

## The complaint

Mr H is unhappy that Aviva Life & Pensions UK Limited hasn't settled the death claim on his late mother's pension plan as it's been unable to contact the other beneficiary, his estranged brother. Mr H has provided Aviva with all the information he has regarding his brother's whereabouts, and has told Aviva there is nothing more he can do to help. He believes Aviva's decision is unfair and it should pay him his 50% share of the claim.

## What happened

Mr H's complaint was considered by one of our investigators. He sent his assessment of it to Mr H and Aviva on 18 July 2025. The investigator set out his understanding of the background and circumstances to the complaint in his assessment, so I won't repeat them all again here. But to summarise, Mr H's late mother passed away in October 2022. She had two sons. Mr H obtained Grant of Probate to deal with her affairs.

Mr H had been unaware that his mother had a pension with Aviva, but he was alerted to it when Aviva sent her an annual statement in October 2023. Mr H contacted Aviva to notify it of his mother's death on 19 October 2023. Mr H called Aviva to chase the information it required to process his claim on 23 October 2023. Aviva said it had been sent to his late mother's home address (which had been sold). So Aviva re-sent the information to Mr H via e-mail on 24 October 2023.

Aviva received a copy of the death certificate and Mr H's claim form on 1 November 2023, and on 2 November 2023 Aviva wrote to Mr H requesting copies of his and his brother's birth certificates and marriage certificates along with his late mother's divorce certificate. Aviva received this information on 29 November 2023.

Mr H contacted Aviva to request an update on his claim in April 2024. Aviva wrote to Mr H asking for his brother's contact details on 23 May 2024. It said that it needed to contact him before the Trustees could settle the death claim. On 11 June 2024 Mr H wrote to Aviva to explain that he had attempted to contact his brother using the contact details he had for him without success. He provided those contact details to Aviva. He went on to provide some background regarding their relationship and advised that he had not known where his brother lived since 2020.

Aviva wrote to Mr H's brother to request additional information from him on 21 June 2024. The same day, Aviva wrote to Mr H to advise him of its letter to his brother and that it was awaiting his response. It said it would contact Mr H again once the Trustees had made their decision.

Mr H contacted Aviva to chase his claim on 16 December 2024 as he had not heard anything since June 2024. Aviva said it was still awaiting a response from Mr H's brother following the letter it had sent in June 2024.

Aviva sent another letter to Mr H on 18 December 2024, repeating what it had said in its letter to him on 21 June 2024. It said it was unable to pay out the claim until it had received further information from his brother.

On 21 January 2025 Mr H contacted Aviva requesting that it pay him his share of any funds due to him and the remaining funds to be left within the plan until contact has been made with his brother.

Mr H complained to Aviva on 28 January 2025 about the delay in paying his death claim and it not responding to his 21 January 2025 correspondence.

Aviva sent Mr H its final response to his complaint on 17 March 2025. It apologised for the delay and inconvenience it had caused throughout the process. It partially upheld his complaint due to its failure to act to confirm Mr H's brothers' information and acknowledged that it had caused a delay in requesting confirmation of Mr H's brothers contact details. It paid Mr H £150 compensation for the distress and inconvenience caused. Aviva went on to explain that it was still required to contact Mr H's brother for information it may find useful before it could make a final decision on the claim.

Mr H subsequently referred his complaint to our service. Our investigator thought that Mr H's complaint should be upheld. He explained that under the terms and conditions of Mr H's late mother's pension plan, death benefits were payable at the discretion of the Trustees, and currently fell outside of the deceased's estate. He said Aviva had explained that the decision to contact Mr H's estranged brother for information was made by the Trustees. The investigator didn't think it was unreasonable to request the information for Mr H's brother before making a decision on Mr H's claim.

However, the investigator said it was clear from the timeline as set out above, and as Aviva had acknowledged, that its attempts to obtain confirmation of Mr H's brother's contact details and then directly contact him were not made in a timely manner. The investigator said this had resulted in Mr H experiencing a prolonged claims process at what must have been a difficult time for him.

The investigator said Aviva had confirmed to him in an e-mail dated 20 May 2025 that it had now received a response from Mr H's brother. It hadn't said when it had received the response, but said the claim had been passed to its technical team to progress it. The investigator said Aviva hadn't responded to his requests for further information about the status of the claim which he understood still hadn't been decided. So he said he'd based his findings on the information available to him at the time.

The investigator said as Aviva had referred the claim to its technical team, he thought it should be in a position to issue its decision on Mr H's claim and settle it promptly. He said he would expect Aviva to include interest at the rate of 8% simple per annum on any payment to allow for Mr H being deprived of the use of the funds.

The investigator said he thought there had been lengthy delays where no progress had been made, in particular between November 2023 and April 2024, and June to December 2024. And he said the claim had also been with Aviva's technical team since at least 20 May 2025 at the time he issued his assessment (18 July 2025). The investigator said he thought Aviva should pay Mr H a further £350 compensation (bringing the total figure to £500) to reflect the trouble and upset the matter had caused Mr H over many weeks and months and the continued delay in processing his claim.

Aviva didn't respond to the investigator's assessment. And it didn't provide any further evidence or arguments to consider when the investigator contacted it to say the complaint was going to be passed to an Ombudsman to make a final 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.

Having done so I've come to the same conclusions as the investigator, and for the same reasons.

It's clear that there were some lengthy delays, and Aviva hasn't progressed Mr H's claim in a timely manner.

When the investigator asked Aviva what the current position with the claim was in May 2025, and what time scale Aviva was working to, Aviva's response appeared to suggest it had received information from Mr H's brother and it was in the process of progressing the claim. However it wasn't entirely clear. And Aviva hasn't responded either to the investigator's assessment of the complaint or on being advised it was being passed to an Ombudsman. Mr H has told us that he still hasn't heard from Aviva. So I'm not aware of the reasons why Aviva still hasn't settled the matter.

Whilst I accept that Aviva may have had difficulties contacting Mr H's brother and that was outside of its control, it's also clear that it hasn't progressed the matter in an efficient and timely manner in any event. And this was at a particularly sensitive time for Mr H. So he wasn't only inconvenienced for a lengthy period, I'm satisfied it likely caused considerable distress. So like the investigator, I think it's fair that Aviva pay compensation to Mr H for the distress and inconvenience caused. And also pay appropriate interest on any payments from the pension ultimately paid to Mr H, given he hasn't had use of that money for a prolonged period.

As I've said, Mr H told us that Aviva still hasn't given him its decision/paid his claim. My decision here only relates to the current complaint and the delays referred to up to the date of this final decision and the loss of use of those monies that should otherwise have been paid earlier. It doesn't cover any further delays/issues that might arise/come to light going forward.

## **My final decision**

My final decision is that I uphold Mr H's complaint.

I order Aviva Life & Pensions UK Limited to pay Mr H an additional £350 for the distress and inconvenience I'm satisfied he was likely caused by the matter.

If Aviva has all the information it requires to settle the claim it should inform Mr H of its decision and arrange any payment from the pension due to Mr H within 28-days of us notifying it of Mr H's acceptance of this final decision. If it doesn't have all the information it requires it should provide an update of the position to Mr H, setting out what information it still requires and requesting that information in the same 28-day time period.

Aviva should pay interest at the rate it would usually pay interest from the date that Mr H's late mother passed away until 29 March 2024 – that would have given it four months to settle the claim from when Mr H provided the documentation Aviva requested from him on 29 November 2023. And whilst I accept some of the time taken may have been outside of its control, given the lengthy and significant delays it was responsible for and that it still hasn't informed Mr H of its decision, I think it's fair that it pays interest at the rate of 8% simple per annum on any payment made to Mr H from his late mother's pension from 29 March 2024 to the date of settlement. This is in respect of the loss of use of that money between those

dates.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 15 October 2025.

David Ashley  
**Ombudsman**