

The complaint

Ms T complains about difficulties she experienced when her account was moved to ITI Capital Limited. She complains that it took too long to transfer some of her holdings to another firm and that it took too long for her to withdraw the cash balances she had. She also complains that she was unable to trade during a significant period of time, and this caused her a financial loss.

What happened

One of our investigators looked into Ms T's complaint, and considered it should be upheld. In short, she found that two of the cash withdrawals for £1,440 and £5,204 were unreasonably delayed. And she found that it also took too long to transfer certain shares away from ITI, although she concluded that as that was an in-specie transfer, there was no financial loss. She acknowledged that being unable to trade for a period of time would've understandably caused Ms T some inconvenience, but she wasn't persuaded to recommend compensation for the trades Ms T said she would've placed because there was insufficient evidence to conclude that's what she would've done.

The investigator recommended that ITI pay £350 compensation for the trouble and upset it caused to Ms T. And she recommended 8% simple interest to be added to the withdrawals which took too long to be transferred to Ms T's nominated bank account.

ITI agreed with the investigator's proposal for putting things right, but Ms T did not. She said:

- The platform didn't allow her to trade between August and September 2020.
- She tried to get through to ITI over the phone, but she was never able to get through. She said this continued well into August 2020, and she gave up calling after she requested her portfolio be transferred to another provider. She said she expected that transfer to happen within a reasonable time.
- As a result she said that the compensation the investigator had awarded was significantly lower than what she thought she should be paid for the inconvenience caused by her inability to trade, and for the resulting financial loss to her.

As agreement couldn't be reached, the case was passed to me to decide.

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.

It appears that the investigator's findings are not in dispute insofar as they relate to the various delays which she recommended be compensated. As such, I don't intend to address those issues again, except to confirm that I agree with the investigator's conclusions around

the withdrawal delays and the transfer of holdings away from ITI. I've made the same award in respect of these matters below.

Ms T has asked for additional compensation for not being able to trade for a period of time. I've therefore focused my findings on this aspect of Ms T's complaint. In cases where a consumer claims consequential financial loss due to being unable to trade, my role, when considering whether such compensation is fair and reasonable, is to assess the evidence of what trades the consumer would likely have placed.

In this case, there's no contemporaneous evidence of specific trades which Ms T wanted to place but was prevented from doing so by virtue of ITI's actions or omissions. I don't disbelieve Ms T's assertions that she was unable to use her account to trade for a period of time – but there is also no evidence of any attempts to notify ITI that she had specific trades that she wanted to place and she was unable to.

For example, I've seen an email chain between Ms T and ITI on 12 August 2020. I'm persuaded this shows that Ms T was unable to trade online – but having explained this to ITI, it replied and said that the dealing desk would contact her urgently if she wanted to make an immediate transaction. In response to that email Ms T could've told ITI what trades she was specifically looking to make – but she did not do this and only instructed ITI to transfer dividends she'd received to her nominated bank account.

So I'm not persuaded it would be fair and reasonable to ask ITI to compensate Ms T for specific trades she's now saying she would've made, but which she did not make ITI aware of at the time. I do agree with the investigator that her inability to trade would've likely contributed to the distress and inconvenience she was already experiencing as a result of the many other issues ITI was having when migrating her account over. And so, taking all this into account, including the inconvenience she experienced through the various delays in allowing her to withdraw her cash and in transferring her portfolio over, I agree that ITI's initial offer of £200 was too low. I agree with the investigator that overall, given the issues Ms T experienced, a total award of £350 is fair and reasonable. And so that's what I award below.

Putting things right

I uphold Ms T's complaint and I consider she's entitled to compensation. Having reviewed the investigator's award, I see no reason to change it – I agree that it's fair and reasonable. So my decision is that ITI Capital Limited must pay the compensation I outline below within 28 days of when we tell it Ms T has accepted this decision. ITI must:

- Pay 8% simple interest on the withdrawal amount of £1,440 from 1 September 2020 (which is five working days following on the from the request) until 23 September 2020 (when the money arrived with Ms T);
- Pay 8% simple interest on the withdrawal amount of £5,204 from 13 October 2020 (which is five working days following on the from the request) until 16 October 2020 (when the money arrived with Ms T);
- Pay £350 (this includes ITI's original offer of £200 and is not in addition to it) for the distress and inconvenience caused by:
 - The delay in transferring her portfolio;
 - The delays in transferring her cash to her bank account.

- Other service issues including some correspondence not being replied to by ITI; and
- Being unable to trade.

My final decision

My final decision is that I uphold Ms T's complaint – and I award the compensation I've outlined above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms T to accept or reject my decision before 24 May 2022.

Alessandro Pulzone
Ombudsman