

## **complaint**

Mr and Mrs H complain about the sale of an investment and life cover plan in 1987 for which the Prudential Assurance Company Limited is responsible. They say they got no proper advice over the sale; the policy didn't make the returns they were told it would; the business' records are inadequate and overall it hasn't treated them fairly.

## **background**

The business didn't uphold the complaint. In summary it said there were no guarantees over the plan's performance and that it was not an inappropriate sale at the time. Unhappy with that Mr and Mrs H came to us.

One of our investigators looked at the file. While understanding Mr and Mrs H's concerns he didn't think the complaint should be upheld. He thought, like the business, the policy was not guaranteed to reach a certain value (or make a specific level of returns). He also thought the lack of records was partly due simply to the passage of time and that the business had treated Mr and Mrs H fairly.

Mr and Mrs H remained unhappy and have asked, as they have a right to do, that an ombudsman review the file and issue a final decision. The file has been passed to me.

## **my findings**

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 don't uphold this complaint. I know this isn't what Mr and Mrs H want.

Firstly it is clear the returns made by this product are lower than hoped for at the time of the sale. Of course that is disappointing. However under the terms of the contract between the business and Mr and Mrs H the business undertook to invest the premiums paid after deducting costs. I have seen nothing to persuade me it did anything other than that.

The returns achieved will be the result of a very large number of complex decisions taken over 30 years. Businesses such as this took and take great pride and place great emphasis on their investment performance, especially when compared to others. To put it another way the business had a direct interest in the fund, including this policy, performing well. If it could have been managed in a way so as to increase returns (without using hindsight) I suspect it would have been.

To uphold a complaint I have to be able to say it is fair and reasonable to do so. That usually, although not always, involves finding that the business has got something wrong. Here, I can't see any evidence of that. It sold a low risk (as it would have been seen at the time) product to a couple in what would have thought of as good jobs. There was nothing wrong with that at the time.

Mr and Mrs H suggest the business' records are in some way inadequate. The business was only required to keep records for six years. The sale took place some 30 years ago. That brings its own problems. Any evidence (and it surprising when there is any from so long ago) will be old, probably incomplete and possibly contradictory. However there is nothing I can do about that. All I can do is form a view based on what I have.

Before regulation there were, in effect, no “rules” about how to sell products like this. I understand what Mr and Mrs H are saying. However the sales of products like this to consumers were seen as perfectly proper and appropriate at the time. To put it another way, this was not an obviously “bad” sale in any way.

I can also find no evidence that Mr and Mrs H have been treated unfairly by the business. Their correspondence has been dealt with properly and the way I would expect it to have been dealt with.

**my final decision**

I don't uphold this complaint. Under the rules of the Financial Ombudsman Service, I'm required to ask Mr and Mrs H to accept or reject my decision before 22 October 2018.

Mike Boyall  
**ombudsman**