

complaint

Mr S complained about the problems he experienced accessing his Individual Savings Account (ISA) held by Aberdeen Asset Managers Limited (the business).

background

Mr S complained to the business in 2014. He said he'd contacted its customer services department several times to try and gain access to his online account, but nothing had been resolved.

The business rejected his complaint. It said the initial problem had been his faulty keyboard, and then he'd omitted to complete the necessary security information – both of which it had assisted with. It had also explained how Mr S could complete a new registration process.

It said it had then made a number of attempts to return Mr S's subsequent call, but his line had been silent, and it couldn't reach him. It apologised for its failure to send a letter confirming this.

Mr S complained to this service. He said the business hadn't explained why his online account, which had been working fine, should suddenly fail in January 2014. It had also not explained why it needed three attempts to try and fix the problem, and why even this hadn't done the job.

It hadn't dealt with his problem promptly or competently, and hadn't made sufficient attempts to reach him.

He said he was denied the opportunity to be in the market-place, and therefore take corrective steps at a time when Asian stocks began to become volatile. He said the business should restore him to the position he would've been in but for its mistakes i.e. it should restore his original £11,520 investment, in the form of a cash ISA, plus it should pay some modest compensation.

An adjudicator at this service didn't believe the complaint should be upheld.

She noted there was a loose connection on Mr S's keyboard which had initially stopped him gaining access, and that he had then put in the wrong log-in details – resulting in his account being locked.

She said the business had then tried to help Mr S gain access to his account, and it wasn't to blame for his failure to do so.

She said Mr S wasn't trying to process a transfer at the time of the problems, and therefore he hadn't suffered any loss.

Overall, she was satisfied that this information could've been obtained over the phone and that the business provided this information at that time.

Mr S did not agree, and said:

- The loose connection was irrelevant

- Why had it taken the business three attempts to try and fix the problem?
- He didn't accept that he'd put in the wrong security information
- He didn't accept that the business had used his correct phone if/when it attempted to call him back – where was the evidence for this?
- He hadn't claimed he'd tried to transfer any funds
- He regularly monitored his shares online, and so failure to access this information did lead to him suffering material losses
- Three members of staff had promised to call him back – and hadn't done so

He said the business needed to address shortcomings in the calibre of its staff and their adequate supervision. If shortcomings are identified, compensation would be in keeping with our emphasis on being fair and reasonable.

As no agreement has been reached, this complaint has been passed to me for review.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

Overall, I do not believe this is a complaint that should be upheld.

I acknowledge that Mr S strongly disputes many aspects of the business's account of what transpired, including questioning its claim that it attempted to call him back several times, but was faced with a dead line.

However, I'm afraid I do not feel there is sufficient evidence on these issues to be able to reach a safe and reasonable conclusion about what did or didn't take place. While I do not doubt Mr S's account, I don't believe it would be fair to decide this complaint on the basis of such contested evidence.

From the evidence I've seen, I'm also not persuaded that the business necessarily failed to provide a reasonable response to Mr S's remote access problems. Mr S complains that the person he called wasn't able to address his problem, and he was passed on to several different people.

I recognise how frustrating this situation is. However, I don't think it's reasonable to expect the business (or any business) to have systems in place such that a potentially-complex access issue like this can always be dealt with immediately or by the first person one calls.

I do not dispute that the business might have dealt with Mr S's access problem somewhat more promptly and effectively, and it should have written to Mr S immediately once it discovered it couldn't contact him by phone.

But, overall, I don't feel it was predominantly responsible for his access problems, or that it failed to make reasonable efforts to resolve them. Therefore I don't feel it would be

appropriate to instruct it to make a compensation payment in lieu of its one, undisputed mistake.

Finally, I note that Mr S strongly disputes the adjudicator's view that as he hadn't attempted to make a trade during the period in question, he therefore did not suffer a financial loss. I acknowledge that while Mr S could have rung the business at any point to check his share valuations, this wasn't as easy as having constant online access.

I cannot therefore say whether he may have traded if he'd enjoyed this access. But as I haven't felt there was sufficient evidence to conclude that the business was responsible for his access problems, I cannot therefore hold it responsible for any potential losses he might have suffered.

my final decision

For these reasons, I do not uphold this complaint or make any award.

Under the rules of the Financial Ombudsman Service, I am required to ask Mr S to accept or reject my decision before 7 December 2015.

Tony Moss
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