

## **The complaint**

Mr M complains that Aviva Life & Pensions UK Limited allowed him to invest in a fund a week after the fund managers gave notice that the funds would be wound up within two months. He says that Aviva's delay in sharing that information caused him to suffer a loss.

## **What happened**

Mr M had a pension with Aviva. Mr M says that Aviva allowed him to purchase units in the HSBC Global Strategy Sustainable Balanced Portfolio C Accumulation Fund on 15 October 2024.

On 25 October 2024 Aviva informed him that the HSBC Global Strategy Sustainable range of funds would be closing on 22 November 2024. Mr M then sold the units he held in that fund at a loss.

Mr M complained to Aviva that, as HSBC had announced on 22 September 2024 that it would be closing its Global Strategy Sustainable range of funds, Aviva should have stopped its customers purchasing units in that fund before he made his investment in it.

Aviva didn't uphold Mr M's complaint. It explained that it had updated Mr M about the fund closure as soon as possible once it was made aware. It said that, given the high number of funds it holds on its platform, it was not possible to individually track updates for each fund and relied on fund manager notifications. It explained that it was not responsible for managing his plan in respect of investment decisions.

Mr M referred his complaint to our service. He said that he understood that Aviva could not give him financial advice over choice of investments but didn't accept that it was fair for it to still allow investments to be made in a fund that was about to close.

Our investigator considered Mr M's complaint and didn't think it should be upheld. She explained that Aviva were the platform provider and were not providing financial advice about the suitability of funds to be invested in. She explained that the fund did not close until November 2024 so was still legitimately available for customers to invest in.

Mr M disagreed with this answer and asked for an ombudsman's decision. He said that he accepted that it was reasonable for Aviva to still offer the fund until it was terminated. But he still argued that Aviva ought to have informed him that the fund was closing sooner.

## **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.

Having done so I have come to the same conclusion as our investigator. I am not upholding Mr M's complaint for the following reasons.

- The fund in question did not close until 22 November 2024. It was, therefore, still an

available and legitimate fund option at the point that Mr M chose to invest in it.

- Aviva were not advising Mr M on the suitability of any of his fund choices. They merely listed the options that were available via Mr M's pension platform. As a result, Aviva would not have had a view on Mr M's attitude to risk or his intended term for investment in any individual fund.
- As Aviva were not providing an advisory service, it was fair and reasonable for Aviva to consider that the responsibility for investment decisions rested with its consumer or, where used, their advisor.
- Aviva says that it aims to notify consumers invested in the fund a month before the fund closes. Which I think is fair and reasonable. I can see that it was therefore a couple of days late. But this lack of notice did not adversely affect Mr M whose issue is that he should have been informed before he invested in it.
- Aviva had a duty of due diligence to ensure that the funds that it allowed consumers to invest in were suitable for being held in a pension plan. The fact that the HSBC fund was winding up in a couple of months did not prevent that being the case. Money invested in it was not lost. It would simply be sold down and returned to the platform once closed. The fact that it was closing is not necessarily a factor that causes consumers loss. The fund was a managed fund and continued to be managed in line with its stated objective up until the point of closure.
- I understand C's frustration at having made the investment only to have to find an alternative. But I don't think that was a consequence of Aviva's failing. His pension was a self-invested pension and he was responsible for obtaining suitable advice, or if not, for undertaking suitable due diligence of his own regarding the suitability of the funds he chose.

### **My final decision**

For the above reasons I am not upholding Mr M's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 20 August 2025.

Gary Lane  
**Ombudsman**