

The complaint

Miss G complains that Computershare Investor Services Plc (Computershare) gave her incorrect information regarding replacing a share certificate. As a result of the delay caused by Computershare's error, Miss G says she was unable to sell the shares she held in the 2021/22 tax year and as a result has incurred a capital gains tax (CGT) charge.

To put matters right Ms G wants Computershare to reimburse her for the CGT charge she has incurred.

What happened

Miss G telephoned Computershare on 22 February 2022. During the call Miss G was incorrectly told that she would need to obtain a replacement share certificate for shares she wanted to sell. I understand that in subsequent conversations Computershare corrected its position and Miss G then requested a postal dealing form.

On 21 March 2022, Miss G sent a completed dealing form to Computershare to proceed with the sale of the shares. Unfortunately, Computershare was unable to act on Miss G's instruction as the signatory page was not included with the form Miss G returned to it. Computershare wrote to Miss G on 25 March 2022, regarding the missing signatory page.

I understand that the required page was received by Computershare in mid-April 2022 and the shares were then sold, in line with Miss G's instructions.

Miss G complained to Computershare. She explained that she had wanted to sell the shares before the end of the 2021/22 tax year. (Miss G has subsequently explained that had the shares been sold before the end of the 2021/22 tax year she would have been able to offset the loss she crystallized on the sale of the shares against other capital gains and therefore reduce the CGT charge payable on her gains for the 2021/22 tax year.)

Computershare apologised for the incorrect information it had provided in February 2022. In order to put matters right, it calculated the difference between the amount Miss G would have received if her shares had been sold on 22 February 2022, and the amount she would have received if the shares had been sold on 25 March 2022. It said Miss G would have received £319.30 more if the shares had been sold on 22 February 2022. It offered to pay this amount, plus interest, to Miss G. It also offered to pay Miss G a further £50 to compensate her for its error and the time Miss G had spent trying to resolve this matter.

Miss G did not accept Computershare's response and referred her complaint to this service.

Our investigator said he thought the offer to compensate Miss G for the higher share price she would have achieved if the shares had been sold in February 2022 was fair. But he said he felt the £50 Computershare had offered to pay Miss G was too low for the trouble and upset this matter had caused her. He said he thought Computershare should pay Miss G a further £150, in addition to the £50 it had already offered.

Miss G did not accept our investigator's view. She reiterated that as a result of the delays caused by Computershare, she had not been able to sell her shares in the 2021/22 tax year and had incurred a CGT charge.

Computershare also responded to say it felt the additional £150 our investigator had said it should pay Miss G for the trouble and upset this matter had caused her was too high. It said it 'would be happy to pay' an additional £75.

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 am sympathetic to Miss G's position, and I appreciate why she feels Computershare should reimburse her for the CGT charge she has incurred, but I can't reasonably require Computershare to do so. I'll explain why.

It is not in dispute that Computershare gave Miss G incorrect information in February 2022, regarding whether she needed a replacement share certificate before she could sell her shares. From the records I have seen, it appears that the dealing form Computershare sent to Miss G in early March 2022 did not arrive and Miss G had to request a replacement form. This caused a further delay. As Miss G will appreciate, I can't reasonably hold Computershare responsible for any failing by the postal service.

Miss G's completed postal dealing form was received by Computershare on 23 March 2022. Unfortunately, Computershare was unable to act on Miss G's instruction as the signatory page was not included with the form Miss G had returned.

Computershare wrote to Miss G on 25 March 2022, regarding the missing signatory page. Miss G says she feels that Computershare should have made more effort to contact her about the missing page, particularly given how close it was to the end of the tax year. In particular, Miss G says she feels that Computershare should have emailed or telephoned her about the missing page so that she could have taken steps to ensure it was returned to Computershare promptly.

I do understand why Miss G feels Computershare should have made more effort to contact her about the missing signatory page, but there was no requirement on it to do so. As this is the case, I cannot reasonably find that it acted incorrectly when it wrote to Miss G about the missing page. I understand that it also emailed Miss G about the form it had posted back to her on 25 March 2022, but it did not attach the relevant signatory page to the email.

Miss G says she thinks Computershare should reimburse her for the CGT charge she has incurred, as she was not able to offset the losses she crystallized when these shares were sold against capital gains she had made in the 2021/22 tax year. I appreciate Miss G's position but I cannot reasonably find that Computershare was required to take account of her tax situation.

Computershare's terms and conditions set out:

We will not provide any investment, taxation, or legal advice on whether or not the sale of shares is right for you. We will not assess the suitability or appropriateness of any product, service or transaction and we will not recommend or invite you to sell shares. You will not benefit from the protection of the FCA Rules on assessing appropriateness.

It is your responsibility to make sure the Service is right for you and you may wish to seek independent professional advice before using it.

I am satisfied that this made clear that if Miss G wanted to sell her shares as part of a wider tax mitigation strategy, she should seek independent advice if she was unsure whether Computershare's postal share dealing service was right for her.

I think the offer Computershare has made to compensate Miss G for the difference between the amount she would have received if her shares had been sold on 22 February 2022, and the amount she would have received if the shares had been sold on 25 March 2022 is fair and reasonable. I can't reasonably require Computershare to compensate Miss G for any delay caused by the missing signatory page in the form Miss G returned to it, or for any delays caused by the postal service.

I do understand that this is not the decision Miss G was hoping for. But I have not seen anything that shows or suggests that Computershare had made a commitment to sell Miss G's shares by a certain date. And, as I have set out above, I am satisfied that it was not responsible for all the delays Miss G experienced.

However, like our investigator, I think the offer Computershare made, to pay Miss G £50 for the trouble and upset its poor service caused is too low. I appreciate that Computershare feels the additional £150 recommended by our investigator is too high, but in view of the number of calls Miss G made to Computershare and the incorrect information it initially provided, I think a total of £200 for the trouble and upset this matter has caused Miss G is fair and reasonable in the circumstances of this complaint.

Putting things right

To put matters right Computershare should pay Miss G the £319.30 it has already offered to compensate her for the higher share price that would have been achieved if her shares had been sold on 22 February 2022, plus 8% simple interest on this amount to the date of payment.

In addition, Computershare should also pay Miss G a total of £200 for the trouble and upset this matter has caused her.

My final decision

My decision is that, for the reasons I have set out above I uphold this complaint. To put matters right Computershare Investor Services Plc should pay the redress set out above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss G to accept or reject my decision before 1 June 2023.

Suzannah Stuart
Ombudsman