

## The complaint

Mrs F has complained that Suffolk Life Pensions Limited (Suffolk) failed to follow her instructions to transfer her holdings in the Woodford Equity Income Fund (WEIF) before the fund was suspended.

## What happened

Mrs F is being represented in this complaint by her husband Mr F.

Mrs F held a self-invested personal pensions (SIPP) with Suffolk which included amongst other funds a proportion invested in the WEIF.

Mr F held the same SIPP investments in his name and made the same transfer request as Mrs F did.

On 7 May 2019, through Mr F, Mrs F instructed Suffolk, by way of telephone call, to transfer her holdings in the WEIF into the Fidelity Special Values Fund. Mr F did the same for his WEIF holdings within his SIPP. On 10 May 2019 Suffolk emailed Mr and Mrs F separately to inform them their chosen platform provider had confirmed that it couldn't support that fund so the transfers could not proceed. It therefore asked for alternative instructions.

Mr F has told us he replied to both these emails on his and Mrs F's behalf from each separate email account to confirm that the funds be transferred to a different fund which the platform provider could support.

It would appear that Suffolk didn't receive the email from Mrs F's account as on 28 May 2019 Suffolk emailed Mrs F again to explain that it hadn't received any responses from her and queried whether she had any further instructions.

Mrs F has said she responded to Suffolk on the same day by email and referred to the email previously sent on 10 May 2019.

It seems this email also wasn't received by Suffolk as the transfer of Mrs F's holdings in the WEIF wasn't completed. The WEIF was then suspended from trading on 3 June 2019 and Mrs F's monies were "locked" in the suspended WEIF.

On Mrs F's behalf Mr F has questioned how the emails from Mrs F's email account weren't received by Suffolk but the emails he had sent from his account had been received by Suffolk and his transfer was completed within good time. He feels Suffolk is responsible for the loss Mrs F has suffered by her monies now being inaccessible. He has stated that had Suffolk acted upon the instructions sent by Mrs F within the relevant time periods she would have full access to her monies.

The complaint was assessed by one of our investigators who felt it couldn't be upheld. She considered the investigations Suffolk had carried out into the missing emails and was persuaded that the emails sent from Mrs F's account weren't delivered due to a technical problem perhaps with Mrs F's server (which was a different one to Mr F's email account).

She therefore felt that while Suffolk hadn't processed Mrs F's transfer, as she had requested, this wasn't because it had failed to act upon or ignored any instructions – it just hadn't received any.

Mrs F didn't agree with the assessment and despite understanding the rationale the investigator had put forward she didn't think she should have to accept the loss incurred.

As no agreement could be reached the complaint has been passed 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 don't think the complaint should be upheld.

There is no doubt that Mrs F gave valid instructions to Suffolk. But for me to uphold this complaint I need to be certain that Suffolk failed to follow those instructions or that it was at fault in not receiving them.

Suffolk emailed Mrs F on 28 May 2019 to chase her response to the initial transfer request at the beginning of the month. This would therefore indicate that nothing from Mrs F's email account had in fact been received by Suffolk. It also seems unlikely that the emails were received and just missed because if that was the case, I don't think a chaser email from Suffolk would have been triggered.

I have seen that Suffolk carried out an in-depth investigation into the technical side of this issue. It found that all emails being sent to it come via a third-party system which carries out security checks. Once the checks are complete the emails are then sent on Suffolk's servers. Everything is logged with this third party including when an email is delivered to the third party before anything is processed and this includes every email addressed to Suffolk.

When looking into the files held with the third-party Suffolk found four emails had been received from Mr F's email account but nothing had been received from Mrs F's email account. It also found that the servers for Mr and Mrs F's email accounts are different most likely due to the different domain names used in Mr and Mrs F's different email addresses and this may account for the problems in receiving the emails from Mrs F.

Suffolk did explain to Mr and Mrs F that further investigation would be needed to confirm this was definitely the problem, and I know Suffolk did ask Mr F to raise this with the server providers, but I haven't seen any information that confirms he has done this. Nevertheless, on the information I have this does seem to be the likely cause of the problem and would explain why Mr F's emails were received by Suffolk and Mrs F's weren't, even though the recipient email address always seemed to be correct.

So in light of this information, it doesn't seem to me that Suffolk failed to act or indeed ignored any instructions sent by Mrs F. I am satisfied that the emails sent from Mrs F's email account were not received by Suffolk and I have no reason to think otherwise. Therefore, without those instructions Suffolk wasn't in a position to transfer Mrs F's holdings out of the WEIF. And I am satisfied that it did all it could to enable the transfer by contacting Mrs F for further alternative instructions when it became aware she hadn't confirmed anything since 7 May 2019.

I appreciate this will be disappointing for Mrs F and she is now affected by the suspension of the WEIF but this isn't something Suffolk can be held responsible for. It wouldn't be able to

act without instructions from Mrs F as the SIPP holder so in lieu of any instructions it did nothing, which is reasonable. And the fact the WEIF was suspended wasn't something Suffolk could have foreseen. The fact the emails Mrs F sent with her transfer instructions didn't reach Suffolk isn't due to anything she did, but I can't safely conclude that this is down to anything Suffolk should be held responsible for either. It seems to me to be a technical issue that unfortunately can sometimes happen. And while I appreciate the consequences of the transfer not being made as I don't think Suffolk is at fault in this situation it would be wrong for me to direct it to reimburse Mrs F for any losses she has incurred as a result of this issue.

### **My final decision**

My final decision is that I don't uphold the complaint and I make no award.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs F to accept or reject my decision before 10 August 2021.

Ayshea Khan  
**Ombudsman**