

The complaint

Mr S complains about Embark Investment Services Limited Trading as Scottish Windows Platform (SWP). He said SWP showed display errors, delayed the transfer of his stocks and shares individual savings account (ISA) and made mistakes in handling his complaint.

Mr S would like a full apology and compensation from SWP.

What happened

Mr S has a stocks and shares ISA. He was a client of Newcastle Financial Advisers Ltd and it was through them that he held his ISA on a platform run by a company called Embark Group.

In January 2022, Embark Group was acquired by Lloyds Banking Group Plc. As part of this, Embark's clients migrated over to SWP's platform. For Mr S, this happened in October 2023. Mr S said it was from this point, that he began to experience problems.

Mr S said he found errors on SWP's platform, in particular to with tax being incorrectly displayed. He said he tried to resolve matters with SWP but because of the frustrating experiences he had in trying to do this, he decided to transfer his ISA to another platform, belonging to Seven Investment Management Ltd. The transfer was delayed, and Mr S complained about this to SWP as well.

During his complaint, Mr S said SWP's communication with him was poor. He also had concerns about the migration of his funds and about a breach of personal data. He put forward a document with questions that he had put to SWP on it and the responses it gave. SWP responded to these, to his complaint overall and offered £350 compensation for the distress and inconvenience it had caused.

Mr S was not happy with the response he received from SWP and so referred his complaint to our service. An investigator looked into his complaint. He concluded he was not going to ask SWP to do anything further.

The investigator concluded he couldn't say Mr S had been disadvantaged by what had happened. He said the issues identified didn't prevent him from investing via his ISA wrap. He said he couldn't consider what Mr S had described as his investment losses and said these were too speculative.

The investigator said after reviewing the transfer that took place, he could see there was a delay due to a system issue by SWP between 13 and 26 March 2024. Although he couldn't see Mr S had suffered any loss because he wasn't out of the market at the time.

The investigator said he reviewed how SWP handled the transfer forms with other parties, and he couldn't see that any personal data about Mr S was on the forms in question. He said about SWP's handling of Mr S's complaint, that it had apologised and paid £350 along with refunded platform fees and that this was fair and reasonable.

Mr S was not in agreement. He said he was very disappointed by the investigator's view. He said his complaint went on with SWP for well over six months and caused a great deal of stress and anxiety which hasn't been acknowledged. He said there was a lack of transparency, ownership, and accountability from SWP. He said he was seeking a full apology and a proportionate level of compensation for the catalogue of errors caused.

Because the parties are not in agreement, Mr S's complaint has been passed to me, an ombudsman, to look into.

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.

The Financial Ombudsman Service was set up by act of parliament as an informal and free alternative to courts. We are a dispute resolution service, and our remit is to decide cases, informally, on a fair and reasonable basis taking account of the law, regulations, and good practice.

While I may not comment on everything raised by Mr S, I've read and considered all the evidence and arguments from both sides. This includes every email and letter sent, as well as every document submitted.

This means I have read all of the emails sent in by Mr S to our service including the document that lists out 99 questions put forward by him and the answers given by SWP. I acknowledge the amount of time both sides have put into these issues, but I am not going to comment on all of them. I don't mean this as a discourtesy to either party, rather it is not my role to do so nor would it reflect the informal nature of our service, if I did do this. Instead, as is my remit, I am going to focus on the relevant key issues to Mr S's complaint, and what I consider is fair and reasonable in relation to this. But to reiterate, I have read everything to provide some context, to what has happened up to now.

I am also not going to comment specifically about concerns that Mr S had about personal data. I feel that this question has been adequately responded to by the investigator. I don't feel I can add anything else to what has already been said. But if Mr S continues to have any concerns about this, I would say the issues that he has told our service about, are within the remit of the Information Commissioner's Office. I would ask him to speak to that authority about it. Again, I am looking instead at the specifics of his complaint, that are within my remit to do so.

On that note, the crux of Mr S's complaint with our service, as I see it is that SWP delayed a transfer of his ISA to another provider. The transfer came about in the first place, because Mr S was unhappy with SWP's system, display errors and then how it handled dealing with this. Finally, Mr S also is not happy with how SWP has dealt with his complaint. I have looked into these 3 issues and have considered whether SWP's response to these was fair and reasonable or not. Mr S said its response wasn't. he would like a full apology and more compensation.

I have first of all looked into the issues Mr S initially complained about to SWP about its system. I have read from correspondence between the parties that there were clearly system errors. In particular, there was an issue where on Mr S's investments, tax was displayed. This was incorrect and Mr S then had some difficulty in trying to resolve matters. I can see how frustrating this would have been for Mr S to deal with. I think SWP were in part, responsible for causing Mr S some distress and inconvenience here, so I can see why it offered to pay him compensation.

Mr S said he suffered an investment loss, as he would have invested more during this period of time but had lost confidence in SWP's system. I acknowledge what Mr S has said here, but I haven't seen enough from him to understand what this would have looked like. It is too speculative for me to draw any conclusions about what Mr S would have done differently, and whether he would've made profit and so incurred any losses here, or whether by not investing he has avoided losses. I haven't seen anything at all to support Mr S's argument and I just don't think it would be fair and reasonable for me to consider this any further.

Moving on, Mr S decided to transfer his ISA investments to a new platform provider, Seven Investment Management Ltd. I can see SWP has admitted it caused a short delay as it had problems with its system between 13 and 28 March 2024. I have looked through the chronology of this transfer and can't see any other event or issue that I think meant SWP contributed further to any delay. SWP has said sorry for what happened here and has acknowledged that it could have completed the transfer quicker if it hadn't had caused the delay due to its system during the dates in question. I can see SWP has taken responsibility for the mistake it has made and has apologised for it. I don't think it has been unreasonable with the way it has dealt with this issue. I also agree with the investigator, that Mr S hasn't been financially disadvantaged by this delay, as his transfer was 'in specie' meaning he was invested throughout.

Mr S has had a long journey with raising his concerns with SWP, and I can see that there have been difficulties here. Mr S has not been happy with SWP and how it has responded to his concerns.

I do think SWP took responsibility for his complaint at a certain point, and he received two replies, one from its complaints manager, and then a further reply from its chief operating officer. He received apologies from both about how it dealt with certain parts of his complaint along with an offer of £350 compensation for the distress and inconvenience it had caused along with a refund of fees dating back to the migration of his funds onto its system. It also answered all of Mr S's 99 questions.

When I consider all of this, I think SWP has taken ownership of Mr S's complaint and provided a fair and reasonable response and offer of compensation. I don't think it would be fair or proportionate to ask it to do any more than it already has done, and if I had needed to award an amount for the distress and inconvenience SWP has caused Mr S, it would have been for a similar amount. I can see that SWP has paid this to Mr S. So, because of this and what I have concluded, I don't uphold Mr S's complaint.

I appreciate that my decision will be disappointing for Mr S, and I acknowledge the strength of his feelings in the submissions provided. But based on everything I have read and the findings I have given, I don't uphold his complaint.

My final decision

My final decision is that I do not uphold Mr S's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr S to accept or reject my decision before 28 May 2025.

Mark Richardson
Ombudsman