

## **The complaint**

Mr C is unhappy with the poor customer service he received from ReAssure Limited and the delays they caused when he wanted to access pension benefits.

## **What happened**

Mr C contacted ReAssure in October 2020 to encash his pension policy. He wanted to receive half of the policy's value on 26 February 2021 and the other half in the following tax year (i.e. post 5 April). He informed them he was living abroad.

Mr C received his first payment on time, the second payment was made on 19 April. Mr C says he expected this to be made on 6 April, at the start of the tax year.

He says he lost out financially. If he had received the second payment earlier he would have invested it in a specific crypto asset which increased significantly in value between 6 April and 19 April. He says on 14 April the value peaked, so he might have taken profit at that point as his monies would have doubled between 6 April and 14 April.

Mr C is also generally unhappy with the customer service he received. He didn't receive answers to his questions, responses were delayed and he received communications by post rather than email even though ReAssure knew he was living abroad. He also was incorrectly informed there was a free phone number. He had to make lengthy calls which he was charged for.

ReAssure accepted they hadn't provided the best service and paid Mr C £215 for the troubles caused in relation to the first transfer. They sent a cheque to Mr C which wasn't useful to him as he was abroad. Mr C continued to complain and mentioned the significant call costs he had to pay to get in touch with Reassure. Subsequently, they paid Mr C another £90.

In February, just before the first payment was made, ReAssure told Mr C he needed new forms for the second payment. Despite ReAssure saying they should have been emailed, they were again sent by post. Reassure paid Mr C another £200 for the delays and troubles he encountered.

Our investigator reviewed Mr C's complaint and thought ReAssure should pay him an additional £150 on top of the compensation already offered due to the continued poor service. However, he didn't think ReAssure should pay Mr C any compensation for possible financial losses on his investments. He didn't think there was enough evidence to say Mr C would have invested in a particular way if funds had been received earlier in April.

ReAssure agreed to pay another £150. Mr C disagreed and thought £2,000 would be a more appropriate amount given that ReAssure's lack of customer service and that they 'lied to him' when they said he would have been given a free phone number which doesn't actually exist.

As no agreement was reached, the complaint was passed to me for an ombudsman's decision.

## 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.

The investigator issued a view which set out what in detail what happened, so I'm not going to repeat this again. However, I can assure the parties that I have considered all submissions independently and afresh.

Having reviewed all the information available I think it's clear (and accepted by ReAssure) that the service provided to Mr C was below a standard he could expect.

There were delays in communications and he was repeatedly sent communications by post even when it had been made clear that receiving forms by post was time consuming and difficult. Also, the process of encashing his funds in two different tax years was not properly explained to Mr C from the start and the delay in payment in April could have been avoided.

As the investigator already explained, it isn't this service's role to punish businesses for mistakes they made. I'm considering what impact ReAssure's poor customer service and delays had on Mr C and what fair and reasonable compensation should be in the circumstances.

ReAssure previously paid Mr C £505 in compensation (£215, £90 and £200). The investigator raised this by another £150 which ReAssure has accepted. I appreciate some of this compensation paid for Mr C's phone costs and some admin costs. And I can see that having to deal with Reassure more than necessary and getting poor service over a continued period would have been frustrating and stressful. I've taken all of this into account.

But overall, I think the sum of £655 is a fair reasonable amount to compensate him in this regard.

I also considered Mr C's submissions on losing out financially by receiving his April payment late. Mr C provided evidence that he was trading in crypto assets and had a large holding in the one he said he would have bought at a low and sold at a high price. He also showed evidence that he bought another cryptocurrency on 24 April and sold some on 5 May.

Based on the information provided I'm satisfied Mr C is actively trading cryptocurrencies and I appreciate that if he had received his pension payment in April earlier he *could have* purchased one particular currency at a lower price. However, what someone could have done and would have done are two different things.

I can't know for certain what Mr C would have done. Whilst generally I am able to make reasonable assumptions on the balance of probabilities, I don't think there is enough for me to say that Mr C would have invested and disinvested in a particular way and when.

I don't doubt that Mr C now sees this as a lost opportunity. However, I can't ignore that there is an element of hindsight here.. He might have invested in the currency he ended up buying later in April or even if he bought the asset he now claims he would have bought, he might not have disinvested at the time he now sees as most beneficial.

There is simply too much uncertainty for me to ask ReAssure to compensate for possible losses here.

**Putting things right**

I think total compensation of £655 is fair and reasonable. I'm assuming ReAssure has already paid Mr C £505. So they should pay him an additional £150 as soon as possible.

If any previous payments haven't been received, these should also be paid.

**My final decision**

I uphold this complaint and require ReAssure Limited to pay Mr C the outstanding compensation as set out above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr C to accept or reject my decision before 13 January 2023.

Nina Walter  
**Ombudsman**