

The complaint

Mr S complains that Elevate Portfolio Services Limited, trading as AXA Self Investor (“Elevate”) caused delays in the transfer of his ISA to another provider. He says when he called Elevate it had no record of a transfer, even though it had been requested. He said he’s been caused considerable distress and spent time trying to find out what was happening.

What happened

In October 2021, Mr S decided to transfer his ISA to a new provider, who I’ll refer to as “A”. He instructed A and by 19 October a transfer request had been sent to Elevate. He says A kept him informed of progress but, on 2 November, it told him Elevate hadn’t provided confirmation of the transfer and that Mr S should contact Elevate. When he phoned he says he was told there was no record of a transfer request. It was only after he asked for the matter to be escalated that Elevate confirmed they had received contact from A.

Elevate said it provided a valuation to A on 6 October and, again, on 18 October but it didn’t receive A’s acceptance of the transfer so it couldn’t proceed. It explained there was a problem with the electronic transfer request, and it was agreed A would request the transfer by post. When Elevate sent its response to Mr S’s complaint on 25 November, it was still waiting to receive signed transfer forms.

When Mr S referred his complaint to us, the transfer hadn’t been completed. He continued to chase Elevate and A to try to progress matters. He received confirmation that the transfer had been completed on 23 February 2022, but one of his funds was showing in his ISA with A, as well as in his ISA with Elevate. This was resolved on 2 March 2022 – around five months after Mr S had originally given instructions.

Our investigator concluded that Elevate had everything it needed to proceed with the transfer by 1 December. And he noted that the government website says that ISA transfers should take no longer than 30 calendar days. The investigator acknowledged the delays weren’t entirely due to Elevate and that there were some complexities involved in the transfer. But he concluded Elevate could have done more to ensure the transfer was completed in January and that the delay caused Mr S unnecessary stress and inconvenience. He thought Elevate should pay Mr S £100 compensation.

Elevate didn’t agree. It said, in summary, that:

- The delay was caused by A and the various fund managers.
- It couldn’t proceed with the transfer until it received instructions for one of the funds which was not common share class. It didn’t receive sale instructions until 24 December, and this is when the “clock should start ticking”, not 1 December.
- For the last fund to be transferred, the fund manager gave it wrong information. The fund manager had all that was needed to transfer the fund on 11 February, but it wrongly said it didn’t have a stock transfer form. It was only on 23 February that the fund manager

said it had all it needed and had already processed the re-registration of the units.

- The government's 30-day timescale is unrealistic for complex transfers and doesn't take account of matters outside of Elevate's control.
- Taking into account bank holidays, the transfer was completed in 35 working days which was reasonable
- It explained to Mr S why there was some complexity in the transfer process, and the reason for the delays.
- It didn't cause the delays so it shouldn't be required to compensate Mr S.

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.

Firstly, I'm aware that I've summarised this complaint in far less detail than the parties and in my own words. There is a considerable amount of information here but I'm not going to respond to every single point made. No discourtesy is intended by this. Instead, I've focussed on what I think are the key issues here. Our rules allow me to do this. This simply reflects the informal nature of our service as a free alternative to the courts. If there's something I've not mentioned, it isn't because I've ignored it. I haven't. I'm satisfied I don't need to comment on every individual argument to be able to reach what I think is the right outcome.

The wording on the government website about ISA transfers says that transfer "*should*" take no longer than "*30 calendar days*". I accept there will be some circumstances where this may not be possible. And I also accept that during a transfer there are actions required by other parties, which may cause delays, and which are largely out of the business's control.

In the particular circumstances here, I've taken into account that there were some complexities with the transfer. And that there were some actions taken by A and the fund managers which were out of Elevate's direct control.

But I need to decide whether Elevate treated Mr S fairly and reasonably and, in particular, if it reasonably did enough to progress the transfer of Mr S's ISA to A. I'm not going to repeat the detailed timeline of what happened, but I think there were some stages in that timeline when Elevate could have done more to progress the transfer more quickly. And some occasions when it could have provided better service to Mr S. For example:

- When Mr S phoned Elevate on 2 November to ask about the progress of the transfer, he was told it didn't have a record of a transfer request. Whilst Elevate has explained why this wasn't showing in its records, this obviously caused Mr S some concern. I find it reasonable that Elevate should have been in a position to tell Mr S that it was in communication with A, and what the current position was, rather than Mr S having to wait until the following day to find out.
- During December, Elevate was waiting for instructions on one of the funds which couldn't be transferred. Mr S told Elevate on 13 December that he had given instructions to A to sell the fund. Elevate hadn't received these instructions. Whilst it was A's responsibility to send the instructions to Elevate, Elevate knew Mr S was anxious about the time being taken to complete the transfer. But Elevate didn't contact A to ask about these instructions until 22 December. I find it could've reasonably contacted A on, or very

shortly after 13 December, which would have prevented a delay of around nine calendar days.

- Elevate says further checks were completed on 30 December, but then nothing seems to have happened, other than some emails between departments, until 11 January when seven funds were transferred. – and that seems to be in response to Mr S getting in touch again. Whilst this was partly over the festive period, I think the funds most likely could have been transferred earlier than 11 January. And it's disappointing that it seemed to require Mr S to make contact before this happened.
- From around 15 January to 28 January, further funds were transferred. Whilst Elevate was reliant on the individual fund managers to re-register the funds, I can see that internally staff in Elevate were asking the transfer team for "urgent updates". I think the transfer team could reasonably have been in more regular contact with the remaining fund managers to ensure the transfers took place as quickly as possible, bearing in mind the delays that had already occurred. I can see more regular contact was made with the last remaining fund manager during February.

For these reasons I think there were opportunities where Elevate could have reasonably acted more quickly which would most likely have reduced *some* of the delay. Taking everything into account, I agree with the investigator that £100 is fair and reasonable to compensate Mr S for the distress and inconvenience caused. I appreciate this may be less than Mr S was hoping for. But I can't see that he made a financial loss because of the delay and, as I set out above, Elevate was reliant on the actions of others and it wasn't responsible for everything that happened here.

My final decision

My final decision is that Elevate Portfolio Services Limited, trading as AXA Self Investor, should pay Mr S £100.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr S to accept or reject my decision before 15 March 2023.

Elizabeth Dawes
Ombudsman