

## **The complaint**

Mr B complains about the time it took for ITI Capital Limited to transfer his stock to another provider. He complains about the fact that during the time his account was migrated over from a previous firm, he was unable to trade or get hold of anyone at ITI. He also had some shares that he would like in certificated form and ITI haven't responded to his new broker or provided any information about how he can obtain the certificate.

## **What happened**

In July 2020 Mr B's share account which he held with a previous firm that had gone into administration was transferred over to ITI. Shortly after receiving confirmation that his account had been migrated over, Mr B requested that his account with ITI be closed. It took some time for this to be actioned, and Mr B was unable to get through to ITI on the phone. However, it wasn't until 25 August 2020 that Mr B's new broker, S, requested his stock from ITI. During this time Mr B chased via email and telephone but did not receive any replies until 21 September – at which point he was incorrectly told his stock had been transferred in August 2020, but that hadn't happened.

Mr B's stock transfer completed on 22 September 2020 but he required shares that he held in a delisted company to be sent to him in certificated form. Despite requesting information from ITI about this, he has not received any guidance or help from it about who to request the certificate from. Mr B complained to ITI. It issued a final response letter which awarded him £75 compensation and apologised for the service issues he had experienced. Mr B was unhappy with the compensation offered and referred his complaint to this service.

One of our investigators looked into the complaint. In short, he considered that £75 was fair and reasonable compensation for the inconvenience he was caused. He didn't think ITI needed to do anymore. He also thought that he would need to contact the registrar of the delisted company he held shares in to obtain them in certificated form.

Mr B didn't agree. He said that it this service was allowing ITI to treat its customers with contempt, and this service was supposed to be protecting customers from appalling service such as what he experienced. Mr B didn't agree that the award of £75 was fair and reasonable, and asked for an ombudsman to review the matter.

I asked the investigator to write to both parties increasing the award by £75, to £150. I considered that the original award didn't take into account:

- The fact that Mr B was unable to trade for a period of time – although I considered there was insufficient evidence to award financial loss.

- That much of his contact with ITI went unanswered.
- That ITI should've been more helpful in helping Mr B obtain the certificate of the shares he held in a delisted company.

ITI agreed to increase the award, but Mr B did not agree it was enough. He said he had told the investigator what trades he would've placed but was unable to due 'solely to ITI Capital's inability to deal with my request in a timely manner'. He said he also spent 20 to 30 hours of his time either waiting on the phone or emailing ITI, and it was therefore 'extremely disrespectful' that I valued his time at around £6 per hour. He said £150 was completely unacceptable and it appeared the service was protecting ITI and not its customers who had been severely let down.

### **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 should start by making clear that the award of £150 is not intended to value Mr B's time. It is intended to be a fair and reasonable award for the inconvenience Mr B was caused – and whilst I can understand why Mr B has estimated the hours he spent trying to resolve the matter, I don't consider that's a fair and reasonable way to decide how much compensation to award for the distress and inconvenience he experienced.

Instead I've considered the service ITI provided to Mr B overall. And whilst I'm satisfied that ITI's repeated failures to update Mr B caused him an inconvenience, I'm also satisfied that Mr B wasn't in fact required to chase repeatedly in order for the matter to be resolved. For example, the stock transfer did take longer than anticipated – but the delay was primarily at the start of August 2020 following his request close his account. Once ITI received the stock transfer request from Mr B's new broker, the transfer was completed within a month – I can see Mr B chased repeatedly during this time, but I'm not persuaded it was reasonable for him to have expected the transfer to have completed within a week or a few days of his broker contacting ITI.

Mr B has also said that I overlooked his email to the investigator setting out the trades he says he would've placed. But that's not what I was referring to when I explained there was insufficient evidence. When looking through the emails Mr B has provided, I've found none where he told ITI *at the time* that he specifically wanted to buy certain stock. This contemporaneous evidence would've allowed me to determine that at the time, without the benefit of hindsight, Mr B was intending to purchase investments which he was prevented from doing by ITI.

Whilst I acknowledge Mr B's testimony of the trades he says he would've placed, I'm not persuaded it would be fair to award compensation for those, when ITI were never made aware at the time of the trades he wanted to place – or how urgently he wanted to place them. However, I have accepted that being unable to trade during that time would've likely added to the inconvenience he was already experiencing and therefore took that into account when deciding to increase the award.

Finally, I consider that ITI have continued to do too little to help Mr B obtain his share certificate in the company that's not currently listed on the stock exchange. The investigator did give Mr B some helpful advice around this – but I consider that ITI ought to have done more to respond to Mr B, its customer, and his new broker, in order to provide guidance and

potentially liaise with the relevant registrar of the company. I consider this also added to the inconvenience Mr B was experiencing at the time.

Taking all this into account, I'm persuaded Mr B was caused material inconvenience by ITI's service failures, and I'm satisfied that £150 is fair and reasonable compensation for that.

### **Putting things right**

My understanding is that Mr B initially rejected ITI's offer of £75, and therefore it wasn't paid. If it was paid, that amount can be deducted from the award I make.

ITI Capital Limited must pay Mr B £150 compensation for the distress and inconvenience he was caused by the poor service it provided to him.

### **My final decision**

My final decision is that I uphold Mr B's complaint. ITI Capital Limited must pay the compensation I've outlined above within 28 days of when we tell it Mr B has accepted this final decision.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr B to accept or reject my decision before 27 May 2022.

Alessandro Pulzone  
**Ombudsman**