

The complaint

Mrs G is unhappy with the delays caused by ReAssure Limited (ReAssure) during the process of accessing her pension fund held with them. She states that these delays have caused her financial loss because the value of her pension fund reduced during this time.

What happened

In February 2022, Mrs G received a retirement pack from ReAssure, confirming her upcoming retirement date of 23 June 2022 and outlining her options. It stated that the value of her fund at that time was £18,517.96. This was followed by another retirement pack on 3 May 2022, which reiterated her options, and stated what Mrs G needed to do in order to select each option.

Mrs G said she then received a phone call from ReAssure checking her choice and asking whether she had consulted a financial adviser. She was then expecting claim forms to be issued in order to continue with the process of accessing her pension fund. ReAssure state that they have no record of this call, and that it was not in their standard process to make this type of call. Mrs G states that she then received no further correspondence, and on 19 June 2022 she used the website messaging service to check the progress of her claim. The contact form used included Mrs G's email address and policy number. ReAssure have stated they did not receive this.

On 23 June 2022 Mrs G received a policy statement, confirming that she had reached her retirement date, but no retirement benefits had been put into payment. It stated "you may now take your benefits at any time".

On 12 July 2022, Mrs G contacted ReAssure again via their website asking for an update and including her policy number and her email address. She received an automated response. ReAssure have stated that they also did not receive this contact.

On 19 July 2022 an annual review was sent to Mrs G, with the value of her pension as at 5 April 2022. Mrs G states that this was not received until 17 August 2022.

In August 2022, Mrs G telephoned ReAssure and complained about the fact that nothing had happened relating to her request to access her pension. They arranged for a member of the retirement team to contact Mrs G on 6th September, and following this, a retirement pack was issued on 12th September 2022. Mrs G did not return the forms within the pack to ReAssure until 7 November 2022.

ReAssure issued their final response to Mrs G's complaint on 16 September. They stated that they could find no evidence of any contact from Mrs G until 24 August 2022, and did not uphold her complaint. On 28 September 2022, Mrs G responded to ReAssure, reiterating her position that the process had started on 3 May 2022. In November 2022, when Mrs G returned her claim forms the value of her fund had reduced to £15,650.27. Mrs G received the payment, after the deduction of tax, on 21 November with a calculation date of 10 November 2022.

In January 2023, ReAssure issued a further response – they stated that because they hadn't been able to locate evidence of Mrs G initiating the claim process prior to 24 August 2022, their decision not to uphold her complaint was unchanged. Mrs G was unhappy with this outcome and referred her complaint to this service.

After considering the evidence available, the investigator agreed with ReAssure that there was no evidence of Mrs G contacting ReAssure prior to 24 August 2022, and did not uphold the complaint. Mrs G did not agree with this and therefore the complaint has been referred to me for a decision.

Provisional findings

I issued my provisional decision on 20 June 2023. It said:

"I believe that there have been delays caused by both parties which have contributed to the timescales for payment of Mrs G's pension lump sum. I therefore intend to uphold Mrs G's complaint and take into account both parties' actions when determining any redress payable to Mrs G.

Mrs G states that she commenced the process to access her full pension pot in May 2022 following a call from ReAssure which was received after the correspondence dated 3 May 2022. ReAssure say that they do not have any record of this, nor is it their process to make such a call. Mrs G has provided telephone records. However, these only show outgoing calls so don't support Mrs G's case.

ReAssure have been able to find a record of a call that Mrs G made to them on 24 August 2022. They also have records of calls both to and from Mrs G on 6 September 2022. I think that as ReAssure have been able to locate these calls, it is reasonable to conclude that they would also have been able to find any previous calls made. On balance, therefore, taking into account all the evidence, I'm satisfied there were no telephone calls between the parties until 24 August.

Mrs G says she attempted to contact ReAssure via their website twice, on 19 June and 12 July 2022. ReAssure state that they did not receive these messages.

However, Mrs G has provided evidence of an automatically generated response received on 12 July which stated "Thank you for your contact via the ReAssure website. We're currently receiving a large number of contacts, so it may take longer than normal for use to get back to you. Please be assured that a member of our Customer Services team will be in touch with you as soon as possible". So I'm satisfied Mrs G did successfully contact ReAssure on 12 July.

Mrs G has not provided a similar automatically generated email following her attempt to contact ReAssure on 19 June 2022. I see no reason why a similar response wouldn't have been sent. Therefore, whilst I recognise Mrs G has sent in screenshots showing her having completed ReAssure's online form, I'm not persuaded that she did successfully contact ReAssure on 19 June. She may well have attempted contact. But that attempt must have been unsuccessful which isn't something I can reasonably hold against ReAssure.

With the above in mind, I think ReAssure could, reasonably, have started the request for funds process for Mrs G from 12 July when she successfully made contact through ReAssure's website. Whilst it is true to say that Mrs G should have telephoned the number in the retirement pack rather than attempting to make contact to chase progress via ReAssure's website, I think it is fair to say that if ReAssure had responded to the website

contact in an appropriate timescale, their representative would have been able to advise Mrs G of the next steps, or transfer her to another area of the business who could assist her.

From the 24th August, when ReAssure commenced the process, to the date of the funds being received by Mrs G on 21 November was 12 weeks and 5 days, of which 8 weeks was the time Mrs G took to return the forms.

I therefore feel it is reasonable to conclude that Mrs G should be considered to have commenced the process with ReAssure no later than 12 July 2022, and that the process would have taken 12 weeks and 5 days to complete. This means that Mrs G should have received her pension payment on 9 October 2022, with the calculation being done on 28 September.”

Responses to my provisional decision

I have received responses from both Mrs G and ReAssure. Neither party have added any further arguments or points to take into account in 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.

Having taken into account the responses from both parties, as no new information or arguments have been provided I see no reason to change my decision. So I remain of the view I set out in my provisional decision – my findings as set out above should be considered as part of my final decision. It follows that I uphold this complaint.

Putting things right

ReAssure needs to undertake a loss calculation. It needs to work out what would have been paid to Mrs G's pension on 9 October 2022 (with the calculation dated 28 September), taking into account the tax free cash and taxation. They should then compare this with the actual value that was paid to Mrs G in November 2022. The difference between the two is the loss caused by the delay. Interest at 8% pa simple should be added to the loss from 9 October 2022 to the date of payment.

ReAssure should supply details of its calculations to Mrs G in a clear and simple format.

My final decision

For the reason given above, I uphold Mrs G's complaint.

ReAssure Limited will be required to pay the compensation stated above to Mrs G in line with my provisional decision.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs G to accept or reject my decision before 30 October 2023.

Joanne Molloy
Ombudsman