

The complaint

Mr W has complained that ReAssure Limited processed a fund switch incorrectly in December 2023 and hasn't corrected that mistake to date.

What happened

The investigator who considered this matter set out the background to the complaint in his assessment of the case. I'm broadly setting out the same background below, with some amendments for the purposes of this decision.

Mr W called ReAssure to carry out a fund switch on 13 December 2023. Mr W had previously done such switches online, but it appears that ReAssure may have made a change as to how these switches could be done online, or there may have been a problem with the portal at that time.

In any event, Mr W placed the instruction over the telephone, but the switches were processed incorrectly.

Mr W received confirmation of the fund switches which had taken place on 16 December 2023, but realised there was a problem and raised a complaint with ReAssure.

On 20 December 2023, Mr W called ReAssure again to request the following changes:

- 100% switch out of OMR Jan Hend Global Select Pension Accumulator Series 01, into OMR Jan Hend Euro Smaller Cos Pension Accumulator Series 01
- 100% switch out of AXA Framlington Health Pension Accumulator Series 01 into OMR AXA Framlington Global Tech Pension Accumulator Series 01
- OMR deposit £88 into OMR Jan Hend Euro Smaller Cos Pension Accumulator Series 01
- £1 to be left in Deposit Fund

ReAssure sent a final response to Mr W dated 9 January 2024. ReAssure told Mr W that:

- It was sorry for the poor customer service he'd received.
- It was sorry that it had processed his fund switch incorrectly on 13 December 2023.
- It had asked its actuarial department to process the fund switch that Mr W had discussed with ReAssure on 20 December 2023, using that as the effective date for the switch.
- How he could carry out fund switches online in the future.

- It would arrange for a cheque for £400 to be sent to him.

Mr W remained unhappy, however, and on 15 January 2024 he referred the complaint to us.

The investigator issued his assessment on the matter, setting out what he considered ReAssure needed to do to resolve the matter. He said the following in summary:

- ReAssure had told him that it accepted it had made a mistake in the fund switches, but he was unsure as to why it was saying that it would be using 20 December 2023 as the effective date when rectifying the matter. Mr W had given the switch instruction on 13 December 2023.
- To resolve the complaint, ReAssure should reconstruct Mr W's account to reflect the position he would now be in had it correctly processed the fund switch instruction which Mr W had given over the phone.
- The matter had caused Mr W worry and he was concerned that ReAssure still hadn't corrected his account. He noted that ReAssure had offered Mr W £400 in respect of this, and this would be consistent with the type of award that this service might typically make when the impact of a mistake has caused considerable distress, upset and worry. As the impact of ReAssure's error had lasted several months, this was a fair amount.

Mr W said, in response, that the £400 payment didn't cover the stress which he'd been experiencing as a result of ReAssure's errors.

ReAssure then provided information relating to a call with Mr W on 14 February 2024, in which the call handler provided options as to how the matter could be resolved to correct the policy.

Mr W had confirmed that he wished to proceed with the switches requested on 20 December, which was also confirmed as not involving a correction of the switches undertaken on 13 December 2023.

ReAssure also said that it was seeking confirmation internally that the required fund switches had been undertaken and it confirmed that the £400 payment in respect of distress and inconvenience caused to Mr W had been sent by cheque.

ReAssure then confirmed to the investigator on 11 March 2024 that the requested fund switches had been undertaken. The investigator conveyed this to Mr W on the same day.

But Mr W replied to say that ReAssure hadn't done what it needed to do, and asked that the matter be escalated to the next part of our process.

Mr W also submitted a screenshot of the funds in which he was currently invested, as at 13 March 2024. This was as follows:

| | |
|---|---------|
| OMR AXA Framlington Gbl Tech Pension Accumulator Series 1 | £20,941 |
| OMR Deposit Pension Accumulator Series 1 | £1.01 |
| OMR Jan Hend Euro Smaller Cos Pension Accumulator Series 1 | £44,415 |
| OMR Jane Hend Gbl Technology Leaders Pension Accumulator Series 1 | £35,612 |

As agreement hasn't been reached on the matter, it's been referred to me for review.

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 don't think it's disputed here that the fund switches which Mr W requested weren't processed correctly. And so this decision focusses on what steps ReAssure has taken to put things right – and whether it needs to do anything more.

Mr W has submitted a more recent screenshot of his current pension funds, which mirrors those as at 13 March 2024, and is as follows:

| | |
|--|---------|
| OMR AXA Framlington Gbl Tech Pension Accumulator Series 1 | £21,277 |
| OMR Deposit Pension Accumulator Series 1 | £1.01 |
| OMR Jan Hend Euro Smaller Cos Pension Accumulator Series 1 | £46,856 |
| OMR Jan Hend Gbl Technology Leaders Pension Accumulator Series 1 | £36,878 |

On the basis of the instructions which Mr W gave to ReAssure on 20 December 2023, the outlier here is the OMR Jan Hend Gbl Technology Leaders Pension Accumulator Series 1.

And so, at my request, the investigator has enquired of Mr W as to how he considers his funds should be configured. In response, Mr W has said the following:

- The OMR Jan Hend Gbl Technology Leaders Pension Accumulator Series 1 didn't form part of this complaint.
- But ReAssure hadn't followed simple instructions, which led to the incorrect switches being made.
- As it transpired, the funds had performed quite well, and he was now invested in the funds he wanted, and so Mr W requested that they not be touched and no further fund switches be made by ReAssure.
- There was, however, one outstanding point which needed to be addressed. Mr W considered the submission from ReAssure relating to how it had corrected the errors with the fund switches was clearly fraudulent as it had quoted a date of 20 December 2023, when it had in fact taken no corrective action until much later.

I've noted what Mr W has said and I'm pleased that no error was made with the OMR Jan Hend Gbl Technology Leaders Pension Accumulator Series 1. I did however want to check this as it hadn't previously been mentioned and, as set out above, judging from the screenshots Mr W has sent us, all other funds seemed to be the ones in which Mr W wanted to be invested – as Mr W has also now confirmed.

I've also noted that Mr W doesn't want any further action taken with the funds, due to their overall performance.

But I agree that ReAssure still needed to demonstrate the corrective action it had taken, as requested by the investigator. However, in thinking about what Mr W has said about the screenshot which ReAssure sent to demonstrate the corrective action taken, I don't agree

that this was fraudulent. By sending that screenshot, ReAssure wasn't trying to convey that the matter was corrected in December 2023 - rather the date to which Mr W has referred is the effective date (as stated in the screenshot and referred to in the letter of 9 January 2024, not the "actual date" of the corrective action) which ReAssure used to try to ensure that Mr W had the right number of units in each fund.

I appreciate that Mr W may still disagree that the amounts in the respective funds are right, but he's also said that he doesn't want any further action taken as set out above.

As such, the only remaining matter to decide is whether the amount of £400 ReAssure has offered in respect of the distress and inconvenience caused by the matter is reasonable in the circumstances.

Having considered this, and the types of award which this service might in similar circumstances where the impact of a mistake has caused considerable distress, upset and worry, along with significant inconvenience which has required a lot of extra effort to sort out, over many months, I think the amount offered by ReAssure is appropriate.

Putting things right

If it hasn't already done so, ReAssure Limited should pay Mr W £400. Further, although I note that Mr W has requested that his funds are now left alone, if he changes his mind and requests that they be reconfigured, ReAssure Limited should ensure that this is done correctly and without delay.

My final decision

My final decision is that the amount offered by ReAssure Limited is appropriate in the circumstances.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr W to accept or reject my decision before 23 August 2024.

Philip Miller
Ombudsman