk. It had noted the DB pension would form a significant part of Ms A's income in retirement, her requirements would be met by staying in the DB scheme, and there was no reason to change this.

The investigator said she understood that Ms A's circumstances had now changed and she required the flexibility a personal pension could provide. However she said she didn't think this made the advice Origen had given in 2020 unsuitable. It had to give advice in the context of Ms A's circumstances at the time, and it was only with the benefit of hindsight that Ms A might now feel she could have benefited from a transfer.

The investigator said Origen did say in its report that a disadvantage of remaining in the DB scheme would be reduced flexibility. She noted Ms A had said this wasn't discussed with her. However the investigator said she couldn't safely say that Ms A would have disagreed with Origen's advice in any event – her health had unfortunately deteriorated since the advice, and it was unlikely she would have expected these changes back in 2020. So she didn't think Ms A would have done anything differently even if she had understood the lack of flexibility at the time she was advised.

In relation to Ms A saying she had been pressured and rushed to agree with Origen's advice, the investigator said Ms A hadn't initially responded to the advice report and Origen had e-mailed her on 16 March 2020 to explain it assumed Ms A was happy with the advice and didn't require further assistance. She said it wasn't until October 2020 that Ms A responded to the report saying she was happy to manage her pension with the assistance of a family member. The investigator said it didn't appear that Ms A had been pressurised. She said Ms A wasn't required to sign anything at the time of the advice or agree to anything, and it appeared Ms A was given time to review the report.

Overall, the investigator said she thought Origen's advice to remain in the DB scheme had been suitable for Ms A at the time, and she didn't think Origen had treated her unfairly.

Ms A didn't accept the investigator's findings. She said, in summary, at the time she was advised in 2020 she wasn't in a position to fully understand the long-term implications of the recommendation made. She said she was unfamiliar with pension products and didn't feel confident enough to challenge or question the advice she was given.

Ms A said the language used in the report was difficult for her to follow, and she didn't receive adequate support to help her understand what was being recommended or why. She said she now realised that flexibility was a crucial issue for her, and she was not made aware of the extent to which remaining in the DB scheme would limit her options later; she was never properly warned that it could affect her financial situation in the future if her health declined.

Ms A said since the advice was given her health had worsened significantly. Her health meant she suffered severe fatigue and periods of poor physical and mental functioning. This made it difficult to respond to important deadlines or handle administrative tasks.

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've come to the same conclusions as the investigator, and largely for the same reasons.

As the investigator explained, advisers have to follow strict rules when providing advice on the potential transfer of defined benefits from an occupational pension scheme. The regulator, the Financial Conduct Authority (FCA) requires that advisers start by assuming that a transfer will not be suitable. And that a recommendation to transfer should only be made if the adviser can clearly demonstrate, on contemporary evidence, that the transfer is in the client's best interests.

I appreciate that Ms A's health may have deteriorated since she was advised not to transfer and she now has to deal with serious health issues. And I recognise that the flexibility offered by a personal pension may now be very helpful to Ms A. However as the investigator explained, the advice has to be considered in light of Ms A's circumstances at the time. And this is consistent with the FCA's requirement for 'contemporaneous evidence' to support a transfer - it wouldn't be fair or reasonable to consider it with the benefit of hindsight.

Ms A was recorded as being very cautious, and as the investigator said, the pension in question formed a significant part of Ms A's income in retirement and she had no capacity to lose that pension. This is consistent with other information recorded at the time. This included that the pension was 'Very Important' to Ms A, as the pension was a major part of her retirement income and essential for her retirement. It recorded the pension "needs to provide a constant and consistent level of income throughout retirement". And when asked about the main risks of a transfer and how she felt about it Ms A said "The amount could be reduced which I could not afford." Ms A also indicated that if she were to lose money it would "have an impact on my immediate standard of living."

All this is consistent with a transfer being unsuitable for Ms A – a transfer would mean she swapped the guaranteed and increasing income that the DB scheme would provide in retirement with income that was subject to investment and annuity rate risk.

Like the investigator, I don't think a transfer would have been considered suitable for Ms A at the time, and there appeared to be no good reason for the firm to recommend that Ms A transfer. The suitability letter did say that the adviser thought the biggest risk of remaining in the OPS was its inflexibility. I appreciate that this might not have been explained in the context of Ms A's health declining at some point in the future. But from the adviser's point of view it wouldn't have appeared a significant risk at the time, and the lack of flexibility of the OPS wouldn't have changed the advice not to transfer at that time. So I don't think the firm's

advice to remain in the DB scheme was unsuitable.

Origen had said in the suitability report that if Ms A wanted advice as she got closer to retirement date she should have a further review to see if the DB scheme was still an appropriate fit. Origen also subsequently contacted Ms A to see if she wanted further advice, however she said she didn't require assistance at those times. My understanding is that Ms A subsequently went on to take the benefits from the DB scheme which effectively locked her into those benefits. However my understanding is that Origen didn't provide further advice to Ms A at that time.

As I've said above, I do understand how the flexible benefits provided by a personal pension would now be very helpful to Ms A given her ill health. And I realise my findings will be very disappointing to Ms A. However having carefully considered the matter and for the reasons set out by the investigator and above, I don't think Origen's advice not to transfer was unsuitable taking all the circumstances into account from the time.

My final decision

My final decision is that I don't uphold Ms A's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms A to accept or reject my decision before 11 March 2026.

David Ashley
Ombudsman