

The complaint

Mr S complains about delays in transferring his pension from ReAssure Limited to another provider.

What happened

Both parties are familiar with the circumstances of what's happened here. So I'll just briefly summarise the chain of events as I understand them.

Mr S says he started trying to transfer his pension plan from ReAssure to another business on 18 May 2021. Mr S had moved to another country and hadn't updated his address with ReAssure at this time.

There was back and forth contact between Mr S, ReAssure and his attorney in the country he was living in for some time. And Mr S sent the identification documents required for the address change in February 2022. The documents were received by ReAssure in early March 2022.

Further correspondence continued with Mr S, his independent financial advisor (IFA) and ReAssure. However, there was no letter of authority on file for Mr S' IFA to act in connection with his pension. So, ReAssure wasn't able to provide them with details. Mr S says during this time a number of calls were promised by ReAssure but not made, and that it didn't respond to emails.

Mr S complained about the delays and ReAssure responded on 10 August 2022. It agreed it should've been more proactive with some of its contact and offered Mr S £200 compensation. Mr S didn't accept this and referred the matter to this Service as his pension transfer still hadn't completed.

One of our Investigators looked into the complaint. He explained that there were necessary checks that ReAssure was required to complete when facilitating both a change of address and a pension transfer. However, he also explained that he felt ReAssure had caused some unnecessary delays. He thought that ReAssure should increase the amount of compensation to £350. Our Investigator also noted that ReAssure had agreed to carry out loss calculations once the transfer had completed, which he felt was fair.

ReAssure accepted the Investigator's opinion but Mr S didn't. He disagreed that ReAssure had ever tried to contact his attorney. He believed ReAssure had deliberately delayed matters. Mr S asked for his complaint to be reviewed by an Ombudsman. So it was passed to me to consider and make a decision.

I issued a provisional decision on 30 March 2023. In this, I said:

I want to assure Mr S that I've read and considered everything he and ReAssure have sent us. If I don't go into detail or mention everything, it's not because I haven't thought about it. It simply reflects the informal nature of this service. Instead, I'm going to focus on the crux of the complaint. That is the delays in Mr S transferring his pension and which of those delays I

think ReAssure is responsible for.

When what's happened is in dispute, such as in this case, I have to make my decision on the balance of probabilities, that is what I think is most likely to have happened given the evidence I do have. In this case, when trying to build a timeline of events, I've considered both what Mr S has told us and the notes he's provided, as well as the contact notes from ReAssure.

It seems from the contact notes of ReAssure that the main cause of delay, initially, was that Mr S hadn't previously told ReAssure about his change of address. This was always likely to cause some delays in transferring the pension. Furthermore, as Mr S lived abroad, this also would've complicated matters. ReAssure needs to make sure it's following correct processes to ensure that the address change is done properly, securely and that it is in fact Mr S who is requesting the change. ReAssure has explained Mr S was living in what it considers a "high risk" country, so it wanted to ensure everything was done correctly for Mr S' protection.

Based on this, I can understand why ReAssure was cautious about this and required further information. This would've of course taken some time.

Whilst there was contact between Mr S, his IFA and ReAssure during this time, I can't see that ReAssure was provided with the identification requirements it had requested until 7 March 2022. So, whilst I understand why Mr S is frustrated, and there were times that ReAssure could've responded to him sooner, I don't think it's responsible for any delays leading up to this point.

I've thought about Mr S' belief that ReAssure didn't try to contact his attorney. However, I can see from the contact notes that ReAssure has noted attempts were made. These notes were made at the time, and I think it's more likely than not that ReAssure did try to contact Mr S' attorney but was unable to. This is understandable given factors such as time zone differences and the fact that his attorney was in another country.

ReAssure accepts that once it received Mr S' identification, it should've referred the request to change his address to another department but didn't do so until 18 April 2022. This is the first avoidable delay I can attribute to ReAssure. At this stage ReAssure noted that it needed to speak with Mr S to confirm some details. Its record show that it tried to contact Mr S within five days of this. And I don't think this time frame is unreasonable.

Again, I'm aware Mr S disputes that ReAssure has tried to contact him at times. However, I am persuaded its more likely than not that it did based on the contact notes I've seen. Furthermore, I can see within these notes it left a voicemail with Mr S' IFA who returned the call two days later. So, I think it's likely ReAssure was being proactive at this stage. And, a letter was sent the following day to Mr S.

The contact notes then show that Mr S' IFA again called on 11 May 2022. ReAssure still didn't have authority to deal with the IFA directly and Mr S' address still hadn't been changed. The notes show that the IFA was provided with the overseas number for ReAssure and Mr S called ReAssure two days later on 13 May 2022.

It seems the change of address request was then reviewed again on 28 May 2022. The notes suggest that ReAssure had further concerns due to the country Mr S was living in and the manner in which the documents had been certified. However, I can't see that ReAssure took any further action at this time. It wasn't until 6 June 2022 that Mr S called in and was told that ReAssure wanted to speak with the person who had certified his ID. A complaint was logged at this time.

I think ReAssure should've reviewed the identification documents once Mr S had called on 13 May 2022. But, other than noting concerns it had internally, it took no further action until Mr S called on 6 June 2022.

ReAssure tried to contact the document certifier on 10 June 2022. It wasn't able to and, despite Mr S chasing ReAssure, it didn't attempt to contact the certifier again until 22 July 2022. ReAssure was still unable to contact the certifier, but on 27 July 2022, it agreed that it could accept the information it had received in order to change Mr S' address. The address was then updated.

So, it seems to me that ReAssure had enough information to amend Mr S' address after he had called it on 13 May 2022, but it didn't do so until 27 July 2022. This is the second avoidable delay I believe ReAssure is responsible for.

Once the address was changed, I can see that ReAssure sent Mr S a pension transfer questionnaire on 3 August by email. ReAssure then issued its final response to Mr S on his complaint on 10 August 2022.

I'm aware that Mr S has had further problems with ReAssure since it issued its final response to this complaint. And the transfer still hasn't completed. However, our rules require that any complaint needs to be referred to a business before we can get involved. This means I'm only considering events and delays up until 10 August 2022. If Mr S wishes for our Service to consider complaints after this date, he'd need to first complain to ReAssure and give it the chance to respond.

Based on what I've said above, I think ReAssure is responsible for two avoidable delays up until it issued its final response. From 7 March to 18 April - 43 days. And, from 13 May to 27 July - 69 days. This is a total of 112 days.

In determining what ReAssure needs to do to put things right, I've first thought about the amount of compensation for the distress and inconvenience caused by this matter. I think the fact that Mr S was living abroad, hadn't changed his address, and was relying on an IFA who didn't have the authority to discuss matters with ReAssure, has also contributed in part to the delays. That said, as I've explained, I think ReAssure is responsible for delays of 112 days.

This would've been a frustrating time for Mr S, and meant he had to make a number of calls and chase ReAssure more than he should've needed to. It would've also cost him to make additional calls from abroad. Our Investigator suggested £350 compensation was fair and reasonable in the circumstances. I've thought about this, but I don't think this is enough. So, I'm currently minded to award £500 for the distress and inconvenience this matter has caused and a further £50 for calls made unnecessarily. Mr S hasn't provided evidence of the cost of these calls, but I think this represents a fair amount in the circumstances.

Moving on to the issue of financial loss. At present, it's not possible for me to properly assess or make an award for financial loss because the transfer of Mr S' pension hasn't completed. But ReAssure has confirmed in principle that it will consider whether Mr S has been disadvantaged once the transfer is complete. Although it hasn't said how it will do this, I would expect that it will work out a date on which Mr S' pension transfer should've completed but for the delays, and if the value of the pension would've been higher on that date, it will compensate Mr S for this by paying the difference in value to his new pension plan. This is in line with the usual method of putting right a pension transfer delay. But, given my findings above, when ReAssure carries out this calculation I think it should account for 112 days of delay up until 10 August 2022.

However, I wish to make it clear that this decision doesn't bind ReAssure to not take into account further delays it may be responsible for after its final response of 10 August 2022 (which is the date I've considered matters up to). And it should think about any further delays it may be responsible for once the transfer is complete. If, once the transfer has completed Mr S isn't happy with the approach ReAssure has taken in respect of delays after 10 August 2022, he may be able to refer this matter to us as a new complaint. But any new complaint will only take into account any delays after 10 August 2022. And Mr S will need to refer it to ReAssure in the first instance.

I invited both parties to respond to my provisional decision by 13 April 2023. ReAssure accepted my decision. Mr S didn't respond. I've now decided to proceed with my final 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 findings from my provisional decision, set out above, should be considered part of my overall final decision.

As ReAssure has accepted the findings I made in my provisional decision, and Mr S hasn't responded with any further comments, I see no reason to depart from the findings I originally made. So, I'm going to uphold this complaint and tell ReAssure to put things right as set out above.

Putting things right

Once the pension transfer has completed, ReAssure should work out what Mr S' pension would've been worth 112 days prior, to account for the delays up until 10 August 2022. If the value of Mr S' pension would've been higher on that date, it must compensate Mr S for this by paying the difference in value to his new pension plan. It should write to Mr S setting out its calculations and explaining whether a loss has occurred or not.

Again, I will state that this decision doesn't bind ReAssure to not take into account further delays it may be responsible for after its final response of 10 August 2022 (which is the date I've considered matters up to). And it should think about any further delays it may be responsible for once the transfer is complete before paying any redress to Mr S.

If, once the transfer has completed Mr S isn't happy with the approach ReAssure has taken in respect of delays after 10 August 2022, he may be able to refer this matter to us as a new complaint. But any new complaint will only take into account any delays after 10 August 2022. And Mr S will need to refer it to ReAssure in the first instance.

ReAssure should also pay Mr C £500 for the distress and inconvenience this matter has caused and a further £50 for calls made unnecessarily.

My final decision

I uphold this complaint and direct ReAssure Limited to put things right as set out above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr S to accept or reject my decision before 16 May 2023.

Rob Deadman
Ombudsman