

## **The complaint**

Mrs C complains that Aviva Life & Pensions UK Limited provided her with incorrect statements for her personal pension plan in 2020 and 2021.

## **What happened**

On 20 March 2020, Aviva told Mrs C her pension was invested into its Property Fund, and transactions in and out of it had been suspended. Aviva gave Mrs C the option to redirect her policy premiums into other funds. Mrs C instructed Aviva to invest 50% of her premiums into the Aviva Mixed Investment (40-85% Shares) fund and 50% of her premiums into the Aviva UK Index Tracking Funds. Aviva confirmed it had processed her instructions to redirect her funds on 1 July 2020.

Aviva sent Mrs C her pension plan's annual statements in July 2020 and August 2021 but neither of these statements showed correct fund balances. Mrs C queried the statements with Aviva on 9 September 2021 and it said it would send out revised statements within ten working days. But Aviva didn't send the statements out as promised. Mrs C called Aviva on 5 November 2021, when it told her it could take three months to issue a revised statement. A revised statement was then sent on 12 November 2021 – and Mrs C said this statement also contained incorrect fund values. Mrs C complained about this.

Aviva issued a final response to Mrs C on 30 November 2021. Aviva said it now realised it didn't action Mrs C's fund switch correctly, which contributed to the incorrect statements being issued. Aviva agreed with Mrs C that its 12 November 2021 statement was inaccurate. So, it issued a revised statement on 29 November 2021. To apologise for the inconvenience caused by the errors in its statements, Aviva said it would pay Mrs C £200 compensation.

Mrs C emailed Aviva on 1 December 2021 as the statement still didn't look right to her. On 7 December 2021, Aviva sent Mrs C another statement, which she said still contained a fund value that differed from previous statements was still not right (that I'll explain in more detail below). Mrs C has since chased Aviva several times for a correct statement. Aviva said it wasn't in a position to reply to Mrs C and reminded her she had six months from its final response to refer her complaint to our Service.

Mrs C asked us to investigate her complaint in March 2022. Mrs C said she wants an independent actuary to ensure the payments were allocated correctly. Mrs C also wanted Aviva to pay for an Independent Financial Adviser to review her pension arrangements and help her transfer her pension elsewhere. Finally, Mrs C said she wants Aviva to apologise for its lack of communication and shambolic complaints procedure.

After referring her complaint to our Service, Mrs C says she received another incorrect annual statement from Aviva in September 2022. This 6 September 2022 statement showed the value of Mrs C's funds on 21 May 2021 was £266,752.99. But on the 7 December 2021 statement shows the plan value on 21 May 2021 was £281,556.76.

One of our investigators looked into Mrs C's complaint and noted the 3 July 2020 statement shows the plan value was £216,788.56 on 21 May 2020. But on the 7 December 2021

statement, the plan value was £228,816.15 on 21 May 2020. In response, Aviva said the July 2020 statement was incorrect as it hadn't considered a single premium of £18,750 which Mrs C paid into her plan in February 2020.

In October 2022, Aviva confirmed to Mrs C that the value of her pension on 21 May 2020 was correct in its 7 December 2021 statement. Our investigator was satisfied Aviva had explained the cause of the incorrect statements lay with its error in processing Mrs C's request to redirect her funds. He was also satisfied Aviva had explained the reason for its incorrect valuation on statements before 7 December 2021. Our Investigator didn't think there was a need for an independent actuary to assess Mrs C's pension but he did recommend:

- Aviva should assess whether Mrs C had suffered any financial loss as a result of its errors on its statements.
- Fix the cause of the errors in its annual statements so Mrs C does not have the same problems again.
- Aviva pay Mrs C an additional £300 compensation – so £500 in total, as £200 was paid after Aviva issued its final response. Our investigator thought this was fair because of the trouble and upset caused to Mrs C, including having to chase Aviva numerous times over many months.

Our investigator also explained to Mrs C that any complaint about the 6 September 2022 statement would need to be referred to Aviva and would not form part of this complaint. Mrs C accepted our Investigator's recommendation but Aviva didn't respond, despite our Investigator contacting it numerous times. So, this 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.

On 8 August 2018, Aviva responded to a complaint by Mrs C that her statements were incorrect and sent her a cheque for £100 to apologise. This complaint is not being considered under this complaint reference, but I've mentioned it here as Mrs C has told us about it to highlight the ongoing issues she's experienced with her annual statements. I'll now turn to the subject of this complaint.

I should first clarify that I'm only able to consider Mrs C's complaints about the inaccuracies in Aviva's statements issued in 2020 and until the date it issued its final response to Mrs C's complaint – 30 November 2021. I note our Investigator has referred to errors in Aviva's 7 December 2021 statement, but it remains that Aviva has admitted it made numerous errors in its statements issued before its final response. I think Aviva has explained the cause of these errors (as outlined above) and, like our Investigator, I think Aviva should take steps to avoid it making the same mistakes again. However, I can't ensure Aviva won't make errors in future. Given the significant number of errors Aviva has made with its statements in recent years, it's very possible these errors will happen again. If this is the case, Mrs C may need to refer a new complaint about any incorrect statement issued after 30 November 2021 to Aviva to consider afresh.

I agree with our Investigator that Aviva should check whether Mrs C has been caused any financial loss as a result of the errors on its statements issued after its first final response on 8 August 2021 and Aviva's final response to this complaint (dated 30 November 2021). But I note that in its letter of 10 September 2021, Aviva assured Mrs C her fund switch was

actioned correctly and she holds 50% of her funds in its Aviva Mixed Investment (40-85% Shares) 'Series 2' fund and 50% of her funds are held in the Aviva UK Index Tracking Funds 'Series 2', as per her request. I've not seen any evidence that shows a financial loss has occurred. but, given the length of time that Aviva has persisted with issuing inaccurate statements, I don't think it's unreasonable for it to assess and explain, in simple terms, to Mrs C whether its errors in its statements issued between July 2020 and 30 November 2021 have caused her any financial loss and, if not, then why the values are accurate. But as there's no evidence of loss at this point, and Aviva has tried to explain the reasons for the inaccuracies in its statements issued until 30 November 2021, I don't think it would be reasonable for me to ask Aviva to pay for an actuary or IFA to review statements issued before this date or advise Mrs C on transferring her pension elsewhere.

I agree with our Investigator that total compensation of £500 fairly represents the trouble and upset Aviva has caused Mrs C. It was Mrs C, not Aviva, that spotted its errors. She chased Aviva many times for answers without success. The many revised statements sent out continued to be inaccurate, which I think reasonably compounded Mrs C's upset and concerns about Aviva's competence. Aviva said it would pay Mrs C £200 compensation within two weeks of its final response of 30 November 2021. If Aviva has already paid £200 compensation, it should pay Mrs C an additional £300. If Aviva hasn't paid Mrs C the £200 yet, it should pay her £500 compensation in total.

### **My final decision**

For the reasons explained above, I uphold this complaint and require Aviva Life & Pensions UK Limited to do what I've set out above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs C to accept or reject my decision before 9 February 2023.

Victoria Blackwood  
**Ombudsman**