

The complaint

Mrs H complains about the difficulties she had trying to contact Virgin Money Unit Trust Managers Ltd ("VM").

Mrs H is represented in this complaint by her husband Mr H. And Mr H has also made the same complaint to VM about his contact with it. But I've omitted references in this decision to any account held with VM by Mr H as the complaints he has made about VM are being dealt with separately. And, for ease, I will refer to all actions and comments as those of Mrs H.

What happened

The details of this complaint are well known to both parties, so I'll just provide an overview of relevant key events here.

Mrs H had a personal pension plan (PPP) and an individual savings account (ISA) with VM.

Mrs H phoned VM at the end of October 2021 to discuss her PPP but was placed in a phone queue. Mrs H remained in the queue for 15 minutes before ending the call. She then emailed VM on the same day and said it took too long to get through to VM by phone. She asked VM to arrange for an adviser to call her.

VM responded the following day by email and apologised for the delays with answering the phone. It said it couldn't get an adviser to call her back due to the volume of calls it was dealing with.

Mrs H submitted a complaint to VM on the same day. She said:

- It was unacceptable that she couldn't speak to an adviser or manage funds online.
- She'd been waiting on hold for 15 minutes the previous day.
- She wanted to make an internal fund switch but couldn't speak to anyone or do that online. As a result, she lost money as gilt values had increased.
- VM should refund the fund value difference and the cost of unanswered phone calls.

Mrs H telephoned VM on 4 November 2021 and switched 100% of her Pension Global Share fund into the Pension Bond and Gilt fund.

Mrs H contacted VM several times over the following months to check whether VM was dealing with her complaint.

She also rang VM on 14 January 2022 and switched 100% of the funds held in the Pension Growth fund into the Pensions Bond and Gilt fund.

Mrs H brought her complaint to this Service in February 2022. She raised a number of complaint points, and those relevant to this particular complaint are listed below. Mrs H complained about:

- The lengthy call waiting times and the cost of those calls.

- A VM adviser told her in January 2022 that she would get a call back about her complaint, but this didn't happen.
- Not being able to make changes to her account online, which she felt meant her funds lost value on two occasions when she wanted to carry out internal fund switches.
- VM were in breach of its own complaint procedure, as it didn't respond to the complaint within four weeks.

VM did not respond to Mrs H's complaint until August 2022. It apologised for the time taken to respond to her concerns and offered £150 compensation by way of an apology. VM said it tried to answer phone calls as quickly as possible, but there were times when it received unforeseen increases in call volumes. It also said that it didn't offer the facility to transfer or switch funds online.

Our Investigator then looked into Mrs H's complaint and didn't uphold it. He said Mrs H raised multiple points that related to how VM operated and said this Service didn't have the power to tell a business how to operate. He also said several complaint points related to VM's handling of Mrs H's complaint, and this wasn't something this Service could look into, as complaint handling is not a regulated activity.

Our Investigator also said that the call wait times, provided by Mrs H, weren't excessive or unusual. Our Investigator said the fund switches requested by Mrs H – from one VM fund to another – were completed on the same day she spoke to the agents. So they were completed without delay when VM received the request and so VM weren't responsible for any difference in fund values. Our Investigator also noted Mrs H had received transfer out paperwork from VM in around December 2021.

Mrs H didn't agree with what our Investigator said and so this came to me for a decision. I contacted Mrs H to let her know that any complaint points about the transfer of her VM pension to another provider would be dealt with separately, as part of her other complaint currently with this Service about VM.

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.

I'd like to first of all be clear about what I'm looking at here. When Mrs H complained to VM back in October 2021, her complaint was about the length of time she had to wait while trying to contact VM by phone and the cost she incurred as a result. At that time, Mrs H also complained about what she saw as VM's failure to adhere to its own complaint processes and that she wasn't able to manage her pension funds online. These are the complaint points that VM responded to when it provided a final response to Mrs H's complaint in August 2022. So it's these points that I will address in this decision.

Mrs H subsequently complained about the difficulties she says she's had trying to transfer her pension funds from VM to another provider. That complaint is being dealt with separately, so I have not addressed it here.

I know that Mrs H is concerned about how VM handled the complaint she made to it in October 2021. After initially raising the complaint, Mrs H thought VM had breached its own complaint guidelines by not providing a formal response to her complaint quickly enough, and she said VM didn't call her back to discuss the complaint, as it said it would. Mrs H was

also concerned that VM had responded only to her husband when it initially dealt with the complaint. However, I am not able to look into how VM handled Mrs H's complaint.

To explain further, this Service cannot look at every complaint brought to us. Broadly speaking, we can only look into complaints about activities that are regulated by the Financial Conduct Authority (FCA). The FCA's Dispute Resolution (DISP) rules outline what activities fall within this service's jurisdiction (DISP 2.3). Complaint handling is not one of the activities listed. So, as I said, I am not able to look into the points raised by Mrs H about VM's handling of the complaint made by her in October 2021. This means I am also unable to look at whether the £150 compensation offered by VM is fair.

Mrs H also complained about call waiting times. She tried to phone VM at the end of October 2021 so that she could carry out an internal fund switch. When the call wasn't answered after around 15 minutes, she contacted VM by email instead. I know that Mrs H feels strongly that phone calls should be answered more promptly and that VM should consider whether it has enough staff to answer the higher demand in calls. But while it was longer than Mrs H would have liked, I don't think 15 minutes is an unreasonably or unusually long time to wait.

In any event, it's not the role of our Service to tell a business how it should operate or what its business practices should be, including staffing levels at call centres. That is the role of the regulator, the Financial Conduct Authority. So I won't be telling VM to make any changes to how it manages the telephone service it provides, including that it is consumers, rather than VM, who pay for telephone calls to it.

Mrs H also complained about not being able to manage her funds online. From what I can see, at the point in time that she made the complaint VM did not allow consumers to make withdrawals, switch funds or transfer pension funds online. Contact had to be made either by telephone or post. I know that Mrs H is eager to be able to carry out, for instance, a fund switch quickly once she decides this is the right thing to do. She's concerned that lengthier processes might result in fund values decreasing.

It's important to note that, again, the way in which VM manages withdrawals and fund switches is a business decision that this Service won't interfere with. In any event, I can see that when Mrs H phoned VM on 4 November 2021 and again in January 2022, the VM advisor was able to arrange the fund switch immediately.

I know that Mrs H originally wanted to arrange the fund switch at the end of October 2021 but said she couldn't as she thought the waiting time to get through to VM by phone was too long. But, as I say, the 15 minutes Mrs H said she was kept waiting in a queue wasn't an unreasonably or unusually long time. And I think there were further steps Mrs H could have taken in October 2021 if she was concerned to make the fund switch at that time. She could have persevered in the phone queue or called back at a less busy time, as VM suggested. So I am not going to ask VM to backdate the fund values to October 2021.

I know my decision will disappoint Mrs H, but I am not asking VM to take any further action in relation to this complaint.

My final decision

It's my final decision that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs H to accept or reject my decision before 28 July 2023.

Martina Ryan
Ombudsman