

The complaint

Ms L complains that Clydesdale Bank Plc trading as Virgin Money lost her Individual Savings Account (ISA) reactivation form, and they did not assist her to upload this form on their website.

What happened

Ms L says she tried to transfer funds into her Virgin Money ISA, but the transfer failed as she was informed she needed to contact them and complete a reactivation form. Ms L says she completed the form and posted it to the address on the form, but she heard nothing back, so she contacted Virgin Money again. They advised Ms L to download a new form and upload it via their website for the ISA to be reactivated. Ms L clicked on the link which displayed a different named bank on the form (but it was part of the group Virgin Money belongs to). Ms L declined to send them another form via post, due to the sensitive data requested. Ms L made a complaint to Virgin Money.

Virgin Money partially upheld Ms L's complaint. They apologised for the misplaced form and they said they would credit her account with £50 for distress and inconvenience. Ms L brought her complaint to our service, and she complained about how Virgin Money handled her complaint.

Our investigator did not uphold Ms L's complaint. She said she had looked at Ms L's communication with Virgin Money and she was given two different links to an ISA reactivation form – one of the links redirected her to a third party website and the other one to Virgin Money's website. She said that both forms on both websites had the same postal address for where to send the completed information to. Our investigator said that she listened to a call recording on 20 June 2022 where Virgin Money reconfirmed that Ms L could upload a newly completed ISA reactivation form online.

Ms L asked for an ombudsman to review her complaint. She made a number of points. In summary, she said she had not been given the correct link to upload the ISA reactivation form, the links she was sent only were to download the ISA reactivation forms and not to upload it, the call handler on 20 June did not offer her the correct link to upload the form and she didn't want to send the form by post, and she didn't get a call back as promised by Virgin Money.

As my findings differed in some respects from our investigator's, I issued a provisional decision to give both parties the opportunity to consider things further. This is set out below:

"I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

Firstly, I need to make Ms L aware that the issues she has raised that relate directly to how Virgin Money have investigated her complaint, such as how long it took them to issue their final response to her does not come under my powers to consider. But I do note that in their communication to Ms L on 23 September 2022 they said "if you are unhappy with the progress made, you can refer your complaint to the Financial Ombudsman Service" and they

provided our details.

I've considered what Ms L has said about her sending the relevant ISA reactivation form to Virgin Money. I'm satisfied that she did send this form to Virgin Money, but I can't see any evidence that they received this form from their system information I've had access to. So I'm unable to determine what happened to the form.

I can see when Virgin Money received post from Ms L (such as her complaint letter), this was date stamped when it was received and scanned onto their system, so it would be reasonable to expect them to scan the ISA reactivation form onto their system if they would have received this. As such, I'm not persuaded they did receive this, therefore I can't say they were at fault for any delays in not responding to Ms L as they would not be aware she sent them this form. And I would be unable to hold Virgin Money responsible for any errors with the postal system as this would be outside of their control.

Ms L has been able to provide us with some of the chats she had with Virgin Money. On 6 June 2022, a chat agent confirmed to Ms L that they had heard from their ISA team that they hadn't received her form and they said the team asked her to download a new form and upload this via their website. They provided Ms L a weblink. But the link did not show where Ms L could upload the form. And the form did not mention any way other than post for this to be sent to Virgin Money. This was a different link to what Ms L had previously been given. But apart from different branding, the forms were similar. And neither form gave instructions of how to upload the form instead of posting it.

Ms L is urged on the webchat to give Virgin Money a call, which she managed to get through to a call handler on 20 June 2022. I've listened to this call and the subsequent call back she received. Ms L explains what has happened and why she won't be sending another form through the post. And she does mention to the call handler the ISA team asked her to upload it on their website. But the call handler does not talk her through this process. While Ms L says on the call she wouldn't complete a new form, it is clear that what she means is that she wouldn't be posting another form to them, since she had previously done this, and she believed they had lost the form.

There were a number of occasions that Ms L could have been given the address to upload the form to, from her webchats, to the calls she had with Virgin Money. Nobody had confirmed with her whether she was willing to upload the form instead of posting it. The webpage with the form does not state how she could upload the form and the form does not even indicate that she could upload the form on their website.

The only way I have been able to locate the correct webpage is by using Virgin Money's search facility on their website and typing in "upload ISA reactivation form". The first search result shows "Upload your docs" and clicking on this link would be the link Ms L required. You can also get to this page by clicking "Our products" then "Savings" then "Upload your documents" and this brings you to a page where you can select to upload the ISA reactivation form. But it would be reasonable for the information to be accessible for Ms L on any link Virgin Money sent her, and I'm not persuaded that it was here.

I've also listened to another call that Ms L had with Virgin Money on 22 December 2022 where she mentions to the call handler that the website doesn't show how to upload the ISA reactivation form. Ms L stresses this more than once that the website doesn't show how to upload the form. So it is clear she had been unable to upload this. The call handler confirms it is clear what Ms L told her. And she says she would get the person who wrote to Ms L to give her a call back as soon as possible. Ms L says she would activate her voicemail system so if he rang and she was not available he could leave a message.

But Ms L says that she never got a call back from Virgin Money. I asked Virgin Money about this, and they confirmed that they couldn't see that Ms L got a call back and this is an error. This would be distressing for Ms L to be told she would get a call back and not receive one, especially as she felt communication from Virgin Money had not been clear to her from when she first tried to transfer into her ISA.

So I've considered what would be a fair outcome for this complaint. Virgin Money did have the option of sending the form by post. And while I can empathise with the reasons Ms L did not want to use this, because this was a route open to her and she chose not to do this again, then it would not be proportionate for me to award any interest Ms L believes she has lost because of the delays as she could have helped mitigate what happened.

But I'm satisfied that Virgin Money could have and should have done more to help Ms L. At first, she wasn't aware that she could upload the form and that the only option open to her was post. But when she was given links and the chat agent told her that she could upload the form, they didn't give her instructions of how to do this when she had used the chat facility. She was directed to the phones, and she did ring Virgin Money, told them her issue, but at no point at any time did any representative from any channel give her instructions of how to upload the form, which would have resolved the issue for her. And Ms L was promised a call back which she didn't get.

I'm aware that Virgin Money have already offered Ms L £50 for what happened. But I'm not persuaded that this fully takes the impact of what happened into account. I'm satisfied that an extra £75 to total £125 compensation would reflect the inconvenience and distress of what happened here. So it follows I intend to ask Virgin Money to put things right."

I invited both parties to let me have any further submissions before I reached a final decision. Virgin Money said they had no further information to add. Ms L said she accepted the provisional decision, but she asked me to impress on Virgin Money that their staff (particularly chat agents and call handlers), require mandatory training to improve their interaction with Virgin Money customers, particularly to provide accurate information.

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've noted the strength of feeling that Ms L has about the need for Virgin Money staff to receive mandatory training to provide accurate information to their customers. But I must make Ms L aware that it is not within this service's remit to tell a business what their training procedures should be or to ask them to undertake additional training with their staff. It would be the role of the regulator – the Financial Conduct Authority, who have the power to instruct Virgin Money to make changes to their training procedures, if necessary.

In summary, Ms L's response hasn't changed my view and my final decision and reasoning remains the same as in my provisional decision. If Ms L is disappointed, I hope she understands my reasons.

Putting things right

In my provisional decision I said I intend to uphold this complaint in part. I said I intend to ask Clydesdale Bank Plc trading as Virgin Money to pay Ms L £125 compensation (less anything they have already paid her) for distress and inconvenience. I'm still satisfied this is a fair outcome for the reasons given previously.

My final decision

I uphold this complaint in part. Clydesdale Bank Plc trading as Virgin Money should pay Ms L £125 compensation (less anything they have already paid her) for distress and inconvenience.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms L to accept or reject my decision before 23 October 2023.

Gregory Sloanes
Ombudsman