

## **The complaint**

Mrs M complains that Aviva Life & Pensions UK Limited has failed to honour her request to withdraw money from her pension.

## **What happened**

Mrs M has a Stakeholder Pension with Aviva. She says she contacted Aviva in May 2023 and asked it to allow her to make a withdrawal. She says she didn't get a response. She contacted it again in November 2023. Mrs M says it raised a number of objections, asked her for unnecessary documentation and hasn't complied with her request. She complained to Aviva.

Aviva investigated her complaint. It said it had sent Mrs M a retirement options pack on 20 December 2023. It had received her chosen option on 2 May 2024. At that time she indicated she wanted to take the maximum tax free cash sum from her pension. Aviva sent her a personalised quotation on 10 May 2024. Mrs M did not sign and return this form. A further personalised quotation was sent to her on 20 August 2024. Mrs M had not signed and returned this. Aviva said Mrs M had also refused to provide the evidence it had asked her for to complete its due diligence checks.

Aviva said it could not comply with her withdrawal request unless she completed and returned the personalised quotation and provided it with the information it had requested, including a copy of her bank statement.

Mrs M did not agree. By way of summary she said:

- Aviva was putting up unnecessary obstacles to prevent her from withdrawing her pension;
- She didn't think it was necessary to provide personal information to take her own money out of her pension;
- Aviva had been happy to collect direct debits from her bank account without requiring due diligence checks. Why did it have an issue with paying the money from her pension into that same bank account.

She referred her complaint to our service. Our investigator looked into her complaint. Aviva told our investigator it acknowledged there'd been a delay when Mrs M had first contacted it on 1 November 2023 to request her pension. It offered to pay her £100 by way of compensation for this delay. But it didn't agree it had made any other errors or done anything wrong.

Our investigator thought that Aviva's offer to settle the complaint was fair and reasonable. She said Mrs M needed to co-operate with Aviva by giving it the information it had requested. She didn't think it was unreasonable for Aviva to ask her to sign and return the personalised quotation and provide a copy of her bank statement. She also said that this was not an exhaustive list. She thought every pension provider would be asking for the same things if a customer was to request a withdrawal.

I can see that Mrs M did subsequently contact Aviva and ask it for details of how she could send it a copy of her bank statement. Aviva provided that information to her but it says she hasn't sent a copy of her bank statement to it.

Mrs M did not accept what our investigator had said. She said it wasn't mandatory to provide a bank statement. And there were other ways that she could be identified.

Because Mrs M did not agree, her complaint 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.

#### Aviva's requirements

To process Mrs M's request to make a withdrawal from her pension Aviva says it requires Mrs M to:

- sign and return the personalised quotation;
- provide documentation to verify her identity; and
- provide a copy of her bank statement. Aviva has set out the information that the bank statement needs to include.

Aviva says this will enable it to comply with regulatory requirements and will ensure the pension is paid into an account owned and operated by Mrs M.

The crux of Mrs M's complaint is that Aviva's requirements are unnecessary and she sees them as "obstacles" being erected by Aviva to delay, or prevent her, from making the withdrawal and having it paid into her bank account – the same account that the payments into her pension came from.

So, I've considered each of Aviva's requirements:

#### *Sign and return the personalised quotation*

Aviva sent Mrs M an options pack on 20 December 2023. She initially wrote on the option form that she just wanted to withdraw all of her pension and have it paid into her bank account. There was subsequent correspondence and it appears that another options pack was sent to Mrs M in January 2024. Mrs M returned the option form, duly completed, on 2 May 2024. She indicated that she'd taken independent financial advice. She made clear she wanted to take the maximum tax free cash sum from her pension.

After it received the completed option form, Aviva issued a personalised quotation to Mrs M. It did that on 10 May 2024. I think the quotation was issued within a reasonable period of time after Aviva received the completed option form. Mrs M didn't sign and return the quotation. A further quotation was sent to her in August 2024. She hasn't signed and returned this quotation either.

Both of the personalised quotations have now expired.

Having thought about the requirement to sign and return the personalised quotation, I'm satisfied, on balance, it's fair and reasonable for Aviva to require Mrs M to sign and return the personalised quotation. Aviva says this is its usual procedure – and what it requires all its customers to do when they wish to make a withdrawal. By signing the personalised

quotation Mrs M will be acknowledging that she's received and read the personalised quotation and she wants to go ahead on that basis. She will also be confirming the bank account where she wants the lump sum to be paid into. I think that's fair and reasonable.

So, if Mrs M still wants to proceed she will need to ask Aviva to issue an updated quotation to her for signature and return.

*Provide documentation to verify her identity*

Mrs M told Aviva on several occasions that she did not want to have to disclose her personal details to it. This was part of the due diligence checks Aviva said it had to carry out before it could go ahead with the withdrawal request.

I can understand why Mrs M might have been reluctant to disclose her personal details.

However, Aviva wrote to her on 29 December 2023 and explained that the reason why it needed her personal details was so that it could proceed with the relevant checks it was required to carry out. It referred to the regulatory requirements it was required to comply with. It also explained that the requirements were there to protect Mrs M's safety and security so that Aviva could be certain it was crediting the pension withdrawal to the correct person.

Having read the correspondence dated 29 December 2023, I think the reasons Aviva provided for its requirements were fair and reasonable.

I can see in its letter dated 4 January 2024, Aviva set out the documents that it needed.

These were:

- *A copy of your current passport or photo card driver's licence*
- *A copy of a paper or online bank statement....*

I'll comment further below about the requirement for a copy of Mrs M's bank statement.

I've noted that on the option form which Mrs M completed and returned to Aviva on 2 May she indicated that she did not want Aviva to use a third party provider to verify her identity. Aviva explained on the option form that if the third party provider wasn't used, it would ask her for other information to complete its identity checks. I think that was fair and reasonable.

Aviva says it needs a copy of Mrs M's current passport or photocard driver's licence to verify her identity.

Mrs M has continued to object to Aviva's requirements. She thinks they are merely a delaying tactic. And she says she's found out that there are other means by which Aviva could confirm her identity such as her national insurance number, council tax or utility bill.

I asked Aviva to comment on what Mrs M said. It says that in circumstances where Mrs M doesn't want to (or isn't able to) provide a copy of her passport or photo card driver's licence there are other documents which it will accept. A full list of these documents can be obtained from Aviva and is also available on its website.

I have noted that one of the items on the list which Aviva has provided is "the latest council tax statement." There are also various other documents on the list. So, I don't think it's unfair or unreasonable to expect Mrs M to be able to comply with Aviva's requirements regarding confirmation of her identity.

### *Provide a copy of her bank statement*

Mrs M objects to having to provide a copy of her bank statement. She says Aviva already knows her bank account details – because that's where the payments into her pension have come from. She also says she has sought further advice and found out that although bank details are mandatory – provision of her bank statement is not.

I asked Aviva to explain why it needed a copy of Mrs M's bank statement.

Aviva says it needs to see a copy of Mrs M's bank statement so that it can ensure that the withdrawal is credited to an account that Mrs M owns. That's why it wants the bank statement to include certain information such as the name on the bank account, the address of the account holder and information to show that the account is operational. Aviva also referred to its regulatory obligations.

Aviva says that it applies the same requirements to all its customers and it hasn't asked Mrs M to provide anything that it doesn't ask its other customers to provide.

Having considered everything here, I don't think Aviva's requirement regarding production of the bank statement is unreasonable. It has explained why it needs a bank statement. Mrs M has also been given information more recently, in October 2024, about how she can send the bank statement to Aviva – she can post it or send it by email.

So, in all the circumstances, I'm not persuaded Aviva has acted unfairly or unreasonably here. It has provided Mrs M with sufficient information to enable her to comply with its request to provide a copy of her bank statement.

For the reasons set out above, I don't uphold this part of Mrs M's complaint.

If Mrs M wants to proceed to make the withdrawal she will now need to request an up to date quotation from Aviva. And, if she wants to go ahead, after she's been provided with an up to date quotation, she will need to:

- sign and return the personalised quotation to Aviva;
- provide Aviva with evidence to verify her identity (such as her latest Council tax statement or other acceptable documentation selected from the list available from Aviva); and
- provide Aviva with a copy of her most recent bank statement (which should include all of the information she's previously been told about).

### Other issues raised by Mrs M

Mrs M has also raised other complaint points:

#### *She says she first asked Aviva in May 2023 for the withdrawal*

Aviva says it has no record of this request. Aviva has been able to provide copies of email correspondence after 1 November 2023. But it doesn't have any records of being contacted by Mrs M in May 2023. And I've not been provided with any evidence to support what Mrs M has told us about contacting Aviva in May 2023. So, I'm unable to uphold this part of her complaint.

*She contacted Aviva on 1 November 2023 – but it ignored her request and she had to contact it subsequently*

After the complaint was referred to our service Aviva acknowledged it hadn't dealt with Mrs M's email dated 1 November 2023 as quickly as it should have. After Mrs M contacted it again, it says it did deal with her request and I can see it contacted her on 8 December 2023 – which was over a month later.

Aviva has offered to pay Mrs M £100 by way of compensation for not responding to her initial email dated 1 November 2023. I can see that Mrs M had to send a follow up email before she was able to get Aviva to deal with her request – so she would've experienced some distress and inconvenience. Taking everything into account, including our guidelines for awards for distress and inconvenience, I think the offer Aviva has made, to pay Mrs M £100, is fair in all the circumstances that applied here. So I don't require it to do anything further.

### **My final decision**

For the reasons given above I uphold this complaint, in part, about Aviva Life & Pensions UK Limited.

Aviva Life & Pensions UK Limited has already made an offer to pay Mrs M £100 to settle the complaint and I think this offer is fair in all the circumstances.

So, my decision is that Aviva Life & Pensions UK Limited should pay Mrs M £100.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs M to accept or reject my decision before 25 April 2025.

Irene Martin  
**Ombudsman**