

## The complaint

Mrs S complains that Skipton Building Society provided her with incorrect information when she attempted to transfer a stocks and shares Individual Savings Account (ISA) to a cash ISA.

## What happened

Mrs S held two stocks and shares ISA's; one was with a provider I will call company A and the other was with a provider I will call company F. Mrs S contacted Skipton by telephone in 2022 and said that the transfer form she'd sent to Skipton had been returned as she'd put the name of the Skipton Building Society in the existing stocks and shares ISA provider box on the transfer form. In this call Skipton told Mrs S that it sounded like she wanted to transfer the stocks and shares ISA with company A and said she should insert company A on the transfer form. When the transfer completed Mrs S realised that the transfer should have been from her stocks and shares ISA with company F, and she complained to Skipton.

Skipton said that its staff member didn't definitely say the ISA transfer Mrs S wanted to complete was with company A, but instead had said she believed it was company A that should be named on the transfer form. Skipton apologised for the confusion this had caused but added that Mrs S had then sent the transfer form direct to company A and that Mrs S should take some responsibility for completing the form.

Mrs S brought the complaint to the Financial Ombudsman Service and one of our Investigators looked into things. The Investigator thought the information Skipton provided to Mrs S in a telephone call contributed to Mrs S incorrectly completing the ISA transfer form. The Investigator thought that Skipton should pay any fees Mrs S incurred as a result of the incorrect transfer being completed and pay interest on any funds from the transfer date until the funds were paid to Mrs S. The Investigator thought that Skipton should pay Mrs S £200 for the distress and inconvenience the confusion Skipton it had caused Mrs S when it provided details of the incorrect stocks and shares ISA provider during the telephone call with Mrs S.

Skipton asked that an Ombudsman decides the complaint. As I reached a significantly different outcome to the Investigator, I decided to issue a provisional decision. In my provisional decision I said:

*"At the crux of this complaint is the assertion from Mrs S that she was entitled to rely on the information Skipton provided to her when she called for guidance on how to complete the ISA transfer form. Mrs S has been a long-standing customer of Skipton and used its financial services arm to arrange the investments she held with company F and company A. So, when Mrs S initially completed the ISA transfer form incorrectly, it seems only reasonable to me that she sought guidance from Skipton about what company name she should put on the transfer form.*

*When Mrs S called Skipton, she explained that Skipton had returned the transfer form and why. Mrs S told Skipton she wanted to transfer a stocks and shares ISA with company F, what she thought the balance was and also provided an account number for the investment*

*she wanted to transfer (company F). On this call, Skipton told Mrs S that it sounded like the company she needed to put on the transfer form was company A, and Mrs S relied on this information when completing the transfer form. I intend saying that Mrs S provided Skipton enough information for it to provide Mrs S with the correct name to be inserted onto the ISA transfer form, but it failed to do this. Skipton upheld this aspect of the complaint and provided an apology to Mrs S, but I intend saying this isn't a sufficient remedy in this case as it doesn't take into account the distress and inconvenience this caused Mrs S.*

*In my decision I can't consider what company A did when it received the stocks and shares transfer form that Mrs S completed. However, I feel that Skipton's failure to support Mrs S in identifying the correct investment to be transferred caused Mrs S some distress and inconvenience during the transfer process - as a result Mrs S says she's lost all confidence in Skipton to oversee her investments. In this regard I intend asking Skipton to pay Mrs S £200 to resolve the complaint.*

*Soon after the transfer completed Mrs S made it clear to Skipton that she didn't want the transfer reversed, so I intend saying that it would be unfair and unreasonable for me to consider this aspect of the complaint without Mrs S first raising it with Skipton. Regardless of this, I feel my provisional decision does address the inconvenience Mrs S has been caused in this regard.*

*Mrs S says that when the stocks and shares ISA was completed company A deducted £2,000 for charges. I asked Mrs S where these charges were highlighted and I asked company A to confirm what charges or fees it deducted, if any. I also carefully reviewed the statements Mrs S provided.*

*Mrs S says she used the valuation on company A's statements and compared this to the transfer value. I've noted that a statement valuation on 29 April 2022 was higher than the value that was transferred, but the transfer didn't complete until July 2022. I think it's more likely than not that the amount Mrs S expected to be transferred was affected by movements in the fund price of the stocks and shares ISA during this period and not caused by any charge or fee made by company A. This is further supported by company A confirming it doesn't apply a charge when it transfers a stocks and shares ISA. And my review of the closing statement from company A satisfies me that there were no penalties or charges applied when the transfer completed. I therefore intend saying Skipton doesn't need to do anything further in this regard.*

*I'm satisfied that Company A sold the investments it held on 8 July 2022, and that the cash funds were received by Skipton on 12 July. Skipton backdated the interest on Mrs S's cash ISA to 8 July, so I don't intend asking Skipton to pay any further interest in this regard."*

*Skipton accepted my provisional decision without further comments. Mrs S believes that my provisional decision didn't take into account that it Skipton should have checked the transfer form before it sent it on to Company A and that Skipton should be responsible for any loss in value when the stocks and shares ISA was sold.*

### **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.*

*Mrs S has re-affirmed that she believes Skipton is responsible for the wrong stocks and shares ISA being transferred. It's important for me to make it clear that although Skipton provided the incorrect stocks and shares ISA number to Mrs S, there was a responsibility on Company A to check it had a valid instruction to transfer the ISA. There's a break in*

causation here. In other words, Skipton got it wrong, but I can't say Skipton is responsible for Company A processing a transfer form that included an incorrect account number.

I'm aware that Mrs S also complained to Company A, but this complaint was closed without an Ombudsman decision. Using the inquisitory remit available to the Financial Ombudsman Service, I asked that the complaint against Company A be re-opened for me to consider. I think it's fair and reasonable that I should consider what went wrong and the responsibilities of each party before making a final decision. With this in mind, I've considered both complaints Mrs S brought to the Financial Ombudsman Service, and I've issued a separate final decision on each of them.

In this complaint, against Skipton, I'm satisfied my provisional decision is one that I should adopt. The decision makes it clear that Skipton made an error and I'm satisfied the remedy reflects that Mrs S has been caused inconvenience that was more than just minimal. I accept Mrs S relied on the ISA account number Skipton provided, however, for the reasons I've provided, I'm not persuaded that Skipton was responsible for the sale of the wrong stocks and shares ISA.

### **My final decision**

I've decided to adopt my provisional decision as my final decision and Skipton Building Society should pay Mrs S £200 to resolve the complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs S to accept or reject my decision before 26 March 2024.

Paul Lawton  
**Ombudsman**