

The complaint

Mr M had a claim accepted by Aviva Life & Pensions UK Limited under a group income protection insurance and it's been paying the monthly benefit. Mr M is unhappy with the way a review of the claim has been carried out.

What happened

The details of this complaint are well known to both parties, so I won't repeat them again here. I'll focus on giving the reasons for 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.

That includes Mr M's submissions. I'm not going to respond to each point made. I hope Mr M understands that no discourtesy is intended by this. Instead, I've focussed on what I think are the key issues here. The rules that govern the Financial Ombudsman Service allow me to do this as we are an informal dispute resolution service. If there's something I've not mentioned, it isn't because I've overlooked it. I haven't. I'm satisfied I don't need to comment on every point to fulfil my statutory remit.

The claim was accepted by Aviva, and it has been paying the monthly benefit for many years. It's standard practice for income protection insurers, in such circumstances, to review the claim from time-to-time which Aviva has done here.

That can take many forms, including obtaining up to date medical records, instructing a medical expert to meet with the insured person and report on their condition and how it impacts their ability to work, carry out surveillance on the insured person and the activities they're undertaking and/or ask them to attend an interview.

In this case, Aviva arranged for Mr M to attend an interview with a claims validation company and the interview took place in December 2023 ('the interview'). Aviva has said the claims validation company was instructed to act on its behalf as part of Aviva's review of the claim. In principle, I don't think that was unreasonable.

Mr M is very unhappy with the way in which the interview was conducted. He says that he felt interrogated, and the interviewer repeatedly suggested that he should withdraw his claim rather than have Aviva end the claim. And that he might get into trouble with his employer – the policyholder - given the information that had been obtained. As a result of the interview, Mr M says his health further deteriorated.

I know Mr M will be very disappointed but having considered everything, including the recording of the meeting against the transcript and summaries provided to Aviva by the interviewer, I'm satisfied Aviva has acted fairly and reasonably overall. I'll explain why.

- I'm satisfied that the interviewer was polite and professional throughout the interview.

Mr M was offered regular breaks which he accepted at one point during the meeting.

- I'm satisfied that Mr M was asked a number of questions; particularly around voluntary work and playing golf. I don't think the questions were excessive, unclear or put to Mr M in an unfair way. I think they were relevant to the review.
- Mr M had attended a virtual assessment around six months before the interview. The record of that assessment reflects that Mr M felt "unable to tolerate any type of work currently due to the severity of his symptoms", that he was "focusing on his health" and he hadn't completed any work during the period of claim including any voluntary or unpaid work. It's also reflected that Mr M said his symptoms continued to have a significant impact on his daily function and tolerance for activity "precluding him for returning to work and undertaking many of his usual hobbies, such as golf and fitness". There's also mention of Mr M being hypersensitive to light "affecting his tolerance for use of computer screens".
- So, I don't think it was unreasonable for the interviewer to ask questions about Mr M helping to update and manage an external website, getting a new set of golf clubs and playing golf whilst the claim was ongoing as part of the overall review into the claim. I'm satisfied that those issues are potentially relevant to whether Mr M continues to meet the policy definition of 'incapacity'.
- The interviewer did confirm that they would suspend the interview to allow Mr M the opportunity to obtain information relevant to the questions asked of him. I think that was reasonable in the circumstances of this case.
- The interviewer did ask Mr M whether there was anything else he'd like to ask at the end of the interview. Mr M replied: "what's the implication here...am I going to lose my benefit?" At this stage, it might've been better for the interviewer to not have answered the question and to instead say the review was ongoing. However, having carefully considered what was said, I don't think the reviewer's response was unreasonable.
- I'm satisfied that the interviewer set out what could happen and he wasn't trying to coerce Mr M to withdraw his claim, although he did present this as an option and the potential benefits of doing so. Ultimately, he confirmed it was Aviva's decision whether to reconvene the interview at a later stage in light of the report the interviewer would be submitting. Or whether it had enough information to conclude its review, and to decide on the next steps.
- Further, and in the alternative, even if the interviewer did go further than he reasonably should've at the end of the interview and when responding to Mr M's question about whether he was going to lose the policy benefit, I can't see that this did ultimately result in Mr M withdrawing his claim. And although he might've been worried about whether the claim might continue and other potential consequences, I don't think the interviewer said anything which was untrue if Mr M was found to have given inconsistent / misleading information when reviewing the claim and since it was accepted.
- I've also considered the information detailed in the statement prepared by the interviewer following the interview and report. I don't think they've unfairly summarised the answers given by Mr M during the interview.
- I'm also satisfied that Aviva acted fairly by looking into the concerns raised by Mr M about the way in which the interview was conducted. And overall concluding that the interview was conducted appropriately. Aviva has also said that it would consider Mr M's additional comments when reviewing the claim along with the reports. I think that's fair and reasonable in principle, and in line with what I would reasonably expect.

Just so everyone is clear, nothing in my decision should be taken to mean that the information gathered as part of the interview is sufficient for Aviva to stop paying the claim. I've only considered whether this aspect of the review was carried out fairly and reasonably.

My final decision

I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 24 April 2025.

David Curtis-Johnson
Ombudsman