

## The complaint

Mr C complains that Aviva Life & Pensions UK Limited unduly delayed providing him with information about his pension policies and he's been unable to progress his claim with the Financial Services Compensation Scheme (FSCS) as a result.

## What happened

Mr C had three pension policies which had originally been taken out with Friends Life which was then acquired by Aviva. So, Aviva is responsible for dealing with his complaint.

After seeking independent advice, from a third party which I'll refer to as X, in 2013, Mr C transferred the benefit of the three policies, together with the benefit of policies held with certain other providers, to a Self-Invested Personal Pension scheme (SIPP). The three Aviva policies were numbered \*\*822, \*\*669 and \*\*612.

Mr C raised a complaint about the advice he'd received from X and he submitted a claim to the FSCS in the summer of 2022 in respect of that matter.

The FSCS wrote to Aviva on 16 September 2022, 30 September 2022 and again on 14 October 2022 requesting information about the three policies Mr C had transferred out from Aviva in 2013.

Aviva wrote to Mr C on 18 November 2022. It sent him the details requested about policy \*\*822 but it said it had no information about policy \*\*699 (*note - this was an incorrect number*) or policy \*\*612.

Mr C wrote directly to Aviva on 15 May 2023 to try to obtain the missing information. He sent an email to the "contact us" address displayed on Aviva's website. He provided scanned copies of the transfer requests and copies of the bank statements for his SIPP which also provided further information about policies \*\* 669 and \*\*612.

Mr C says he didn't receive a response and he had to contact Aviva by telephone to complain.

Aviva investigated his complaint. It sent its final response on 6 September 2023. It said it was sorry about the delays he'd experienced. It hadn't forwarded his email to the correct department and had failed to comply with its own processing times. It had now provided information about policy \*\*669 on 19 July 2023 and it had referred policy \*\*612 to its tracing team to track down the correct department. It paid him £150 by way of compensation for the trouble and inconvenience he'd been caused.

When Mr C still hadn't received any information about policy \*\*612, he asked the Information Commissioner's Office (ICO) to assist him. The ICO contacted Aviva towards the end of October 2023 and after further investigations, Aviva was able to locate information about policy \*\*612 which it provided to the FSCS on 20 November 2023.

Mr C says that because of Aviva's delays, the information that'd previously been provided to the FSCS was out of date and he had to start the whole process again – including with the companies where his other pension policies had been held.

Mr C referred his complaint to our service. Our investigator looked into his complaint. He thought Aviva could have done more when it received the initial request for information about all three policies. He acknowledged it can be difficult to locate older policies but if Aviva had asked Mr C for further information at the start of the process, our investigator said Mr C would have provided it. Mr C had to chase Aviva on several occasions to get the information and had to involve the ICO. As a result the process had taken much longer than it should have taken.

Our investigator didn't think Aviva was entirely to blame for the fact that Mr C's claim with the FSCS had been delayed. He noted that information from other providers was also required by the FSCS. However, he said Mr C had experienced inconvenience and worry and he thought Aviva should pay him an additional £350 (£500 in total) by way of compensation.

Mr C responded to what our investigator said. He said Aviva hadn't provided the up to date information which the FSCS had requested in 2024 and he was beginning to think that £500 was not enough to compensate him for the amount of time and effort he'd spent. Our investigator explained that Mr C would have to raise these ongoing matters with Aviva first.

Aviva did not respond to what our investigator said. So, the complaint was passed to me to decide.

Aviva now says it has nothing further to add and will await my 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.

At the outset I'd just explain that in this decision I'm only looking into the matters which Mr C complained about and which Aviva responded to in its final response letter dated September 2023. Mr C has raised further complaints about ongoing delays which occurred in 2024. He will need to raise those matters with Aviva in the first instance.

#### *The delay in providing information*

The crux of Mr C's complaint is that Aviva unduly delayed providing information requested by the FSCS in relation to three policies - \*\*822, \*\*669 and \*\* 612. As a result he says the FSCS hasn't been able to process his claim against X (a third party).

I can see that the FSCS requested information about these three policies on at least three occasions - 16 September 2022, 30 September 2022 and 14 October 2022. Its request provided information about the policy numbers (including that they were former Friends Life policies), Mr C's name, current address, national insurance number and previous address.

Aviva responded in November 2022. It wrote to Mr C with the information that'd been requested about policy \*\*822 but it said it did not hold any information about policy \*\*699 or policy \*\*612. I've noted this letter misquoted the policy number for policy \*\*669. It's not clear if that may explain why Aviva was initially unable to locate the information requested about that policy.

In its letter dated November 2022, Aviva didn't ask Mr C to provide it with any further information about the policies nor did it say it intended to make any further tracing attempts. So, I've thought about whether it did enough to respond to the FSCS request.

As our investigator said, it can be difficult for a firm to find older policies where, as here, the policies had been taken out through a predecessor firm and the policies were subsequently transferred out (around ten years ago). However, I'd expect Aviva to take reasonable steps to try to trace information about older policies where it receives a request from the FSCS. I think that's a fair and reasonable expectation especially where Aviva says it has a tracing team which deals with requests of this nature.

Aviva says it did refer Mr C's request to its tracing team. However, it doesn't appear to have done that until after Mr C contacted it in May 2023. I say that because the letter it sent him in November 2022 (which provided information about policy \*\*822) simply stated that it didn't hold any record of the other two policies. The letter didn't indicate that the request had been referred to the tracing team.

I think it's fair and reasonable to have expected the FSCS request to have been referred to the tracing team at the outset. If that had happened, I would've expected the tracing team to have had knowledge of, and access to, archived systems which held details of older policies. However, there's no evidence that any searches were made on archived systems when the request was initially received, or after Aviva says it referred the matter to its tracing team in July 2023. The first search on the archived database only appears to have taken place in November 2023, after the ICO contacted Aviva. I'll comment further about that below.

I also think it would've been fair and reasonable for Aviva to have contacted Mr C if it needed further information to help it to trace the missing policies. Aviva doesn't appear to have taken any steps, after it received the FSCS requests, other than checking its current database. As our investigator said, Mr C would've been willing to provide any additional information Aviva requested. He had copies of the original transfer out requests and copies of the SIPP bank statements which showed the dates the transfers were made and the amounts involved. He'd sent these to Aviva, of his own accord, in an effort to try to get the matter progressed, in May 2023.

On 15 May 2023, Mr C sent an email to the "contact us" address on Aviva's website. He explained that information for policy \*\*699 (this was the incorrect policy number) and policy \*\*612 was still outstanding.

Attached to Mr C's email were scanned copies of the transfer requests relating to the three policies and a copy of the SIPP bank account statement. Although in his covering email Mr C had quoted an incorrect policy number (which he'd presumably copied from the letter Aviva had sent to him), the scanned copy correspondence he enclosed quoted the correct policy numbers. In his email Mr C also explained that if further information was required Aviva could contact him.

It's not clear what happened after Mr C sent this email to Aviva. Aviva has provided a copy of a letter dated 2 June 2023 addressed to Mr C which provided some information about policy \*\*669. Aviva hasn't confirmed that this letter was sent and Mr C doesn't appear to have received it. He contacted Aviva again – by email and then by phone.

After it received this further request Aviva says it emailed the information about policy \*\*669 on 19 July 2023.

In its final response letter Aviva acknowledged it hadn't forwarded Mr C's email to the correct department. It said the matter had been dealt with after he'd phoned on 8 June 2023. It acknowledged there'd then been a further delay emailing the information to him.

As mentioned above the information about policy \*\*669 was sent to Mr C on 19 July 2023. No explanation was provided for not having been able to provide this information much earlier. In its letter, Aviva said it had sent details of policy \*\*612 to its tracing team.

It's not clear what happened after policy \*\*612 was referred to the tracing team. Mr C wasn't provided with any further information and Aviva didn't contact him. Mr C decided to ask the ICO for its assistance and it contacted Aviva at the end of October 2023. It was only at this point that Aviva appears to have made a concerted attempt to trace policy \*\*612.

I can see that details of policy \*\*612 were held on an older archived system to which only certain personnel had access. However, after receiving the ICO request, Aviva was able to access the archived data within a few days. It did take time to provide all of the information requested by the FSCS. Part of the reason for that was because actuarial calculations had to be obtained. Nevertheless the information requested was sent to the FSCS on 20 November 2023 – less than a month after the ICO became involved.

Having considered everything here, I'm satisfied, on balance, Aviva could have provided all of the information the FSCS requested much earlier. I think it's fair and reasonable to have expected it to have done more after it received the initial request for information. I'm persuaded, on balance, the information on policies \*\*822 and \*\* 669 was readily available. And I'm also persuaded the information on policy \*\*612 could've been accessed much earlier if Aviva had referred the matter to its tracing team at the outset and if it had used its knowledge to access the archived database. Alternatively it could have contacted Mr C for further information, if that was required, after it received the initial request for information from the FSCS in September 2022.

### *Financial Loss*

I've thought about whether Mr C has suffered any financial loss as a result of Aviva's delays. Having done so, I agree with our investigator when he said that he couldn't be certain Mr C's claim with the FSCS had been delayed solely because of Aviva's failure to provide all of the requested information.

I can see the FSCS also requested information from other providers. Not all of that information had been provided by those firms. So, even if Aviva had provided all of the information it was asked for, in a timely way, I'm not persuaded, on balance, Mr C's claim with the FSCS could've been progressed until it had all of the information it needed from each of the firms the FSCS had contacted.

Having considered everything, I'm not persuaded, on balance, there's enough evidence to show that Mr C has suffered any financial loss as a result of what happened here.

### *Distress and Inconvenience*

Aviva has paid Mr C £150 by way of compensation for distress and inconvenience. Our investigator didn't think that was enough. He thought Aviva should pay Mr C £500 (in total).

Mr C has been caused considerable distress and significant inconvenience as a result of what happened here. He's had to spend a lot of time and effort to get the information he required.

Mr C has told us about the many hours he spent telephoning and writing to Aviva. He also felt he had to involve the ICO to try to get a response from Aviva. And it was only after all of this effort that he finally got the information he required – only to find out that he had to start the whole process again because the information he'd originally received needed to be updated. It had taken Aviva over a year to supply all of the information the FSCS had requested.

I can understand why Mr C says he felt like he was “trapped in a vicious cycle of inaction”. Had it not been for his efforts I'm persuaded, on balance, it's unlikely he would've received the information the FSCS requested.

So, having considered everything here, including our general guidelines about compensation for distress and inconvenience, I've decided it's fair and reasonable to require Aviva to pay Mr C an additional £350 (£500 in total) by way of compensation for the distress and inconvenience he experienced as a result of what happened here.

### **My final decision**

For the reasons given above I uphold this complaint about Aviva Life & Pensions UK Limited. I now require it to take the following action:

- Pay Mr C an additional £350 (£500 in total) by way of compensation for distress and inconvenience he experienced as a result of what happened.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr C to accept or reject my decision before 4 June 2024.

Irene Martin  
**Ombudsman**