

complaint

The original complaint concerned a transfer of the late Mr H's occupational pension scheme (OPS) to a Section 32 pension policy in 1982. It is submitted that Friends Life Limited (FL) is responsible for this transfer and the advice Mr H was given to transfer. It is submitted that this advice was flawed. The complaint also concerned the annuity Mr H took out in 2003 and it is said that FL did not give appropriate advice to him about his retirement options including widows and dependents benefits.

background

Mr H held a Section 32 policy with FL which was created by the transfer of a previous occupational pension scheme. I have previously issued a jurisdiction decision which set out that I could not consider the complaint about the transfer to the Section 32 policy but I could consider the complaint about the annuity.

Mr H took benefits from his pension in 2003. He took a tax free cash sum and then started a single life annuity which would not provide widows benefits on his death.

The complaint was considered by an adjudicator at this service. She did not believe the complaint should be upheld. She said that there was not a great deal of evidence as to what happened when the annuity was taken out. But bearing in mind what was available, she could not say that advice was given by FL to Mr H about which annuity to start.

She also thought that the evidence suggested that the pension Mr H held did not provide for a widows benefit.

Mr H's representative did not agree. It maintained its view that Mr H would have been advised about the transfer of his pension to FL. It said that there should be more records available as to what occurred.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

jurisdiction

It does seem that Mr H's representative, in response to the adjudicator's assessment about the annuity, is referring in the main to the complaint about the transfer of the pension itself. I have already issued a decision setting out why that complaint would not fall within my jurisdiction. I remain of that view and would refer the parties to my decision of 12 February 2019.

complaint about the annuity

There is a letter dated 19 September 2002 from FL to Mr H. This mentions that there has been a telephone conversation between Mr H and FL and that, in response to this, FL is supplying a 'retirement pack'. This is described as containing information about pension options and forms to complete if benefits are to be taken. Unfortunately a copy of that retirement pack is not available.

Be that as it may, the letter does not indicate that Mr H had received any tailored advice from FL as to how to take his benefits from his pension. I have not seen any other documentary evidence, provided by either party, that Mr H received advice from FL about what benefits to choose. Furthermore FL's (now Aviva's) records do not indicate that Mr H received such advice from it. Mr H has been recorded as following an Independent Financial Adviser (IFA) 'sales channel', which tends to indicate he either had such an IFA or, more likely in my view, he decided what pension benefits to take himself (his personal contact with FL would tend to indicate that). This is not in my experience unusual; many individuals choose what benefits to take without taking financial advice.

It is my view that, although there is a lack of evidence that would set out exactly what occurred, what evidence there is would indicate that FL did not give advice to Mr H as to how he should take his benefits. It is more likely that he decided to take tax free cash and then set up a specific kind of annuity. I do not see anything wrong in FL following his instructions. So I cannot hold FL responsible for the way in which he took benefits.

my final decision

I do not uphold this 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 5 May 2019.

David Bird
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