

The complaint

Mr S complains that Computershare Investor Services Plc (Computershare) did not act on his dealing instruction and as a result has suffered a financial loss.

What happened

Mr S submitted a fax dealing instruction on 12 April 2019 to sell 1,500 shares in Company A. These shares were given to him as a bonus by his employer. Mr S did not receive any proceeds from the sale and he called Computershare's helpline on 1 and 2 May 2019 to enquire.

Mr S called Computershare but did not pass the security questions and the calls could not proceed. Mr S called again on 10 May and spoke to an advisor who said that he would need to send another instruction but that the price of 12 April would be matched.

Following this advice, Mr S sent another instruction and received his sale proceeds. Upon receipt, he noticed that the share price was taken from the 20 May and not the 12 April as he had expected. Mr S complained to Computershare.

Computershare investigated the complaint and found that the initial instruction did not include a signature page and could not be accepted. They said that they wrote to Mr S to tell him that the signature was missing. Mr S says that he did not receive this letter. Computershare also said that their advisor has given incorrect information to Mr S when they said that they would match the price of 12 April.

In trying to resolve the complaint, Computershare said that they would match the price of 10 May which is when Mr S first got through to speak to an advisor. This offer was €925.77 which represented the difference in price and £50 for the trouble and upset it caused. Mr S rejected this offer as he said he would not have sold had he known that he was not going to receive the price of 12 April.

Mr S referred his complaint to the service and one of our investigators looked at his complaint. Our investigator agreed with Mr S and believed that he would have held onto his shares and not sold at the price on the 10 May but later when the share price had improved. Our investigator upheld Mr S's complaint and asked Computershare to pay him the difference between the price he received on 12 April and the price of the shares on 28 June. Our investigator also asked Computershare to increase the payment for trouble and upset to £100.

Unhappy with the investigator's view, Computershare have asked for an ombudsman to review the complaint.

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.

I will be upholding the complaint in favour of Mr S and will explain why I've arrived at this decision.

The facts of the case are not disputed by either party other than whether the initial fax instruction was received. Mr S says that he sent both pages which included the signature page which bound him to the terms and conditions. In the investigator's view, she said that the second page appeared to have been sent 10 minutes after the first page, but she decided that there was not enough evidence to suggest that Computershare mishandled the information.

I've reviewed the documents and would agree with the investigator's view. It's hard to say for sure what happened to the second page but Computershare say that they wrote to Mr S advising him that the instruction was incomplete. Mr S says he did not receive this letter, but I think that on the balance of probability, Computershare sent the letter to Mr S advising him that they had not acted on the instruction but it has been lost in the post.

Mr S received these shares from his employer as a bonus and these were held in an employee share ownership plan. Mr S held these shares for around 5 years when he decided to sell. In his submission to the service, Mr S says that he and his colleagues often discussed the share price and tracked it regularly.

Mr S was having home renovations done and decided to sell the shares to fund the cost. He sold on 12 April as he says this was the highest price over the preceding months.

Mr S's main complaint is that he watched the share price closely and only decided to sell when Computershare confirmed to him that they would match the price that he would have received on 12 April. He rejected their offer of compensation on the basis that he would not have sold at the lower price on 10 May.

When the service considers a complaint where the business has done something wrong, it will try and put the consumer back into the position had the error not occurred. Computershare have acknowledged that their advisor gave Mr S wrong information and that is why they have suggested the date of 10 May for the sale price. Mr S has said that had he known he was going to get the price of the 10 May, he would not have sold as he thought the shares would have risen in value.

The investigator spoke to Mr S at length and found his argument compelling. She thought that as he and his colleagues watched the share price closely, he was aware of what price he would have wanted to sell to fund his home renovations. She thought Mr S would not have wanted to sell at the 10 May price but would have waited for the share price to rise.

In their submission to the service, Computershare have said that the investigator's view contains hypothetical circumstances which they feel are not realistic. I need to decide if the circumstances that our investigator described in her view are probable.

I have listened to the calls made to Mr S by the investigator and find them to be sincere and persuasive. From the information that I have seen in reviewing the case I think that Mr S was aware of the share price and had a price in mind which he was prepared to sell.

Computershare have attempted to put Mr S back in the position had the advisor given correct information, but Mr S says that he would have acted differently. I think that on the balance of probability, Mr S would not have accepted the price of 10 May and would not

have proceeded with this sale. I agree with the investigator's view that Mr S would have waited to sell at a higher price.

Putting things right

I require Computershare Investor Services Plc to undertake the following actions:

- Calculation 1. Calculate the difference in the share price between 10 May and 28 June and pay Mr S the difference.
- Calculation 2. Add simple interest of 8% on the difference from 28 June to the date of this decision.
- Compensate Mr S an amount of £100 in recognition of the trouble and upset caused.

My final decision

For the reasons set out above, I uphold the complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr S to accept or reject my decision before 21 January 2021.

Brian Gray
Ombudsman