

The complaint

Mr B complains that Scottish Widows Limited (SW) provided poor service for his personal pension over the last few years.

What happened

Mr B has a personal pension with SW. On 11 November 2022, Mr B asked SW to send him a schedule of transfers and withdrawals since the start of his pension.

SW issued a breakdown of the income and withdrawal payments made to the pension plan on 17 November 2022.

Mr B then complained to SW as he felt it hadn't responded to his requests for information about transfers into his pension. He also wanted help reconciling withdrawal amounts with dates SW had provided.

SW issued its final response to the complaint on 23 January 2023. It apologised for the service Mr B had received. It acknowledged that it'd received his online request on 11 November 2022. It said it had provided a summary on 17 November 2022, but that this hadn't given Mr B all the information he wanted, as it had failed to provide him with a value. It said his policy value at the date of its response was £120,537.25.

SW also provided Mr B with his referral rights to this service. It said that if he didn't agree with its response, he would have to refer his complaint within six months of its date. And that if he didn't refer his complaint in time, this service wouldn't have its permission to consider the complaint unless the Ombudsman believed that the delay was as a result of exceptional circumstances

SW sent Mr B an email on 6 February 2023 with the same information it had provided on 17 November 2022. Mr B raised a second complaint later that month as he said he couldn't open it.

Mr B wrote to SW on 19 February 2023 as he felt two of the withdrawals detailed in the information SW had sent him didn't reconcile with his own records. He said that the withdrawal dated 3 February 2020 was a duplicate of another entry on the same date. And felt that only one payment of £1,000 had been credited to his bank account.

Mr B also wrote to SW on 2 March 2023 as he was having further problems accessing the secure messaging system.

I understand that SW wrote to Mr B on 3 March 2023 in response to his questions about his February 2020 withdrawals. Mr B replied on 13 March 2023. He said he didn't agree with SW. He said that if the two payments had been authorised by SW on the same day, he would expect both to be credited to his bank account on the same day. He said this hadn't happened. This led him to believe that the payments had been duplicates. So he went on to question why the payment his financial adviser would've requested on 29 January 2020 hadn't been paid to his bank. Mr B also said that SW had stated that he'd requested a

payment on 31 February 2020. He said this was impossible as that date didn't exist.

SW provided its final response to this complaint on 27 April 2023. It said it was sorry that Mr B couldn't open the email and offered him £40 compensation for the inconvenience. It also said that it had additionally sent the information by post on the same date as it sent the email he couldn't open. And that it provided him with a secure email guide to help him with any further emails received.

Mr B told SW on 11 April 2023 that he couldn't see a message it had sent him.

Mr B made a third complaint to SW on 28 May 2023. He made the following complaint points:

- When he'd called, he'd had to wait on hold for over an hour and a half before getting any service. And he'd had difficulty understanding the agent's accent.
- He had wanted to drawdown his HMRC-confirmed tax-free sum of £486. He'd been told that tax of £80.80 would be deducted from the amount withdrawn and that this would then have to be recovered later from HMRC. He felt this would take him at least a year to get back. In light of this, Mr B wanted SW to confirm that there would be no tax implication or deduction when he transferred his pension to another company who could offer him better service.
- Mr B also said that he didn't agree with what SW had told him about his February 2020 withdrawals. He still felt that as SW had authorised the two payments on the same day, they would've been credited to his bank on the same date, but this hadn't been the case. He was also concerned that his financial adviser's payment request on 29 January 2020 wouldn't have been paid to his bank until 3 March 2020. He felt this was an extraordinary delay. And said that his bank statement confirmed there was no such payment on or around that date.
- Mr B also complained that SW had referenced an impossible date.

SW issued its third final response letter to Mr B's additional complaint on 21 July 2023. It said it hadn't found any evidence of errors made on his withdrawals. It confirmed that two payments had been requested separately, but on the same date. And said it couldn't control how Mr B's bank then credited those payments to his account.

SW felt that the tax deduction had been correct based on its records. It said it couldn't confirm the tax position of future withdrawals. But that it would discuss the tax implications with Mr B each time he requested an income payment or made a claim.

SW apologised for the errors in dates in its 3 March 2023 letter. It said that the incorrect dates were a manual typing error. And confirmed that the letter should've said the following:

- *The first payment was requested on 29 January 2020 and was authorised and paid to your bank on 3 February 2020.*
- *The second payment was requested on 31 January 2020 and was authorised and paid to your bank on 3 February 2020.*

SW apologised for the long call waiting times. It offered Mr B £50 compensation for this and the incorrect dates.

Unhappy with this response, Mr B brought his complaint to this service. He felt that SW had

failed to address his inability to see its messages. And that it had also failed to address many other issues including those connecting to transfers and tax being paid when it shouldn't have been. He said the issues he was facing meant that he couldn't plan his financial affairs. And that SW's failures had caused him many months of worry and stress. Mr B wanted SW to address all its errors and to confirm the taxation when he transferred to another pension provider.

Mr B also told this service that SW was failing to address specific requests from the Pension Tracing Service. Our investigator told Mr B that he would have to raise a new complaint with SW about this before this service could consider this point.

Our investigator felt that the part of Mr B's complaint that related to SW's 23 January 2023 final response letter had been brought to this service out of time. She said that SW had provided Mr B with six months within the date of its response to refer that complaint to this service. But that he hadn't brought his complaint to us within that timeframe. Therefore we didn't have the power to consider the merits of that complaint as SW didn't consent to us doing so. Our investigator also considered whether any exceptional circumstances applied. She acknowledged that Mr B continued to have issues with SW, but felt that there was no reason he couldn't have contacted this service sooner if he wanted those matters investigated.

Our investigator acknowledged that Mr B had found the last few years with SW very frustrating, but she didn't think SW needed to take any further steps to put things right. She felt that SW had correctly deducted £80.80 in tax from a withdrawal, using the most relevant tax details available. And noted that SW was required to make the deductions based on the information HMRC give them. She also said that although Mr B had asked SW for the total tax deductions he could expect on future withdrawals, or by transferring his pension away, it wasn't possible to carry out such calculations until the events leading to the tax deductions actually happened.

Our investigator acknowledged that Mr B felt that one of the entries on the withdrawal statement SW had sent him had been made in error as a duplicate. And that he hadn't received this into his bank account. She said she understood that it was difficult to map the payments with the dates on the bank statement as the dates didn't exactly match the withdrawals. But she was satisfied that he had received all of the withdrawals that had been made from his pension. She was also satisfied that SW couldn't control the date Mr B's bank credited his account with the payments.

Overall, our investigator felt that the total of £90 compensation SW had offered Mr B for the issues he had opening an email and then for the errors it made with dates in its March 2023 letter was reasonable. She also felt that she hadn't seen any evidence that SW had made any errors which led to a financial loss for Mr B.

Mr B didn't agree with our investigator. He felt that this service should still be able to consider the complaints he'd raised in November 2022, which SW had covered in its January 2023 final response. He also still felt that it had made an incorrect tax deduction. Mr B also felt that SW should be able to provide him with the tax position at today's date. He felt that SW wouldn't communicate with him.

Mr B also felt that this service's purpose was to resolve complaints when a consumer wasn't happy with a business's proposed resolution, as was the case here. So he felt that we should be able to consider all of his complaints, including the ones which our investigator had said we didn't have the power to investigate.

As agreement couldn't be reached, the complaint has come to me for a review.

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'm not going to uphold it. I know this will be disappointing for Mr B. I'll explain the reasons for my decision.

Before I investigate specific parts of Mr B's complaint, I'd like to confirm that I agree with our investigator that this service doesn't have the power to consider his November 2022 complaint to SW. As our investigator explained, that's because Mr B had six months from the date of SW's final response in which to refer that complaint to this service. As that was dated 23 January 2023, he would've had to refer his complaint by 23 July 2023. But he first came to this service in October 2023. Therefore his complaint was brought too late.

I appreciate that Mr B doesn't agree with me here. He feels that this service should still be able to consider his November 2022 complaint. But as our investigator explained, the rules under which we operate only allow us to consider complaints if they have been brought to us in time. Or if we can see that exceptional circumstances have prevented a consumer from bringing their complaint to this service in time. I've not been provided with any compelling evidence that exceptional circumstances apply here. So I can't look into these parts of the complaint.

I can investigate the remaining aspects of Mr B's complaint covered by SW's second and third final response letter because Mr B brought those complaints to this service within the permitted six months.

I also agree with our investigator that this service can't consider Mr B's new complaint relating to specific requests from the Pension Tracing Service until and unless he has first raised that complaint with SW. Again, I appreciate that Mr B doesn't consider that this is fair. But the rules under which we operate are also clear on this point.

I first considered whether there's any evidence that SW made an incorrect tax deduction. I also considered Mr B's point that SW should be able to provide him with the tax position for future potential actions, so that he can plan his finances.

Did SW make an incorrect tax deduction?

SW said that it confirmed to Mr B that it was required to use the tax codes HMRC had provided for the contested tax deduction. It also said that it could never guarantee how much tax would be paid for any future transaction, as such calculations had to be based on HMRC's instruction, and it could update Mr B's tax code at any time. Therefore although it held Mr B's current tax code, it couldn't know what his future tax codes might be.

SW further clarified that although it would discuss the tax implications with Mr B each time he requested an income payment or made a claim, it couldn't confirm what the tax implications would be until the time Mr B actually made a request.

Based on what I've seen, while I appreciate that Mr B wants to know certain tax information so that he can better plan his financial affairs, I'm not persuaded that SW can provide Mr B with the information he's requested about potential future actions. I say this because I'm satisfied that SW can only base such calculations on the current information it holds from HMRC, which may change at any point in future, therefore rendering any estimated calculations potentially incorrect.

I next considered Mr B's complaint about his withdrawal payments.

Did SW fail to send any withdrawal payments, or send any payment too late?

Mr B felt that a withdrawal request had been duplicated and then paid late. He also felt that he was missing a payment for £1,000. Mr B also doesn't agree with SW that payments authorised on the same day might be credited to his bank on different dates.

Mr B shared copies of his bank statements covering the period from December 2019 to 28 February 2020. These showed that he received a total of 10 withdrawals for £1,000 over the period from 4 February 2020 to 16 March 2020.

The transaction statement SW issued to Mr B on 17 November 2022 also shows 10 £1,000 withdrawals were issued from 30 January 2020 through to 11 March 2020.

I can understand why Mr B wanted to know which payments had been made and when, as the dates SW issued the payments are usually a few days before the payment was credited into his bank account. But I'm satisfied that the evidence shows that Mr B received all of the payments that he withdrew from his pension. I'm also satisfied SW isn't responsible for how long after it had issued the payments it then took for Mr B's bank to credit those payments to his account.

I'm sorry that Mr B has had to spend time and effort trying to reconcile SW's withdrawal payment issue dates with the dates the monies were then credited to his account. I can see that this has been frustrating and time-consuming. But as there's no evidence that SW has made any errors here, I can't fairly uphold this part of the complaint.

I finally considered the service issues Mr B has faced so that I could assess whether I think SW's compensation was fair.

Service issues

Mr B felt that SW had failed to address his inability to see its messages. The evidence shows that the first time he raised this with SW was in February 2023.

In its 27 April 2023 final response letter, SW apologised for Mr B being unable to open an email it had sent him securely and offered him £40 compensation for the inconvenience this had caused. It said it had separately posted the information contained in the secure email to Mr B. And that it had provided him with details about how to access future secure messages.

I can see that Mr B has had further issues accessing some of the information SW has sent him in this way. This must've been frustrating. But the evidence shows that SW took reasonable steps to put things right when it sent Mr B details of how he could access such messages. So I'm satisfied that the £40 compensation it offered was reasonable under the circumstances.

Mr B complained that he received a poor service when calling SW. And that he'd had to wait on hold for over an hour and a half before getting any service. He also complained that SW had referenced an impossible date in a letter. He said that SW's failures had caused him many months of worry and stress.

SW apologised and offered Mr B £50 compensation for the long call wait times and for its error with the dates. While I appreciate that the incorrect dates did cause some further confusion for Mr B, I'm satisfied that SW explained what had happened, and why the dates it provided in its July 2023 final response were correct, when it responded to Mr B's complaint

on this matter. Therefore I'm satisfied that SW has done enough to put things right here.

I acknowledge that Mr B considers that SW failed to communicate with him. But I'm more persuaded by the evidence that it did generally respond to Mr B in a reasonable time and with correct information. Where it didn't provide all that Mr B had asked for, or where an error had been made, SW has explained why this is the case.

This has clearly been frustrating for Mr B. And while he may be disappointed with my decision, I hope that he finds it in some way reassuring. But as I've not found any evidence that SW has failed to make the correct payments, or failed to deduct the correct tax, I can't reasonably uphold the complaint.

My final decision

For the reasons explained above, I don't uphold Mr B's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr B to accept or reject my decision before 17 June 2024.

Jo Occleshaw
Ombudsman