

The complaint

Mrs A has complained that Financial Administration Services Limited (“Financial Administration”) accessed her account without authorisation and changed her title.

Background

Mrs A holds an investment account with Financial Administration. Earlier this year she contacted it to let it know that she had legally changed her name and title following her gender transition. She asked that her account information be updated to reflect this.

Financial Administration correctly updated Mrs A’s title and name change as requested and sent a letter to her to confirm the change had been completed. Unfortunately following this Mrs A’s title was incorrectly changed back to the previous title she had used. Following this Mrs A received two letters in the post over two days, addressed incorrectly and in a way Mrs A found particularly distressing.

Mrs A contacted Financial Administration to complain. It accepted that an error had been made, apologised, corrected Mrs A’s title on her account and offered her £150 compensation for the upset the error had caused.

Mrs A didn’t accept Financial Administration’s offer. In essence she remained concerned that there was no ‘error’ and that the act of changing her title back was linked to transphobia. In addition, she believed that when her account was accessed to change her title back, it was a breach of GDPR. She also didn’t think £150 was reflective of the upset and distress caused when she received the incorrectly addressed letters. She asked that Financial Administration provide her with a single point of contact so she has assurances errors linked to her gender identity might be minimised going forward.

As Mrs A was unhappy with Financial Administration’s response she brought her complaint to our service. One of our investigator’s looked into Mrs A’s complaint. He said that the two letters sent to Mrs A with the incorrect title caused her considerable distress. He recommended Financial Administration increase the level of compensation it offered from £150 to £350. He said the business had confirmed that it wasn’t possible to provide Mrs A with a single point of contact going forward and that this wasn’t something he could compel it to do.

Financial Administration agreed with the investigator’s view, but Mrs A didn’t. She said that she still didn’t accept the title change was due to a legitimate error and that her account had likely be accessed incorrectly. She also didn’t think the increase in compensation was sufficient for the impact the letters had had on her or her relationship with the business. She asked for an ombudsman to review her complaint and so it’s been passed to me for consideration.

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.

Having done so I agree with the findings of our investigator and for much the same reasons. I know this will upset Mrs A, so I want to explain why below.

I'm very aware that I've summarised this complaint very briefly, in far less detail than has been provided, and in my own words. No discourtesy is intended by this. Instead, I've focussed on what I think is the heart of the matter here: what is fair and reasonable for Financial Administration to do to put things right for Mrs A.

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 point or argument to be able to reach what I think is a fair outcome. Our rules allow me to do this. This simply reflects the informal nature of our service as a free alternative to the courts.

I don't doubt the distress Mrs A experienced when she received the incorrectly addressed letters from Financial Administration earlier this year. And I can fully appreciate why she would be concerned that the reason it happened was linked to transphobia as opposed to human error. I have considered her concerns and have reviewed the information provided by the business very carefully.

Having done so I am satisfied that the reasons Mrs A's title was incorrectly changed after it had been properly updated, was down to human error. Financial Administration has confirmed it spoke to the person who changed Mrs A's name initially and that an error was made following that process when the account was double checked to make sure the changes had been properly applied. As soon as the issue was flagged the title was corrected and, as far as I'm aware, the issue has not occurred since then.

I appreciate Mrs A has concerns here at the change was mindful or deliberate. But I've not seen anything that indicates that was the case. And without anything additional to consider I have nothing to show that the explanation provided by Financial Administration isn't genuine.

Therefore, having listened to everything Mrs A has said on this point and considered it at length, I don't think there's sufficient evidence for me to say the change of title was linked to anything malicious or inappropriate in regard to how or why Mrs A's account was accessed or how the title was changed.

Mrs A also requested a single point of contact with Financial Administration and suggested her account could be moved to its 'wealth management division' where account holders have individual account managers. Financial Administration has explained that Mrs A's account doesn't meet the criteria for such a move and even if it did, she would still likely speak to different people, as managers aren't the only staff members to contact account holders.

I can't force Financial Administration to move Mrs A's account to its wealth management division. And based on what the business has said I don't think it would provide Mrs A with the assurance she wanted it to. However, I am hopeful, given that the information on Mrs A's account has remained correct since the issue earlier this year, that similar mistakes will not occur in the future.

Mrs A has said that £350 doesn't reflect the level of upset she was caused by her account information being incorrectly changed. She remains concerned that her information had been breached and it was no longer safe for her to contact the business if she needed to. Compensation amounts are extremely subjective and it's important I consider not only the strength of Mrs A's feelings, but also the length of time it took the business to respond to the

issue and what that response was.

In this instance I think Financial Administration responded appropriately in that the issue was immediately fixed, and the cause was down to an individual human error and not something that is likely to happen again.

I do agree that the initial offer of £150 by Financial Administration was too low, but I agree the £350 suggested by our investigator is reasonable in the circumstances of this complaint.

Putting things right

- Financial Administration Services Limited should pay Mrs A £350 in recognition of the distress caused.

My final decision

For the reasons set out above I am upholding Mrs A's complaint against Financial Administrations Services Limited.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs A to accept or reject my decision before 4 July 2023.

Karen Hanlon
Ombudsman