

The complaint

Mr F complains he was unable to place a sell shares on IG Markets Limited platform and when he did manage to sell the shares on the platform the price had fallen.

What happened

In January 2021, Mr F purchased three shares in a business using the IG on-line platform. The next day Mr F attempted to sell the three shares but a message on the platform told him to call the IG trading desk. Mr F did this and during the telephone call IG confirmed the platform had been unavailable and offered Mr F compensation based on an earlier share price. Mr F didn't accept this and when IG told him the platform was available Mr F sold the shares during the call at a lower price than IG offered.

Mr F complained to IG that the delays in trading caused him a financial loss. IG provided a final response to Mr F on 7 May 2021 and offered him the sum of £536.12, which is an amount they thought covered the financial loss. Mr F rejected this amount and brought his complaint to the Financial Ombudsman Service.

One of our Investigators looked into things and thought that IG's offer to pay Mr F £536.12 to cover Mr F's loss was a reasonable one. However, our Investigator thought that IG should pay Mr F 8% simple interest on the £536.12 from the date the loss was incurred until the date of settlement. And that IG should pay Mr F £150 for the amount of time he spent on telephone calls and communication with IG about recovering his losses over a four-month period.

Mr F accepted the conclusions of the Investigator, but IG did not. IG said that it didn't feel it was fair and reasonable for it to pay interest from the date of the loss to the settlement date. IG said it was unfair that Mr F would benefit from declining their offer and asked that an Ombudsman decides 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.

Mr F was unable to trade the shares he'd purchased the previous day. IG have confirmed there was a platform outage on 28 January between 14:40 and 15:30. In the telephone call with IG on 28 January, Mr F says he called IG at around 14:45 after being directed to do so by a message on the platform when he tried to trade. He also said he'd been on the telephone to IG for over an hour before he was transferred. When Mr F spoke with IG it told him the issue with the platform had been resolved by 15:30. IG said he could have traded after this point using the platform. Mr F said he was following the instructions given to him on the platform and had been holding to speak with someone from IG. He said he was unable to trade while he was holding. When IG confirmed the platform was available Mr F completed the sale of the shares while on the call.

IG accept the platform was unavailable between 14:40 and 15:30. It seems reasonable that

Mr F followed the instructions to contact IG by telephone to complete his trade. Although I can't say exactly when Mr F called IG or how long he was held on the call, it is likely he called shortly after 14:45. He says he held for over an hour before speaking with IG about the trade. IG record Mr F spoke with it at 16:05, so Mr F's recollections of events are given some weight. I therefore think it's likely Mr F was waiting to place his trade, or to clarify what was happening with his trade, for well over an hour.

IG say that Mr F could have placed the trade earlier than he did because the platform was available after 15:30. However, I consider this isn't a reasonable view to take. Mr F had called IG, as instructed, and although IG told him on the call the platform was now working again, I don't think it's fair to conclude he would have known he could have traded earlier than he did.

Mr F is also upset that he could have sold his shares at a higher price if the platform had been working. However, the shares Mr F was trading were suspended twice during the day between 14:39 and 15:08. So, although Mr F says he would have achieved a much higher price than he eventually did, I consider it too speculative for me to say he would have achieved the share price he says he would have. This is particularly less likely as the market for these shares was volatile for most of the day, and trading was suspended for some time

IG offered to pay Mr F the sum of £536.12. This was based on the actual loss Mr F made on the sale of his three shares between the price he paid for them, and the price he obtained for them at 16:24 on 28 January. I've considered IG's offer in its final response and I'm satisfied it was a fair and reasonable one, but only in part. The offer didn't take into account Mr F spent well over an hour on the telephone to IG on 28 January trying to trade. And, that he spent a further 20 minutes on the telephone the following day in an attempt to resolve the issue.

I'm satisfied that in following the instructions to call IG, Mr F wasn't aware the platform reopened at 15:30, and he wasn't reasonably aware he could have been trading earlier than he did. It's quite clear from Mr F's conversation with IG on 28 January that this matter added to his distress and inconvenience. And that this should be recognised in addition to IG paying Mr F £536.12 for the financial loss he made. So, I will be asking IG to pay Mr F the sum of £150 to remedy this.

I've thought carefully about IG's comment that it shouldn't have to pay Mr F interest on the £536.12 from 28 January 2021 to the date of settlement. I appreciate IG says Mr F shouldn't be paid interest as he is in a better position than if he'd accepted the payment in May 2021. That may be the case, but Mr F wasn't happy with the offer at the time and he was entitled to bring his complaint to the Financial Ombudsman Service. And Mr F has been without the £536.12 from 28 January 2021. So, it seems reasonable that IG should recognise he's been deprived of this amount since 28 January. And I think it's fair and reasonable that IG should add 8% pa simple interest from 28 January 2021 to the date of settlement to reflect this.

My final decision

My final decision is that I uphold the complaint and IG Markets Limited should:

- Pay Mr F £536.12 to cover the losses he made on his sale of the three shares
- Add 8% pa simple interest* to £536.12 from 28 January 2021 to the settlement date
- Pay Mr F the sum of £150 to recognise the distress and inconvenience he experienced.

*If IG Markets Limited considers that it's required by HM Revenue & Customs to deduct income tax from that interest, it should tell Mr F how much it's taken off. It should also give Mr F a tax deduction certificate if he asks for one, so he can reclaim the tax from HM Revenue & Customs if appropriate.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr F to accept or reject my decision before 30 March 2022.

Paul Lawton
Ombudsman