

## The complaint

Mr H has complained about the information and response he was given in response to issues raised during a call with Aviva Investors UK Fund Services Limited ('Aviva') to discuss the fall in the value of the final bonus on his With Profits Bond fund. 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. The settlement proposed by Aviva was unfair, unreasonable and inadequate.

## What happened

Mr H held a With Profits Bond with Aviva. He called Aviva on 24 July 2023 as he wanted information about the drop in the value of the final bonus on his With Profits Bond fund. Mr H had to wait 25 minutes for his call to be answered which he was unhappy about. Mr H was also unhappy that Aviva's representative – the call handler – couldn't answer the questions he asked, so he raised a complaint about the issues that had arisen during the call.

Aviva responded to Mr H's complaint on 3 August 2023. It said;

- It apologised for the length of time it took for Mr H's call to be answered. It provided feedback to the manager of that process. It paid Mr H £25 for the trouble and upset he had been caused because of the waiting time.
- Mr H had wanted to know if Aviva would be covering any financial loss for the potential decrease in value of his final bonus during the time it would take to resolve his complaint. But Aviva said that Mr H had made contact on 24 July, a response was sent to him on 27 July and further information providing including the Principles and Practices of Financial Management on 1 August. These responses were within a reasonable timeframe and there was no financial loss to be considered.
- Mr H wasn't happy with the how his call was handled, and the security questions asked. Aviva didn't agree. It said the call was handled well.

Mr H wasn't happy with the outcome, so he brought his complaint to the Financial Ombudsman Service. Our investigator who considered the complaint didn't think that Aviva had made any errors. She said;

- During the call Aviva's representative couldn't answer Mr H's technical question about the drop in value of his final bonus. So, the call handler said she would seek further information which was provided to Mr H on 27 July and 1 August. The investigator was satisfied this information was provided in a timely manner.
- She was also satisfied that in its response to Mr H's queries Aviva had explained how the final bonuses worked.
- Mr H had asked about Aviva covering a potential decrease in the final bonus while his complaint was being investigated. She thought Aviva's response that it wouldn't consider this was fair as the final bonus wasn't guaranteed.
- Mr H should contact the Information Commissioner's Office if he was concerned

about data security and the Financial Conduct about call waiting times. These points weren't ones that she could consider.

Mr H didn't agree with the investigator. The issues and concerns he had raised with Aviva remained unresolved and unanswered. This included providing the policy holder with the required detail regarding the basis for the performance and market decline of the investment. Mr H asked for his complaint to be considered by an ombudsman, so it has been passed to me to decide.

### **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 conclusion as the investigator and broadly for the same reasons. I'll explain why.

I've listened to the call of 24 July 2023. Mr H wanted to know why there was a drop in value of 12.3% in the final bonus of his With Profits Bond fund as per the recent statement he had received compared to a previous statement. The call handler explained that the final bonus rate would depend upon the fund's performance but that she couldn't immediately answer his question in more detail and would have to refer to Aviva's back office for a more detailed response.

While no doubt Mr H would have liked for a complete answer during the call, as explained by Aviva's representative she was a call handler and Aviva dealt with many types of policies and products. I don't think it's unreasonable for Aviva's representative to not immediately know the answer about the final bonus performance on one With Profits Bond's fund compared to another.

It is not for this service to instruct a business about the level of knowledge its call handlers should be expected to have. While I appreciate that Mr H was frustrated by this, but I also accept that Aviva offers a wide range of products and that its call handlers will subsequently have to deal with a wide range of queries.

And it is not the role of this service to instruct a firm about the level of product training it should give to its call handlers. So even though I appreciate Mr H would have liked for the call handler he spoke with to have been able to answer the questions he asked, I can appreciate why a call handler's depth of knowledge may be limited to more frequently asked questions rather than to specific fund performance knowledge.

Even so, I do appreciate that from Mr H's point of view he had 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.

However, how a firm chooses runs its own business is for the firm to decide but I don't think it's unreasonable to assume that a firm would run its business to provide a service its customers would find useful. Mr H may be dissatisfied that Aviva failed in providing him with the standard of service he wanted during the call, by not being able to immediately provide the answers to his questions, but it did respond to him very shortly afterwards.

I'm satisfied Aviva's representative responded appropriately by making it clear she didn't know the answers he was seeking but that his questions would be referred, and Mr H would be responded to. Mr H was responded to initially three days later on 27 July and given more

information on 1 August. So, Mr H didn't have to wait a long time for the more thorough answers to his questions. In its response to Mr H of 27 July 2023 Aviva said that investment markets go up and down and as quoted by the investigator, it was made clear that the final bonuses can fluctuate in value and couldn't be guaranteed;

'For investments in the Aviva Life & Pensions UK Limited FP With-Profit Sub-Fund, this value includes a final bonus of £9,272.66. The actual value will be calculated on the day we receive all our requirements. This means the amount payable may be more or less than the amount quoted. The amount shown is not guaranteed.'

I've also reviewed the information sent to Mr H on 1 August, the Principles and Practices of Financial Management document which provided further information about the final bonus rates. So overall, while Mr H's questions couldn't be answered in the level of detail he wanted during his call, I'm satisfied they were responded to shortly afterwards.

It's clear from that call that Mr H was frustrated by the wait time of 25 minutes he had experienced. Undoubtedly this must have been annoying for him, but I note that when he raised this with Aviva's representative during the call, she apologised at the time. And Aviva has also recognised this point in its response to Mr H's complaint that he had to wait longer than expected and paid him £25 for this.

Similar to what I have said above, it's not for this service to instruct a firm on how it should manage its phone systems and calls, or what waiting times would be appropriate or otherwise. But Aviva has already recognised the frustration Mr H experienced with its payment of £25 and I think that is fair and reasonable under the circumstances. So, I won't be asking Aviva to do anything more.

During the call Mr H asked Aviva's representative whether Aviva would be liable for any fall in value of the final bonus during the amount of time it took to respond to the complaint. Again, the representative couldn't answer this point at the time as she made it clear she wasn't within the complaint handling team, but that point would be addressed in its reply to Mr H's complaint.

In its response to the complaint, Aviva concluded that it wouldn't consider any liability. I don't find this unreasonable. Final bonuses couldn't be guaranteed, and Mr H was under no obligation to retain the investment if he had wanted to encash it during the complaint investigation. During the call Mr H was of the opinion that he didn't know where he stood with the final bonus, and it would be difficult for him to act. But as explained by Aviva's representative, if it had found something had gone wrong, that could potentially be addressed during the complaint handling process. So, I can't find there was any barrier to Mr H cashing his fund if he had wanted to.

Taking all of the above into account I don't uphold Mr H's complaint and I'm not asking Aviva to take any further action. I'm satisfied that Mr H received a response to his queries that couldn't be addressed during the call and within a reasonable timeframe. Aviva has recognised the length of the call waiting time Mr H experienced and paid him £25 for this which I think is fair under the circumstances of the complaint. There is no evidence that a financial loss was incurred during the complaint investigation so there is no need for Aviva to consider any liability.

No doubt Mr H will be disappointed with my conclusion, but I hope I have been able to explain how and why I have reached it.

If Mr H wants to raise any complaint points with the financial regulator – the Financial Conduct Authority – and the Information Commissioner's Office, he is free to do so.

**My final decision**

For the reasons given, I don't uphold Mr H's complaint about Aviva Investors UK Fund Services 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**