

## **The complaint**

Mrs P complains that Financial Administration Services Limited (Fidelity) failed to action instructions to close her ISA account in December 2021.

She feels this led to her losing out on being able to benefit from better performing funds elsewhere and to put things right Mrs P wants financial compensation.

I'm grateful to Mrs P's representative for all the assistance provided throughout this complaint. However, to help keep things simpler, I'll refer in my decision to Mrs P since this is a complaint about what happened to her account.

## **What happened**

Fidelity did not uphold Mrs P's complaint. It said that after a thorough search for any phone calls or communication from Mrs P around the time Mrs P says she told Fidelity to close her ISA account, it was unable to locate any instruction from her telling Fidelity to close her ISA account and release the proceeds.

Our investigator was unable to find enough evidence to suggest that Mrs P provided clear instructions to close her ISA account when she'd said this had happened. So our investigator didn't uphold this complaint.

Mrs P disagreed with our investigator's view. I've summarised her main observations, as follows:

- on 30 December 2021, Mrs P is certain that she asked Fidelity by phone to close the ISA account and send her the funds
- Mrs P feels that Fidelity seems not to have realised it made an error
- when Fidelity didn't respond to the closure request, Mrs P says she had to chase this up on 7 March 2022
- Fidelity blamed Mrs P for failing security questions which was not the case
- since 30 December 2021 Mrs P gave '*many instructions*' to close the account, all ignored by Fidelity, which meant Mrs P was denied the right to switch to a better performing fund or manager.

As the complaint has not been resolved, it comes to me for a decision.

## **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.

After Mrs P's ISA account was migrated to Fidelity in September 2021 she complained to Fidelity and to us about a number of issues which have been dealt with elsewhere. To be

clear, I am only dealing here with the complaint that Fidelity didn't action Mrs P's ISA closure instructions.

I've carried out an independent review and having done so, I've reached the same conclusion as our investigator. I'll explain my approach and how I've reached my decision.

I do appreciate how strongly Mrs P feels about this complaint. We provide an informal complaints handling service and this is reflected in the way I've approached her complaint. I won't necessarily mention everything that Mrs P has brought to my attention and I've expressed some of her concerns in my own words. But I will comment on everything that makes a difference to the outcome of this complaint.

I must look at all the available information and decide what I think is most likely on a balance of probabilities. This means making some reasonable assumptions where there's only limited or contradictory information. There's more information on our website which explains the Financial Ombudsman Service approach.

I've carefully listened to all the call recordings Fidelity has sent us. I've no reason to think that the call recordings provided by Fidelity are incomplete – it has provided me with information showing that it carried out detailed searches for all relevant dates and phone numbers. Mrs P hasn't provided me with any information from her own phone records that shows there were any other calls made to Fidelity. So it's fair for me to base my decision mainly on what was said during the calls I've listened to.

I can hear that on a number of occasions Mrs P did not pass security when she was unable to answer specific questions Fidelity was required to ask as part of its verification process.

During a call on 30 December 2021 (which was mostly about a different matter concerning a cheque) there was brief mention of Mrs P wishing to '*stop the account with you...*'. But this comment was made when Mrs P and her representative were having difficulty completing security questions and becoming increasingly frustrated that Fidelity couldn't accept the cheque they wanted to pay into Mrs P's ISA.

Closing her ISA certainly doesn't seem to have been the purpose of the call (which I think would be likely if this had been Mrs P's express intention at the time). And I don't find that any clear and specific request to close the account was made nor were any instructions provided by Mrs P about this during the phone call – or indeed subsequently.

I think it's worth pointing out that Fidelity could not have accepted any such instructions during the call on 30 December because even though Mrs P was able to provide some information, it wasn't enough to meet Fidelity's security requirements. All financial businesses must have measures in place to help combat fraud and keep customers' money safe. Fidelity made it clear throughout the call that without first completing its security checks, the call handler couldn't gain access to Mrs P's account. So even if I were to say that Fidelity should have understood that Mrs P had communicated a firm intention to close her ISA, this makes no difference to the outcome of this complaint since that request could not have been actioned unless Mrs P completed identification checks and that didn't happen during this call.

Mrs P said that having provided all the identity documents to the previous provider, these must have been transferred to Fidelity on migration of the ISA. But financial businesses are required to complete their own identity checks and verification and Fidelity needed to request up to date information from Mrs P – it couldn't rely on the verification done by the previous provider. Fidelity says it had asked Mrs P for the required ID verification documents when Mrs P's investments were migrated to it and its records show that ID documents were received for Mrs P in September 2022.

Fidelity received a letter from Mrs P in March 2022, but this didn't say anything about her having asked for the account to be closed. I think it's fair to say that if this was something Mrs P had expected to happen in or around December 2021/January 2022, and she'd been waiting for her money since then, it's more likely that she would have chased this up sooner. And it would be surprising if she hadn't mentioned it when communicating with Fidelity in March 2022 if she'd already been waiting a couple of months for news of her money.

I have no reason at all to doubt that Mrs P is certain about what she's told us about having given instructions over the phone in December 2021 to close her ISA. But what she says isn't enough for me to be able to uphold her complaint.

I must be impartial and fair to both parties.

On balance, the available information suggests that Mrs P did not give clear instructions to Fidelity to close her ISA in December 2021 - and for this to happen, she would've needed to provide required ID documents, which she hadn't done at that stage. Fidelity subsequently transferred Mrs P's investments to a new platform manager in line with transfer instructions she provided in July 2022 once she was able to meet its verification requirements.

To sum up, I haven't seen enough to show that Fidelity did anything wrong or that it acted unfairly or unreasonably with regard to Mrs P's ISA account.

So I can't fairly uphold her complaint that Fidelity didn't take action to close her ISA account after a phone call in December 2021.

I hope that setting things out as I've done helps Mrs P to understand how I've reached my conclusions and even though this isn't the outcome she hoped for, Mrs P will at least feel that her complaint has been fully considered by the Financial Ombudsman Service.

**My final decision**

My decision is that, for the reasons I have set out above, I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs P to accept or reject my decision before 18 August 2023.

Susan Webb  
**Ombudsman**