

## The complaint

Mr P and Mrs P complain that The National Farmers' Union Mutual Insurance Society Limited trading as NFU Mutual (NFU) failed to provide recommendations and reviews around their concerns about returns on their Trustee Investment Plan (TIP) and failed to process investment switch instructions without advising them resulting in large investment losses. They want the losses repaid.

## What happened

Mr P and Mrs P were members and Trustees of a Small Self-Administered Pension Scheme (SSAS) along with another person, who I'll refer to as Mr X and a professional Trustee firm, Barnett Waddingham (BW). In 2019 all four Trustees applied to open a TIP with NFU and £600,000 was invested into it. The Trustees had been dealing with a NFU adviser (who I'll refer to as L) although NFU says its advisers weren't authorised to provide advice on SSAS pension arrangements. NFU wrote confirming the plan had been established on 8 August 2019 and that it wasn't providing advice to the Trustees and was acting on an execution only basis.

By December 2019 Mr P and Mrs P were concerned about the investment performance of the TIP and approached L. L emailed the relevant NFU administration team (Admin) querying what the requirements were to switch investment funds. Admin said all four Trustees would need to sign a written instruction. On 17 January 2020 L sent a copy of a switch instruction letter signed by Mr P and Mrs P, but not Mr X, which had been sent to BW for it to sign. Admin said Mr X would also need to sign this instruction. L said Mr X had been removed as a Trustee and Admin said it would need a Deed of Removal from BW confirming this. BW sent the switch instruction letter to NFU, which it had signed, but Mr X hadn't. Admin emailed BW on 28 January 2020 to query this, advising it *"couldn't process any requests"* until clarified. BW replied that there had been no changes to the Trustees of the SSAS, so it couldn't provide a Deed of Removal.

L emailed Admin on 29 January 2020 and proposed either having Mr X sign the switch instruction letter or waiting two weeks. L referred to an email sent to L, Mr P and a third party, possibly an IFA, from an accountant referring to the removal of Mr X, saying this had been delayed and *"I would guess it will all be completed in the next week or so."* Admin emailed L back saying as BW had confirmed there had been no changes it couldn't action the switches unless all four Trustees had signed the request. Admin asked L for an update on 12 February 2020. On 27 February 2020 Admin said as there was no update it would close the switch request. L asked that it be kept open *"as the IFA is the one holding this up"*.

Subsequently L requested valuations of the TIP on multiple occasions and in August 2023 Mr P says he raised concerns with L about the performance of the investment as the value had fallen to around £460,000. The process for fund switches was discussed again between L and Admin. Admin reconfirmed the requirements, stating that all four Trustees needed to sign any switch instruction.

In May 2024 Mr P and Mrs P complained to NFU about a lack of contact from L and the failure to provide advice and recommendations about the investments despite them raising

concerns over a number of years. They said L had provided limited information and blamed falling valuations on investment markets. They said they hadn't received annual statements from NFU, so weren't aware of the details. They said their requests to make switches in August 2023 hadn't been followed up on and that NFU should compensate them for the losses suffered.

NFU didn't accept the complaints. It said it wasn't providing advice about the TIP, so Mr P and Mrs P's attitude to investment risk wouldn't have been considered or ongoing reviews provided. It said L had first advised Admin of investment concerns in December 2019 and the switch instruction process was confirmed, but an inadequately completed instruction letter was provided. It said Admin had informed L about this and no further instruction was received to switch the funds. NFU said its records showed Mr P and Mrs P had requested fund values and breakdowns through L regularly since 2020. And that annual statements had been sent to their address and to BW and no post had been returned as undelivered. It said it had again confirmed to L in August 2023 what the requirements were to switch investment funds, but no written request was received subsequently.

Mr P and Mrs P said they considered the information NFU had previously provided was advice and they hadn't been informed of any issue with the switch request in 2020.

Mr P and Mrs P referred their complaint to our service and our investigator looked into it, but she didn't uphold it.

Our investigator said there was no evidence NFU had provided Mr P and Mrs P with advice at any point. And as it was acting on an execution only basis it could only act on instructions from the Trustees and wouldn't provide reviews or assess the suitability of the investment for them. She said NFU didn't appear to have contacted Mr P and Mrs P directly over the missing signature in 2020, but it had emailed BW and L had emailed Mr P and Mrs P's accountant, who responded advising that the intention was to remove Mr X soon, and the switch could then be proceeded with. This email was copied to Mr P, but further instructions weren't provided to NFU. Our investigator said this and other emails from NFU had given Mr P enough information to know there was an issue with the switch instruction. She said NFU had shown evidence of the correctly addressed annual statements sent to Mr P and Mrs P showing the investments held in the TIP and it was unlikely that all of these would have been misplaced in the post.

Mr P and Mrs P didn't agree. They said even if NFU was acting on an execution only basis it was still required to communicate effectively with all the Trustees and shouldn't have closed the switch instruction without confirming it had done so. They said the email chains showed NFU was fully aware that Mr X was to be removed as a Trustee, and it should have either waited (on the existing instruction) or proactively followed this up. Our investigator still didn't think NFU had treated Mr P and Mrs P unfairly.

As Mr P and Mrs P don't agree it has come to me to decide.

### **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.

Having done so I am not upholding the complaint.

When I reviewed the evidence, I thought there were gaps in what had been provided.

So, I asked NFU some questions and for it to provide the full email threads rather than just what appeared to be extracts. It provided the full threads between L and Admin but there were still gaps in the evidence with NFU saying as L,

*“no longer works for NFU Mutual and therefore we no longer have access to any emails between the adviser or Mr P.”*

That is rather surprising and presumably there are no file notes or other records setting out what was happening. NFU did confirm that no switches had ever been made prior to the full encashment of the plan on 22 April 2025. When it was worth £456,937.36, very close to the valuation in August 2023, when Mr P made further enquiries about switching the investment. NFU said it was only advised of the removal of Mr X as Trustee at this point with it being confirmed that he'd been removed on 4 March 2022.

Where the evidence is incomplete, contradictory or disputed we use the balance of probability to decide what was most likely to have happened and what is fair and reasonable in the circumstances.

### **Was NFU providing advice**

I've considered this carefully and don't think it was. When an investment is arranged on an execution only basis no advice or recommendations are made and future reviews wouldn't be provided.

However, by using one of its advisers (L) as *“our point of contact for information on the TIP”* as NFU told our service, there was some ambiguity that could have caused confusion for Mr P and Mrs P. But the documents sent to them including the policy schedule and an illustration, specifically confirmed that no advice was being provided by NFU, and no fees or commissions were being paid to an adviser. I'm aware Mr P and Mrs P have said there were issues in receiving post, but I think they would have queried the investment £600,000, if they hadn't received any confirmation of it at the time. So, I think it's more likely than not that these documents were received.

And I think the crux of Mr P and Mrs P's complaint is not whether NFU did or didn't provide advice in initially setting up the TIP or should have carried out reviews, but whether it fairly dealt with their requests subsequently.

### **The switch instructions**

Professional third parties were involved but I'm only considering NFU's actions here. The significant fall in value of the two funds held largely occurred from late 2021 onwards due to a change in the interest rate cycle. There is evidence that Mr P and Mrs P were liaising with L around switches in August 2023 as well as in December 2019 and into 2020. In terms of potential investment losses it's likely that the proposed switch from January 2020 is most relevant.

NFU couldn't act on the switch instruction signed in January 2020. And even if Mr X had been removed soon after, and he wasn't, it still might not have been possible for NFU to act on any instruction dated before the removal. Ideally for the avoidance of doubt this should have been formally confirmed to Mr P and Mrs P, as they've said. However, having considered this carefully I don't think that in itself was the key issue. From the evidence, I think Mr P and Mrs P should have been aware the switch hadn't been actioned, both at the time and subsequently, and that's why I can't reasonably uphold their complaint.

The emails show NFU advised BW the switch wasn't going to be processed on 28 January 2020 without confirmation of the Trustee situation. Whilst BW replied to NFU, Mr P and Mrs P weren't copied into these emails or the subsequent and seemingly last emails between Admin and L from 27 February 2020 requesting the switch instruction remain on hold. But Mr P was copied into the accountant's email of the 29 January 2020 and I think this is highly relevant.

It's unfortunate that the remainder of the email thread involving the accountant isn't available. But L refers to having emailed both the accountant and the IFA in forwarding the accountants response to the Admin team. I think the accountant is clearly responding to a query raised by L relating to NFU's ability to process the switch instructions without either Mr X's signature or his removal as a Trustee. The accountant advises that Mr X has transferred his benefits out of the SSAS and his removal as a Trustee should be completed soon. But it appears it was more than two years before Mr X was removed as a Trustee. Typically, as the other Trustees, Mr P and Mrs P would need to sign the documents to complete this removal along with BW. This process might also involve signing new banking mandates and so on, so there would be a degree of activity around its completion, so I think they'd be aware the process hadn't been completed in 2020.

Whatever happened here, the position remains that no actionable switch instruction was provided to NFU and I think it's likely Mr P was aware of what was further required to enable a switch to be processed. And, as Mr X wasn't removed as a Trustee until more than two years later, with this only confirmed to NFU in April 2025, I don't think it was reasonable for Mr P and Mrs P to conclude the switch had been carried out in early 2020.

Generally, any investment switches made are confirmed in writing, which would have been sent to all the Trustees, including BW. As no switches were made, no such confirmation was issued. But the correctly addressed annual statements sent each year to both Mr P and Mrs P and BW detailed the funds held, which confirmed that no changes had been made. Even if there were some issues with postal delivery, generally the professional Trustee of a SSAS requires up to date valuation information to be provided each year and usually for annual accounts to also be prepared by an accountant corresponding with the tax year. So, it's likely there were multiple points where actual enquiry about the investments was required after January-February 2020. So, even if L, who was regularly requesting valuations of the plan after February 2020 from her Admin team, was only providing Mr P and Mrs P with summary valuation figures rather than breaking down the fund holdings, other information was available to them and likely required for the ongoing administration of the SSAS.

Taking everything together in the absence of any actionable switch instruction being provided or being confirmed, and with the correctly addressed annual statements sent to both Mr P and Mrs P and BW showing no change to the investments and a declining value after 2021, I think it is more likely than not that Mr P and Mrs P were aware that the switch hadn't been completed, even if NFU hadn't formally confirmed this. I understand that the ambiguity of L's role may have caused some confusion, but NFU could only act on correctly completed instructions and none were ever received. As NFU wasn't providing advice it was ultimately the Trustees responsibility to administer the investments as they required, so I can't reasonably uphold Mr P and Mrs P's complaint.

### **My final decision**

My final decision is that I do not uphold the complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr P and Mrs P to accept or reject my decision before 9 July 2025.

Nigel Bracken  
**Ombudsman**