

## **The complaint**

Mr N complains that The Prudential Assurance Company Limited caused unnecessary delays whilst he was trying to find a missing pension fund. These delays meant the value of the pension reduced and he missed out on some monthly payments once the pension was found.

In this complaint Mr N is represented by Ms J, who has power of attorney (POA) over his affairs as he's seriously ill, so all the enquiries and correspondence has been dealt with by Ms J on his behalf.

## **What happened**

Ms J was dealing with Mr N's financial affairs and was trying to find out about any pensions he may have. She found a letter from a pensions advisory company informing him he had a Thermo Fisher Scientific Defined Benefit pension. Ms J made enquiries and found that Thermo Fisher pensions may be administered by Prudential, so wrote to Prudential in August 2019, but it was unable to find a pension so asked for some more details. These were provided by Ms J and a pension was found, but the details of which could only be given if the POA document was sent in. Once this was received Prudential wrote in October 2019 saying the pension it found in Mr N's name had no value. But Ms J noted this pension had a different reference number to the one she had given Prudential.

Ms J made further calls to Prudential and found out that the pension it had referred to was one that Mr N had made no contributions to and wasn't the one she was asking about.

Ms J continued her search and managed to find out who was administering his missing pension. Mr N began receiving payments from it in December 2019.

Whilst Ms J was making these further enquiries, she complained to Prudential about the delays and misleading information it had given her. In its final response letter in November 2019, Prudential apologised for the vague wording of the letter it had sent in October. It acknowledged the frustration she had been caused in spending so much time finding out about what had happened to the pension, and offered £250 in compensation.

Ms J didn't accept this and complained to our service. She said the delays in Prudential's responses had meant a downward movement in the market had reduced the value of Mr N's pension pot from approx. £38,000 to approx. £34,000. And had the delays not occurred he would have been able to take benefits from his pension earlier.

Our investigator agreed that Prudential had caused some confusion with the wording in its October 2019 letter, and the level of service it had given Ms J wasn't what it should've been. But he thought the £250 compensation was fair and reasonable given the stress and anxiety it caused. He also thought it wouldn't be fair to require Prudential to compensate Mr N for the reduction in value of his pension pot, as this was as a result of market fluctuation, and there was no guarantee that the value of the pot would have been higher had the delays not occurred.

Ms J didn't agree. She thought the £250 wasn't enough to reflect the hassle and time wasted. She also thought Mr N could probably have had a couple of extra months income from his pension had Prudential not made the mistakes it had. And she thought that the delay in finding his pension had been caused by Prudential's mistakes and the confusion it caused.

As no agreement could be reached the matter has come 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.

Firstly, I'd like to say I have a great deal of sympathy for both Mr N and Ms J given the poor and very distressing state of his health now. And I understand why the issue at the heart of this complaint is so important. But I have to look at the matter from an independent point of view and come to a fair decision on the basis of the evidence. And having done so, I'm not going to require Prudential to do anything more than they have already offered. I'll explain why.

Ms J only became aware of the existence of Mr N's defined benefit pension when she found a letter about it from a pension advisory company. This company offered to trace the pension for a fee. But by doing her own research she found that pensions from Mr N's work may be administered by Prudential.

Researching anything like this is going to take time, so there is going to be an element of frustration if, as in this case, possible avenues of information turn out to be a dead end. Ultimately, Prudential didn't have any useful information for her in relation to the particular pension held by Mr N, but I need to decide if the delays and poor service it provided whilst the enquiries were being made meant she was delayed in finding the actual administrator of the missing pension. And if it did, what effect did this have.

Prudential have acknowledged that it didn't respond to Ms J's initial enquiry quickly enough, but as this was only a few days I'm satisfied this didn't have a significant impact on its own.

Ms J found she had to send Prudential details of the POA twice, but I can see why this was necessary. When it was sent the first time Prudential was unable to find any pension relating to Mr N, so sent it back as it was unable to attach it to a file that was known to it. Only when it had received further details from Ms J did it find a pension, so it needed the POA to release the information. I can understand why this happened and I'm satisfied Prudential acted reasonably here. It's likely that the pension was difficult to find as it wasn't an active one, but I see it took about three weeks to find and to then request the POA, which I think is probably a little longer than was necessary.

Prudential wrote to Ms J on 23 October 2019. It said it had found Mr N's pension but it was of no value. This letter was very unclear and confusing, and Prudential has acknowledged this. It meant Ms J had to ring Prudential and point out that the reference of the pension it had found was different to the one she was asking about. Prudential had to make further enquiries which resulted in a further few days delay, before Ms J was told the pension she was enquiring about was not administered by Prudential.

So, I'm satisfied there were three short delays which were the responsibility of Prudential, but having looked at the timeline of events, I don't think the cumulative effect of these was any more than about a 2-3 week delay to the process of Ms J finding the pension.

Ms J has said that the value of Mr N's pension pot fell during the delays, and he missed two or three monthly payments. But given I think the delay was only a maximum of 2-3 weeks, I don't think it would be fair or reasonable to say Prudential was responsible for either of these outcomes. The financial markets are subject to falls and rises, and even if Ms J had found and reached the administrator of the pension 2-3 weeks earlier, there is no guarantee the value of the pension would have been higher at that point. And I also should note that the scheme is a defined benefits scheme, which means the monthly payments are not affected by its value, nor market fluctuations, and its value would only be an issue should he have chosen to transfer it into another scheme.

But ultimately, Prudential weren't the administrators of Mr N's pension, and only did what Ms J asked them to do. Whilst I completely understand her logic and thinking when she decided to first approach Prudential, had she initially identified and contacted the correct business, these delays wouldn't have happened. So I'm satisfied it wouldn't be fair to hold Prudential responsible for any missed pension payments.

In respect to the compensation Prudential have offered for the distress and inconvenience it caused by the delays and the confusing letter, I'm satisfied that £250 is fair and reasonable in the circumstances and in line with what our service would expect.

### **My final decision**

I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr N to accept or reject my decision before 28 December 2020.

Chris Riggs  
**Ombudsman**