

The complaint

Mr H has complained that Aviva Life & Pensions UK Limited ('Aviva') failed to acknowledge a complaint he had raised about the performance of his investment. He has also complained about additional administrative and service issues and that his complaint remains unanswered. This has caused Mr H to waste time and resources, and has caused stress, annoyance and upset as well as disruption to Mr H's personal and financial affairs. He would like for his complaint to be resolved and for Aviva to provide fair and reasonable monetary compensation.

What happened

Mr H held a With Profits Bond with Aviva. He contacted Aviva by phone on 28 December 2022 but was unhappy as he had to wait for his call to be answered and Aviva's representative – the call handler – wasn't aware of the waiting times. He had wanted to speak about the With Profits Bond fund's performance as it had fallen in value.

During the call he became concerned when he realised the call handler was working from home and the impact that could have on the security of his personal information. Because of problems with Aviva's systems at the time the call handler said he would call Mr H back when he had more information about the With Profits Bond fund's performance. Mr H was advised that a complaint would be raised about the call, but this didn't happen.

After some initial delays, because the complaint hadn't been logged as it should have been, Aviva responded to Mr H's complaint on 9 March 2023. It said;

- It explained that its staff were aware of call queues but not aware of average wait times.
- It had explained how the policy's unit linked funds were influenced by stock market performance. And that units were deducted to cover fees and expenses. Mr H could switch into a different fund if it wasn't happy with the performance of the fund he was invested into.
- When its staff were working from home, they were fully trained to do so, and customer data was safe.
- It acknowledged it had failed to log Mr H's initial complaint and offered £100 for the inconvenience that he had been caused.

Mr H wasn't satisfied with the outcome and brought his complaint to the Financial Ombudsman Service. Our investigator who considered the complaint didn't think that Aviva needed to do anything more. She said;

- It was for Aviva to manage its call waiting times and it wasn't for this service to amend a businesses' processes.
- Aviva had responded fairly to Mr H's complaint about the performance of the fund – it was linked to the stock market and Mr H could switch funds if he wished.
- It wouldn't be for this service to comment on Aviva's staff working from home and

data protection measures. Mr H could refer to the Information Commissioner's Office or the Financial Conduct Authority if he wanted.

- Aviva's failure to initially log Mr H's complaint was disappointing but the offer of £100 for the inconvenience caused because of this was fair.
- A further complaint had been logged with Aviva and this service.

Mr H requested that his complaint be considered by an ombudsman, so it has been passed 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 doing so, I've reached the same conclusions as the investigator and broadly for the same reasons. I'll explain why.

Aviva has provided a recording of the calls that took place on 28 and 29 December 2022. It's clear from the outset of the first conversation Mr H had with Aviva's representative that he wasn't happy with the length of time he had had to wait for his call to be answered – around 14 minutes. And Mr H was also unhappy that the call handler wasn't aware of the call waiting time or that he, as the caller, wasn't given any update during that waiting time as to how long he would have to wait for his call to be answered.

Clearly this waiting time must have been frustrating for Mr H as he didn't know how long he would have to wait for his call to be answered or what position he was in the phone queue. But the call handler did apologise for this when this point was raised during the subsequent conversation. And he explained that there were intermittent system problems occurring which impacted on the call waiting times. He said that he would pass on Mr H's feedback about that point.

As explained by the investigator, how a business chooses to manage its phone systems, and the information it gives its customers about that – call waiting times etc – is not something that this service can comment upon. However, I don't think it's unreasonable to assume that any business would want to offer the best service possible for its customers. Mr H may consider that Aviva failed to provide the best service it could on this occasion and undoubtedly Mr H was frustrated, but when his call was answered the representative apologised, and explained the possible reason for the delays because of the intermittent system problems.

So, while I can't instruct a business how to manage its phone systems and call waiting times, I'm satisfied that when Mr H was responded to – albeit not as quickly as he would have like – his comments about this point were reasonably responded to by the call handler.

Mr H had called Aviva to ask about the unit price of the With Profits Bond fund he was invested into which had fallen over the previous year. In Aviva's letter, responding to his complaint, it explained that its funds were unit linked and so were affected by movements in the stock market and gave a brief review of stock markets. It explained that in turn this would impact the overall value of his With Profits Bond fund. The complaint response also made clear that Aviva would deduct units to cover its fees and expenses but that this was in line with the terms and conditions of the policy.

With reference to the unit price and the overall value of the fund, I'm satisfied Mr H's query about this has been addressed by Aviva. And as also explained by Aviva in its letter, Mr H

could switch funds if he wasn't happy with how it was performing. He was advised to seek financial advice about this point if he wished to do so, but the decision about what to invest into was his own.

While Mr H was speaking with the call handler, he found that the call handler was working from home rather than in the office. Mr H raised concerns about the security of his personal details under such circumstances. Again, this is something that Aviva has to manage as a commercial business decision and not something I can instruct it to change. But in Aviva's final response to the complaint, and during the call, it was explained how this was handled and that Aviva's staff were trained appropriately. So, in the specifics of this complaint, and for the elements I can consider, I haven't seen anything to suggest that Aviva has done anything wrong.

During the phone conversation of 28 December, it was agreed between Mr H and the call handler that a complaint would be raised about the points that had been discussed. This didn't happen – potentially because of the intermittent problems with Aviva's systems at the time – but Aviva has acknowledged this in its response to Mr H and apologised for the oversight. In recognition of this I note it has already paid Mr H £100 for the inconvenience he has been caused. Clearly Mr H was inconvenienced by this oversight but bearing in mind the awards we would make under similar circumstances, I think the amount paid is fair and reasonable. So, I won't be increasing that award.

Taking all of the above into account, I don't uphold Mr H's complaint points about the call handling, the performance of the investment and the data security. Aviva has addressed Mr H's queries about the performance in its letter to him, has responded to Mr H's concerns about its staff working from home and the security of customer data. It has already apologised for the complaint not being logged when it should have been and has paid what I consider to be a fair award because of this. So, I won't be asking Aviva to do anything more.

I appreciate that Mr H will be disappointed with my conclusion. It's clear he feels strongly about his complaint. But I hope I have been able to explain how and why I have reached that decision.

If Mr H does wish to raise any of his complaint points with either the Information Commissioner's Office or the regulator, the Financial Conduct Authority, he is free to do so.

My final decision

For the reasons given, I don't uphold Mr H's complaint about Aviva Life & Pensions UK Limited.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 14 March 2024.

Catherine Langley
Ombudsman