

The complaint

Mr P complains that Aviva Life & Pensions UK Limited gave him conflicting information about his pension investment ending 6590, which was originally taken out with Norwich Union. He complains that Aviva appears to have lost this investment.

What happened

Norwich Union was taken over by Aviva in June 2009.

In 2021, Mr P contacted Aviva about an old pensions policy of his.

On 7 February 2024, Aviva wrote to Mr P informing him policy ending 6590 had been cancelled from the outset. In other correspondence, Aviva also referred to the wrong policy number and gave a wrong valuation.

After Mr P forwarded Aviva a statement dated 3 April 1994, from Norwich Union showing he had a policy with Norwich Union and that its value at that date was £2,243.91, on 15 March 2024, Aviva issued its final response. It accepted it had provided incorrect information. It explained that having checked older systems, it had found information relating to this policy. It said these records showed that the policy ceased to have a value after December 1994.

Aviva offered to pay Mr P a further £300 compensation for the miscommunication and delay. He had previously been paid £100 compensation by Aviva.

Mr P did not accept Aviva's offer of settlement. Mr P believes that Aviva has effectively 'lost' this policy because he does not recall it being encashed or transferred.

Our investigator looked into Mr P's complaint and concluded that Aviva's offer was fair and reasonable in the circumstances. Our investigator was not satisfied that Aviva had lost Mr P's pension.

Mr P did not accept our investigator's view and so his complaint comes to me for a decision. Mr P highlights, in summary, what he perceives to be Aviva's ineptitude and lack of accountability. Mr P is of the view that as pensions are lifetime products, Aviva's records are not acceptable.

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.

I recognise that having been given incorrect information by Aviva about this particular pension policy more than once, Mr P's faith in Aviva properly searching its old records and systems to identify whether it still holds a pension in his name has been eroded.

I can see that his confidence in Aviva was likely further eroded still, as it at times didn't appear to pay full attention to what Mr P was telling it, quoting wrong reference numbers and providing a wrong valuation. I accept Mr P has found this frustrating and it took up an unnecessary amount of his time. This situation has also contributed towards Mr P believing Aviva has lost his pensions policy.

Where there is a dispute between the parties, I have to consider whether the party that is saying that something has been done wrong has established that more likely than not that is the case. Based on the evidence before me, I cannot say that more likely than not Mr P does still have this particular policy with Aviva and Aviva has lost it.

Mr P has correspondence about this policy going back to 1994, some 30 years ago, but seemingly nothing more recent. He has also told this service that he had other pensions and some benefits were taken in 2010. It's possible, but I can't know if that is the case either, that this particular pension policy referred to in the 1994 correspondence, may have been combined with another pension or encashed. I simply cannot say from either Mr P and/or Aviva's records that Aviva has lost this pension belonging to Mr P.

I note the 1994 letter refers to this pension being payable from January 2016, over eight years ago.

Looked at overall, given the passage of time, I can understand why Aviva's legacy records are limited.

What is clear is that Mr P was given incorrect and conflicting information from Aviva, such that Aviva has accepted that this warrants a compensation payment. I agree.

Looking at the level of awards made by this service, I consider that the further £300 offered by Aviva for the trouble and upset caused by its miscommunication and delay is in line with other awards made by this service.

Our investigator has explained the steps that Mr P may be able to take now to try to identify what has happened to this particular pensions policy. However, without more information, I think Aviva has done all that it can at this time to try to trace his policy. In the circumstances, I do not consider that Aviva needs to take any further action now except pay the remaining compensation, if not already paid, if Mr P wants to receive it.

Putting things right

Aviva should pay Mr P a further £300 compensation for his distress and inconvenience.

My final decision

I partially uphold this complaint and order Aviva Life & Pensions UK Limited to pay Mr P an additional £300.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr P to accept or reject my decision before 8 January 2025.

Kim Parsons
Ombudsman