

## The complaint

Mr P has complained about the poor service he says he's received from Scottish Widows Limited. Specifically, Mr has said that he has requested information relating to the fund management charges on his pension plan, but that Scottish Widows didn't send this to him.

## What happened

Mr P initially contacted Scottish Widows on 30 January 2023 to request a breakdown of the fund charges. On 8 February 2023, Mr P emailed Scottish Widows setting out his query again, enquiring as to when he might receive the information.

Scottish Widows then responded on 12 February 2023, saying that it had a "service level agreement" of 23 days in which it would send the requested information. It apologised for the delay, but it then sent the information to Mr P's email address, with a guide about how to access the encrypted information, on 17 February 2023 – a total of 14 working days after the initial request.

However, Mr P then emailed Scottish Widows again on 30 March 2023 saying that his query still hadn't been dealt with, and he asked about how he could make an official complaint. Mr P then raised his complaint with Scottish Widows on 1 April 2023.

Before Scottish Widows had responded, Mr P referred his complaint to this service in June 2023. Scottish Widows then responded on 21 July 2023, saying that, when Mr P chased the information in April 2023, it should have checked whether it had already been sent, and it could then have verified whether Mr P had received it. If there'd been difficulties with Mr P accessing the information it could have talked this through with him.

Scottish Widows confirmed that it had sent the requested information by email on 17 February 2023, but it apologised for the delay in sending this, and offered Mr P £60 for the overall inconvenience caused.

Dissatisfied with the response, Mr P asked our service to look into the matter. He also raised concerns about the pension not having been managed or invested appropriately for a number of months, which had caused him financial disadvantage. The £60 payment fell well short of compensating him for this, Mr P said.

Having considered the matter, our investigator didn't think that it should be upheld. He said the following in summary:

- Scottish Widows had provided evidence that the requested information, along with the guide to access it, had been sent on 17 February 2023.
- This had been sent to Mr P within the SLA, but he agreed that Scottish Widows could have done more to help Mr P when he contacted it again in April 2023 to say that he hadn't received the information.

- The investigator thought that the £60 was fair in the circumstances. But he noted that Mr P had said he still hadn't received the breakdown of fund charges, and so he provided this to Mr P.
- The investigator also noted that Mr P had raised concerns about what he considered to be a loss of investment growth due to other administration failings, but he said that, as these were points which hadn't been addressed by Scottish Widows, they would be dealt with separately. If Mr P remained dissatisfied with the outcome of that separate matter, he could refer it to this service.

Mr P disagreed, however, saying that he didn't think £60 was a fair and reasonable offer given the time taken to arrive at this point. He also said that it didn't reflect the waste of his personal time in trying to obtain what was a straightforward request.

Mr P also requested a benchmark as to why the investigator thought that the offer was appropriate.

The investigator replied as follows:

- He didn't know the reason as to why Mr P hadn't received the email sent to him on 17 February 2023, but the available evidence supported the position that it had been sent, and that it was sent to the correct address.
- It may have entered Mr P's "junk" folder, but this wasn't something for which he could hold Scottish Widows responsible. It had sent the information, as requested.
- The compensation payment reflected the fact that Scottish Widows should have made Mr P aware that it had already been sent when he called it in April 2023.
- Awards which could be made by this service aren't designed to fine or punish businesses, but more to proportionally reflect the impact a business' actions (or inaction) has had on its customer. Under the circumstances, the investigator thought that the payment was reasonable.

Mr P responded with the following further points:

- He still hadn't seen evidence of the email from Scottish Widows of 17 February 2023. And if it had been sent from an email address with which he hadn't previously communicated, it should be discounted as an agreed channel of communication.
- After he'd chased Scottish Widows, it failed to point out that the information had already been sent by encrypted email.
- According to the excel spreadsheet forwarded by the investigator, Scottish Widows still hadn't answered his query about the fund manager charges. The query therefore remained outstanding.
- The investigator hadn't explained the benchmarking he'd used to determine that the payment of £60 was appropriate.

The investigator sought further information from Scottish Widows, and then replied to Mr P as follows:

- The email of 17 February 2023 may have come from a different address from that with which Mr P had previously been corresponding, but this wasn't unusual – the actual email address might depend on the department which is sending the information. The investigator didn't think this was unreasonable.
- As Scottish Widows had sent the information on 17 February 2023, the error had occurred in April 2023, when Scottish Widows had failed to tell Mr P that it had already sent the information. This was the basis of the compensation offered.
- The information sent to Mr P said the following about the spreadsheet:

*“This highlights all of the units that have been bought / sold as a result of your premiums, fund switches and AMC (Annual Management Charges).*

*Please note, this included the rebates of units added back on the plan to cover the discount you received of -0.600 and our new AMC deductions.”*

- Within the email of 17 February 2023, Mr P was invited to revert to Scottish Widows if he had any further questions. The final response letter of 21 July 2023 also said that it was assumed that Mr P had by now received the requested information, but if not, then he should contact Scottish Widows.
  - In terms of how he'd benchmarked the £60 payment, the investigator referred to the information on our website relating to such awards, as follows:
- “Typically, an apology or small monetary award of less than £100 will fairly compensate a one off incident or occurrence – such as a small administrative error or short delay. An apology is usually enough to remedy these types of mistakes, as long as they cause minimal impact and are put right quickly.”*
- As Scottish Widows had fulfilled its obligation when it sent the information on 17 February 2023, the error occurred when it failed to point out in April 2023 that it had done so. And so the award of under £100 was appropriate here.

Mr P submitted the following further comments:

- He disagreed that it was acceptable for Scottish Widows to have sent him an email from an unexpected email address.
- The information relating to fund management charges still hadn't been provided. Buying and selling units was common, but the spreadsheet didn't answer the question he'd posed.
- It shouldn't be expected that he would have been back in touch with Scottish Widows after its final response letter if he hadn't received the information. He'd been “stonewalled” for the best part of a year, which was why he'd involved this service. In his email to this service of December 2023, he'd clearly said that he was still awaiting the information.

As agreement couldn't be reached on the matter, it was referred to me for review.

I issued a provisional decision on the matter on 14 May 2024, in which I set out my reasons for upholding the complaint. The following is an extract from that decision.

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

*And having done so, I’ve reached similar conclusions to the investigator in some respects, but with a notable exception in terms of the type of award which would appropriate here.*

*To firstly address the matter of whether it was appropriate for Scottish Widows to use the email source address that it did, as with the investigator, I don’t think it’s uncommon or unreasonable for businesses to do so, especially when information might be originating from a specific department, which seems to have been the case here.*

*I don’t think there are any security concerns attached to this practice either, especially when the email information was encrypted. It was unfortunate that Mr P didn’t receive the email, but this doesn’t detract from the fact that it was sent – and I think the evidence provided by Scottish Widows does support the position that it was indeed sent to the correct address.*

*Turning then to the matter of the quality of the information provided by Scottish Widows in that email, I agree with Mr P that the spreadsheet and covering email it provided wouldn’t necessarily have answered the question he was asking about fund management charges. Even though there was a section relating to separated out fund management charges at the bottom of the spreadsheet, and Scottish Widows has since explained that monthly charges were only available after a system upgrade in September 2022, I think Mr P might reasonably have sought additional clarity on that point.*

*But had he received the email, it would have been open to Mr P to do so, and it also remained open to Mr P to revert to Scottish Widows for more clarity following its final response letter in July 2023.*

*Although Mr P had, by the point of receiving Scottish Widows’ final response, already referred the complaint to this service, I don’t think it would have been unreasonable to expect Mr P to still engage with Scottish Widows if he still didn’t think he’d received the requested information. It had, after all, explained that the information had previously been sent, and so had tried to facilitate Mr P’s information request.*

*And had he done so, I think Scottish Widows would likely have provided further clarity, as it has done to this service. Mr P has said that he didn’t follow this up because Scottish Widows had “stonewalled” his information request for the better part of a year. But I don’t think the evidence supports that view. After Mr P had made the initial request, Scottish Widows sent him information just over two weeks later. As I’ve said above, it’s unfortunate that the email didn’t for whatever reason reach Mr P, but I don’t think this could fairly or reasonably be attributed to Scottish Widows.*

*It did nevertheless miss an opportunity in April 2023 to inform Mr P that it had already sent the email, and I think an award in respect of that, and the inconvenience it would have caused to Mr P, would be warranted. But thinking about what would be proportionate given the likely reasonable impact on Mr P from this, but also taking into account that Scottish Widows had previously tried to provide the information relatively promptly, I think an award in the higher bracket would be appropriate here.*

*I say that as, although Scottish Widows did attempt to fulfil Mr P’s request at the outset, the fact it missed the opportunity to inform him of this in April 2023, and instead delayed this until late July 2023, meant that he was without the information for an unnecessary additional period of around four months.*

*This was more than a short delay, and Mr P would have been caused some inconvenience*

*and trouble by it. And so, in line with awards which this service might make in similar circumstances, I think a £200 award would be appropriate here.*

*Mr P also considers that his request for fund management charges information still hasn't been fulfilled. And so Scottish Widows should also provide any further clarity as may be reasonably required. If it's unclear as to the required format, it should contact Mr P directly to ascertain this and then provide the information a reasonable timeframe."*

In response, Scottish Widows said that, whilst it hadn't seen the impact on Mr P of not having the required information, it accepted my conclusions.

It also added that it was happy to provide Mr P with any information it had available, and that he could contact it on 0345 755 6557, or email it at:

[WorkplacePensionsCustomerService@scottishwidows.co.uk](mailto:WorkplacePensionsCustomerService@scottishwidows.co.uk)

Mr P didn't respond to the provisional 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.

As neither party has disagreed with my provisional findings, I see no reason to depart from them.

### **Putting things right**

As set out in the provisional decision, Scottish Widows should pay Mr P £200 and provide him with any further clarity as may be required about his pension.

### **My final decision**

My final decision is that I uphold the complaint and direct Scottish Widows to undertake the above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr P to accept or reject my decision before 19 July 2024.

Philip Miller  
**Ombudsman**