

The complaint

Mrs N has complained about the actions of St James's Place Wealth Management Plc ('SJP') when she tried to withdraw tax-free cash from her pension. She says SJP caused unreasonable delays.

What happened

On 10 April 2024, Mrs N called SJP's administration team to enquire about taking benefits from her SJP pension. The administration team wrote to her on 18 April, explaining that to process her request she would need to complete and return a form and, once this was done, she would need to confirm her understanding of several risk warnings. It suggested Mrs N seek advice before taking her retirement benefits and supplied her with details of who she could contact, including her SJP adviser. The letter referenced the correct policy number.

Mrs N emailed the adviser on 22 April, explaining that she wanted to consolidate five workplace pensions into her SJP plan, and *"once the transfers have been completed, it is my intention to draw down of 25% of the total moneys in my pension fund; the appropriate forms to sign this off would be gratefully received as a matter of urgency"*. Mrs N's email and its header contained an incorrect policy number.

The adviser replied, saying she had inherited Mrs N as a client from another SJP adviser in 2021 and since then had been unable to contact her. The adviser said Mrs N wasn't paying an ongoing advice fee from her plan and unless she started doing so, she would be unable to provide advice. Mrs N confirmed she was happy to begin paying the ongoing charge, and a face-to-face meeting was arranged for 1 May to discuss next steps.

The adviser's recollections of that meeting are of Mrs N saying she wanted to turn a flat she owned into a rental property, using her tax-free cash from her pensions to help with this. The adviser went through the process for transferring and consolidating pensions, which involved requesting information from Mrs N's pension providers to assess whether transferring was in Mrs N's best interests. The adviser told Mrs N that it could take some time to receive information from the pension providers. Mrs N said she was happy to wait.

On 22 May, the adviser sent Mrs N an update on her transfers. She said she had received information on three pensions but was still awaiting information on the others, which were being chased. She asked whether Mrs N would like to have the follow-up meeting the following day or if she was happy to wait until the outstanding policy information had been received. Mrs N confirmed she was happy to wait and suggested a face-to-face meeting on 11 June. The adviser explained that she couldn't do a face-to-face meeting that week due to an office move. She proposed either a video call or a face-to-face meeting from 19 June.

The adviser says Mrs N didn't respond to this email but instead called her on 12 June and told her she was at SJP's offices to drop off additional paperwork she had found. The adviser says Mrs N told her she received the email about the office move but decided to come anyway as the adviser's website provided details of the new address.

The adviser also says Mrs N queried why she hadn't received any tax-free cash, and that she explained to Mrs N her understanding of previous discussions – that Mrs N wanted to consolidate her pensions before taking tax-free cash. Mrs N said she didn't expect the process to take so long and now required the tax-free cash urgently. It was agreed the consolidation would be paused for the time being and Mrs N would instead take tax-free cash from just her SJP pension.

Following the call, the adviser requested some information from Mrs N that she required in order to advise on the tax-free cash withdrawal, including Mrs N's state pension forecast and whether Mrs N had taken benefits from a pension previously. Although Mrs N was able to provide most of the requested information, she had difficulties obtaining her state pension forecast online. She notified the adviser on 26 June 2024. She added:

"I want the 25% of the pension held by SJPP by close of business today. I told you access to my money was urgent on 13 June. I am no further forward, or if I am why hasn't this been communicated to me? I appreciate you have other clients but I do not care about them: nor would they care about me."

As the adviser was unable to provide advice without the state pension forecast, she gave Mrs N the option of proceeding without advice. This involved completing a form setting out the way in which she wanted to access her pension benefits and returning this to SJP's administration team. Mrs N did this on the same day.

On 3 July, Mrs N called the adviser for an update. The adviser made Mrs N aware of an error Mrs N had made when completing the form. Mrs N had indicated on the form that she wished to take tax-free cash from her SJP plan *and* that she wished to transfer it to another provider. The adviser said she had confirmed to the administration team that Mrs N only wanted tax-free cash for the time being, but she might need to complete a new form. Given the time sensitivity, the adviser suggested Mrs N complete the form again indicating that she only wished to take tax-free cash.

Mrs N responded that regardless of any mistake on the form, the adviser was well aware she wanted to take 25% of her pension fund as tax-free cash. She said if she didn't receive the tax-free cash that day, she would approach this service about SJP.

The adviser replied saying the signed form she had sent would be taken as the official instruction as she had decided to proceed on a non-advised basis. The adviser said she had raised the error with the administration team and asked for it to be escalated urgently but didn't have control of that team's turnaround times. She said she was waiting for confirmation on whether Mrs N would need to complete a new form.

In response, Mrs N queried why she hadn't been provided with the form at her first meeting with the adviser.

Mrs N contacted this service on 4 July 2024 with her concerns. She said despite underlining the importance of receiving the tax-free cash urgently to the adviser in their initial meeting, she still hadn't received this, which had led to her having to use her overdraft. She added that she had been unable to contribute towards funeral costs following a recent family bereavement.

On 8 July, the adviser informed Mrs N that as she was proceeding on a non-advised basis the ongoing advice fee arrangement would be cancelled and she would no longer be acting as her adviser. The adviser said SJP's administration team would contact Mrs N directly if they needed anything further and any future correspondence regarding the matter should be directed their way. The adviser asked if Mrs N wanted to make a complaint.

Mrs N responded that the administration team had been using an incorrect policy reference number which she believed may have been the cause of the delay. She again said she expected the tax-free cash to be paid to her that day and told the adviser to “*make it happen*”.

On 11 July, the administration team sent Mrs N two forms she needed to complete before the tax-free cash could be paid. Mrs N remained dissatisfied, so a complaint was raised on her behalf.

On 15 July, Mrs N requested that SJP courier the forms to her address by midday the following day as she didn't have a printer. She also requested that SJP arrange for the completed forms to be collected from her address two hours later. The next day, the adviser confirmed a courier had been arranged as Mrs N had requested.

On 18 July, the adviser reiterated that all correspondence should be sent to the administration team. Mrs N requested that SJP pass all her data to a new (non-SJP) financial adviser.

On 23 July 2024, SJP sent Mrs N risk warnings about taking the tax-free cash. It didn't receive a response but agreed to proceed with the withdrawal given the urgency of Mrs N's request.

As SJP hadn't sent Mrs N a payment before, it would usually require a certified copy of one of her bank statements. However, given the urgency, SJP decided it would accept a screenshot Mrs N had previously sent of her bank account details. The bank details were added on 31 July. And on 1 August 2024, SJP wrote to Mrs N confirming it had paid her the tax-free cash.

On 2 August, SJP issued a final response letter not upholding the complaint. It commented that although Mrs N expected the tax-free cash to be paid to her on the same day it was requested, this could only take place once all requirements had been met.

One of our investigators considered Mrs N's complaint. He said the regulator had put rules and processes in place which were designed to prevent poor outcomes for consumers when accessing their pension benefits; that Mrs N didn't inform the adviser she had an urgent need for the tax-free cash until 12 June 2024, having originally told her she wanted to consolidate her pensions before doing this; and that SJP had applied its discretion so that Mrs N received the tax-free cash as soon as possible without fulfilling every aspect of its normal requirements. He concluded the complaint shouldn't be upheld.

Mrs N didn't agree. She queried why none of the five pensions had been transferred to SJP despite her completing all the relevant paperwork and why no action was taken while the adviser was on leave. She felt the delays were due to SJP using an incorrect policy number.

As no agreement could be reached, the complaint was passed to me for a final 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.

I've seen no evidence that suggests Mrs N told the adviser in their initial dealings that she required the tax-free cash urgently. Mrs N's email of 22 April 2024 confirms that her original objective was to take tax-free cash *after* her pensions had been consolidated. And it seems she was happy to wait while the adviser gathered policy information in order to do this. The

adviser was taking steps to achieve the consolidation until Mrs N requested that they change course on 12 June 2024.

The adviser then requested information from Mrs N so she could advise her on whether she should take tax-free cash from her SJP plan. Two weeks later, Mrs N informed the adviser she was unable to obtain a state pension forecast. As Mrs N was unable to provide all the requested information, the adviser then gave her the option of withdrawing the tax-free cash without advice.

Mrs N decided to proceed with taking the tax-free cash on this basis and the adviser sent her a form to complete. The adviser sent this on 26 June. Mrs N completed the form and sent it to the SJP administration team on the same day. However, Mrs N made an error when completing the form. Mrs N was told this after she called her adviser for an update on 3 July.

Thereafter, SJP took steps to expedite the tax-free cash payment. For instance, it arranged to send and collect forms via courier as Mrs N had requested, when it wasn't under any obligation to do so. It also applied its discretion to proceed with the tax-free cash payment despite Mrs N not accepting its risk warnings, and when it accepted a screenshot Mrs N had provided of her bank account details in place of a certified copy of a bank statement.

All of which means that it wasn't until 12 June 2024 that the taking of tax-free cash from just Mrs N's SJP pension came an urgent priority. And from that point, SJP took a number of steps to ensure the tax-free cash was paid to her as soon as possible. There were some delays but these were largely because Mrs N wasn't able to provide the information needed for an advised sale, the subsequent pivot away from an advised process, errors in Mrs N's paperwork, and the time taken for various 'workarounds' to allow the transaction to proceed. These aren't delays I can hold SJP responsible for.

In response to the investigator's view, Mrs N suggested any delays may be due to SJP using an incorrect policy number. The root cause of this appears to have been Mrs N's initial email to the SJP adviser on 22 April 2024 which used the incorrect policy number that Mrs N is referring to. Mrs N's mistake meant some email chains thereafter also referenced the same incorrect policy number. But that's not SJP's fault – it had previously given her the correct policy number when it first wrote to her on 18 April 2024 so any errors in this respect must, logically, have been instigated by Mrs N. And I note SJP's letters and forms all used the correct policy number. In any event, I've seen no evidence that the use of an incorrect policy number in some email chains was the cause of any delays. It's evident the parties were always aware of the policy Mrs N wanted to take tax-free cash from and any delays in making that happen were for other reasons.

It follows that I don't uphold Mrs N's complaint.

My final decision

For the reasons given above, my final decision is to not uphold Mrs N's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs N to accept or reject my decision before 17 June 2025.

Christian Wood
Ombudsman