

The complaint

Mr H has complained about a phone call he had with Aviva Life & Pensions UK Limited ('Aviva'). He says the phone call was mishandled and the call handler couldn't fully and properly resolve the issues he was calling about. 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 fully and properly resolved and for Aviva to provide fair and reasonable monetary compensation.

What happened

Mr H held a With Profits Bond with Aviva. After receiving a valuation of his bond as of 27 March 2023 he phoned Aviva on 12 April to question why the final bonus had decreased in value whereas the regular bonus on his investment had gone up, the annual management charge had stayed the same and the bid price had increased. Aviva's representative, the call handler, wasn't able to immediately answer Mr H's questions over the phone. They would need to refer to Aviva's administration team who would write to Mr H with the answers. Mr H found the response over the phone to be inadequate and his queries were unresolved. He raised a complaint with Aviva on the same day.

Aviva had responded to Mr H's complaint on 26 April. It said;

- When Mr H had called on 12 April its representative hadn't been able to provide Mr H with the information he had wanted and needed to raise it with the administration team. This frustrated Mr H, but Aviva explained its representatives aren't trained in technical calculations.
- Aviva's representative had to ask Mr H to repeat his information request several times because of problems with the phone line and background noise. But this wasn't Mr H's fault, so it sent him a cheque for £25 to apologise for the time spent on the call.

It sent the cheque payment of £25 the next day, 27 April. Mr H received the cheque but hadn't received Aviva's response of 26 April to his complaint at that time so didn't know what the cheque was for. He raised this as a complaint point which Aviva addressed in its response of 9 May 2023 explaining what had happened.

Mr H wasn't happy with the outcome and contacted Aviva again. Aviva further followed up the complaint points raised in its letter of 24 May. It said;

- It explained the balance between the values of final and regular bonuses.
- It was satisfied Mr H's previous complaint points had been dealt with and his technical questions had been answered in its letter of 28 April.
- It wouldn't be increasing its compensation payment of £25.
- It appreciated Mr H must have been frustrated during the call of 12 April, but the call handler had been polite and apologetic.
- Mr H had felt the call handler was incompetent. It said this had been investigated and

feedback given.

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

- Aviva's call handler who spoke with Mr H wasn't a technical expert and had to refer to the administration team for a response to Mr H's query which was provided on 28 April 2023.
- That response had provided details of both regular and final bonuses which the investigator outlined.
- The investigator thought the £25 already paid was fair and reasonable. The cheque was received by Mr H prior to receipt of Aviva's response to his complaint. But that wasn't either party's fault and as both the cheque and response had since been received by Mr H there was nothing further to be considered by this service.

Mr H asked for his unresolved complaint to be referred to 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 have reached the same conclusions as the investigator, and broadly for the same reasons. I will explain why.

I have listened to a recording of the phone call of 12 April. It's clear this was a frustrating experience for Mr H. The phone line was bad for the call handler and there was background noise at Aviva's end, Aviva's representative had to ask Mr H several times to repeat his query and he was also put on hold twice, but no complete answer was given to the questions he asked.

I appreciate this must have been annoying for Mr H as it was taking time for the call handler to fully understand the information Mr H asking for. And once that was understood, was trying to help and get the answers for him by putting him on hold, but without a satisfactory outcome. The call itself lasted around 25 minutes.

However, Aviva has already recognised that the call wasn't satisfactory, and it apologised in its response to Mr H's complaint and paid him £25 in recognition of this. And it also explained that its call handlers – such as the person Mr H spoke to – weren't able to provide the answers that Mr H wanted and so it had to be referred to its administration team who had more technical expertise. I accept this must have been frustrating for Mr H, but I don't find this an unreasonable explanation, albeit not the outcome that Mr H was seeking when he phoned Aviva.

Even so I do appreciate that from Mr H's point of view he made contact with Aviva using the phone contact details that had been provided and no doubt didn't think it was unreasonable for him to pose the questions he did with the expectation that they would be answered. I would expect a firm to want to provide a useful service to its customers. No doubt Mr H is of the opinion that Aviva failed in this instance to provide the level of service he expected.

But it is not for this service to instruct a business about the level of knowledge its call handlers should have. I appreciate Mr H was frustrated by this but equally I accept that Aviva offers a wide range of products, and the call handlers have to deal with a corresponding wide

range of queries. However, it's not for me to tell Aviva what product training it should give its call handlers. And while I accept Mr H's questions weren't answered immediately, and no doubt he was frustrated because of this, they were answered as promised and to the level of detail I would expect.

In answering Mr H's queries raised during the call Aviva issued Mr H a full written response to his query on 28 April. I won't provide too much detail here, but the letter detailed the then current cash in value of the policy which included a final bonus. It explained that the amount wasn't guaranteed.

Amongst other information the letter further explained what both the regular and final bonuses were, their current rates and that;

'a rise in the regular bonus may be accompanied by a fall in a final bonus as more of the returns achieved have been added as regular bonus so the amount of final bonus needed to balance may be lower, depending on the overall returns achieved over time.'

So, I'm satisfied that Mr H's initial question about the fall in value of the final bonus compared to the regular bonus and static management charge etc was answered appropriately, albeit not immediately or as quickly as he may have wanted.

Aviva sent the compensation cheque for £25 the day after it had posted its final response to Mr H's complaint. Upon receipt Mr H hadn't received the final response to his complaint so it must have been confusing for him to receive the cheque for no apparent reason.

This clearly was unfortunate, but I don't think Aviva has done anything wrong here. I don't find that the postal system was an unreasonable method of communication, particularly if that communication needed to include enclosures such as a cheque payment. Aviva issued two letters, two days apart and to the same address with the not unreasonable expectation that they would be received by Mr H in the same order. I don't find that Aviva is at fault here and while receipt of the cheque before the explanatory letter might have initially caused some confusion, Mr H did receive the response to his complaint and the compensation payment safely.

Taking all of the above into account I won't be asking Aviva to do anything more. It has addressed Mr H's queries about the fall in value of the final bonus rate compared to the regular bonus rate and static management fees etc after the proactive actions of the call handler to refer his queries. It has explained the reason why the call handler wasn't in the position to answer his questions immediately but has recognised the call didn't go as well as it should have done and has paid Mr H £25 to apologise for the time spent on the call. Under the circumstances and bearing in mind the type of awards this service would make, I think this is a fair and reasonable payment for the trouble and upset Mr H has been caused.

It follows that I don't uphold Mr H's complaint. I appreciate Mr H will no doubt be disappointed with the outcome, but I hope I have been able to explain how and why I have reached my decision.

My final decision

For the reasons give, 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