

The complaint

Mrs H complains that EBS Pensions Limited (“EBS”) has failed to complete the transfer of her pension savings to another provider in a timely manner.

What happened

I issued a provisional decision on this complaint in January 2025. In that decision I explained why I thought the complaint should be upheld and what EBS needed to do in order to put things right. Both parties have received a copy of the provisional decision but, for completeness, I include some extracts from it below. In my decision I said;

Mrs H held pension savings in a self-invested personal pension (“SIPP”) that was administered by EBS although provided through another regulated firm I will call C. In October 2023 she decided to transfer her pension savings to another provider that I will call B. In line with normal industry practice B made a request for the transfer to be completed. It asked that Mrs H’s pension savings should be transferred in-specie. That would mean she wasn’t “out of the market” if there were any delays.

In the following months EBS completed the transfer of Mrs H’s pension investments. Some parts of the transfer were delayed due to some stock transfer requests being rejected by the investment managers. But the final part of the transfer, the payment of the remaining cash balance, was concluded on 3 January 2024.

On 9 January B asked C to confirm the values of the assets that had been transferred. The request was forwarded to EBS the same day. When it received no response it chased that information four times before C provided a list of the assets that had been transferred. But EBS didn’t provide formal confirmation of the transfer until 11 March 2024.

Mrs H complained to EBS about the delay. She said that without the transfer confirmation B had needed to delay paying her a pension commencement lump sum (“PCLS” – generally known as tax free cash). And she said that the delay meant she had to borrow money from her family in order to pay off her mortgage. Mrs H also said that she had been delayed in making investments into a number of shares that had since risen in value.

EBS accepted that it had unreasonably delayed the completion of the transfer. So it told Mrs H that it would assess whether she had suffered any financial loss as a result. But Mrs H remained unhappy about what had happened so she asked us to look into her complaint.

There are a number of regulated firms that have been involved in this complaint. Mrs H originally received financial advice from C. Her pension investments were held in a SIPP that was administered by EBS. Her individual investments were managed by a range of different fund managers. And her transfer was arranged by her new financial advisor B.

But this complaint solely relates to the actions of EBS. Whilst the other parties set out above might have in some way contributed to any delays Mrs H experienced, it is only any delay caused by EBS that I will make findings about here. Whilst I might naturally comment on the actions of the other parties I do so without any implication of fault.

Our investigator has set out in some detail for both parties a timeline of what happened here. It doesn't seem that either party is challenging the basic facts of that timeline, or which parts of any delay are the responsibility of EBS. So I don't intend to revisit that part of the complaint here. In summary I am satisfied that EBS did all that it reasonably needed to in terms of ensuring that Mrs H's pension savings were transferred to the new SIPP provider in a timely manner. Where EBS fell short of what was reasonable was at the latter end of the transfer process, and in confirming the details of the transferred assets to B. Like our investigator I think it would have been reasonable for that confirmation to have been issued by 1 February – some 39 days earlier than actually happened.

So what I need to consider in this decision is whether the delay in sending that confirmation has caused Mrs H to lose out. Mrs H has said the delay impacted her in two ways. Firstly she says that until B received the confirmation it was unable to pay the PCLS to her. That meant she needed to borrow from her family in order to repay her mortgage. And Mrs H says some investments she wanted to make were delayed. And I also need to consider whether the late issuing of the confirmation caused any losses in relation to the investments that Mrs H retained in her SIPP.

As I've said earlier, Mrs H's SIPP was largely transferred in specie. That means that her pension investments did not need to be sold before the transfer took place. Instead those investments were simply transferred over to the custody of the new SIPP administrator. So even if the transfer of the SIPP were delayed there wouldn't be any investment losses as a result. Mrs H's investments would simply continue unaffected.

But I have noted that part of the transfer was made in cash. It is possible that the delayed confirmation meant that part of Mrs H's pension savings could not be reinvested for some time after the transfer. So, if Mrs H is able to show any delays in the investment of the cash portion of the transfer I think it right that EBS should pay her some compensation.

Mrs H says that the payment of her PCLS was delayed whilst B awaited the confirmation documents from EBS. At this stage I haven't seen any evidence from Mrs H, or her new SIPP provider, to show when the PCLS was requested, or paid. So I would ask Mrs H to provide that evidence in response to this provisional decision.

But, from the information Mrs H has provided so far I'm not persuaded that any late payment of the PCLS meant she lost out in relation to the repayment of her mortgage. Mrs H has told us that in order to meet her repayment commitments she needed to borrow money from her family. But it doesn't seem those loans were commercial in nature – by that I mean that Mrs H didn't pay any interest or other borrowing charges. So whilst I accept the position Mrs H found herself in might have been embarrassing – needing to borrow money from her relatives – I don't currently think it caused her a financial loss.

Mrs H has also said that the delayed payment of the PCLS meant she wasn't able to invest in some shares at the time as she intended. She says the price of those

shares rose during the period of the delay. I think it reasonable to apply some care here – it is of course possible with the benefit of hindsight that shares could be chosen that have shown a rise in value over a specific period of time. So in order for me to conclude that the delay meant Mrs H lost out I'd need to see either evidence of those investments taking place later, or perhaps advice from a financial advisor suggesting those investments around the time the PCLS should have been paid.

As I have said, both parties appear to accept that a delay happened in the confirmation of the transfer being issued by EBS. But it is for Mrs H to show evidence of any losses that the delay caused to her. So I'd encourage her to provide any evidence of her losses in response to this provisional decision so I can consider them further.

Regardless of any loss it is clear that these problems will have caused some distress and inconvenience to Mrs H. I can see that EBS has offered to pay £200 to Mrs H in that regard. I currently think that offer is fair and reasonable so it will form part of any final decision I issue on this complaint.

I invited both parties to provide us with any further comments or evidence in response to my provisional decision. EBS told us that it accepted my provisional decision in principle but that it would want an opportunity to consider any claims that Mrs H made for any losses.

Shortly after I issued my provisional decision Mrs H told us about the sad death of a very close family member. She said that meant she would be unable to provide the information I had asked for at that time. I offered Mrs H a significantly extended period of time in which to prepare any response. But that period of time has now expired, and Mrs H hasn't provided us with anything further, or responded to our question of whether additional time is needed.

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 I set out in my provisional decision, in deciding this complaint I've taken into account the law, any relevant regulatory rules and good industry practice at the time. I have also carefully considered the submissions that have been made by Mrs H and by EBS. Where the evidence is unclear, or there are conflicts, I have made my decision based on the balance of probabilities. In other words I have looked at what evidence we do have, and the surrounding circumstances, to help me decide what I think is more likely to, or should, have happened.

And I repeat my reflections on the role of this service. This service isn't intended to regulate or punish businesses for their conduct – that is the role of the Financial Conduct Authority. Instead this service looks to resolve individual complaints between a consumer and a business. Should we decide that something has gone wrong we would ask the business to put things right by placing the consumer, as far as is possible, in the position they would have been if the problem hadn't occurred.

I would firstly like to add my condolences for Mrs H's loss to those that have already been expressed by our investigator. I entirely understand how difficult the past few months will have been for her. But it isn't appropriate for this complaint to be left open for an indefinite period of time – I think doing that would be unfair to EBS. So in the absence of any request from Mrs H for additional time to make her response I think it reasonable that I should continue with this final decision.

My provisional decision set out why I thought it was necessary for Mrs H to show evidence of the losses that she said she had experienced as a result of the delayed transfer completion. I don't think, without that evidence, it is reasonable to conclude that any losses occurred. So I am not going to direct that EBS should pay Mrs H any compensation in that regard.

But, as I set out in my provisional decision, regardless of any loss it is clear that these problems will have caused some distress and inconvenience to Mrs H. EBS has offered to pay £200 to Mrs H in that regard. I think that offer is fair and reasonable and in line with what I would award in circumstances such as these.

Putting things right

EBS should pay £200 to Mrs H for the distress and inconvenience caused to her by the delayed completion of her pension transfer.

My final decision

My final decision is that I uphold Mrs H's complaint and direct EBS Pensions Limited to put things right as detailed above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs H to accept or reject my decision before 13 June 2025.

Paul Reilly
Ombudsman