

complaint

Mrs E complains about two policies held by Mrs C, her late grandmother, with The Prudential Assurance Company Limited. And a policy held by Mrs D, her late aunt.

She says Prudential failed to confirm:

- who cashed her late grandmother's policies;
- what happened to her late auntie's policy.

background

Prudential confirmed the two life policies held by Mrs E's late grandmother were claimed on in January 1983. But it was unable to confirm who had cashed in the policies. It also confirmed her late auntie's penny policy was with a different policy provider.

One of our adjudicators investigated Mrs E's complaint and recommended that the complaint shouldn't be upheld. In short the adjudicator found:

- It was unreasonable to expect Prudential to have a record of who it paid out the policy to, 32 years ago. And there was insufficient evidence to say Prudential *didn't* pay out on the policies.
- Even though Mrs E still holds the policy booklet, it doesn't mean the policy didn't expire,
- There's insufficient evidence Prudential was responsible for Mrs E's auntie's policy.

Mrs E disagreed with the adjudicator's view. She says neither she nor her sister have received any payment from what should have been left in the will. She wants to know the date, cheque number, amount and name of payee.

Mrs E also maintains her late auntie's policy was with Prudential and not the other policy provider.

As no agreement has been reached the complaint was referred to an ombudsman for review.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

I've also carefully considered the further points made by Mrs E. But having done so, I agree with the adjudicator's conclusion and for much the same reasons.

Due to the passage of time, Prudential has only been able to provide limited information. I'm mindful businesses aren't required to keep documentation indefinitely and generally not required to retain beyond six years.

I note Prudential says for policies that are claimed or that lapse for zero value, it continues to maintain records for a further seven years after they've lapsed, or a claim has been made. After seven years its records are purged. When this is done a limited amount of information is archived on magnetic strip.

In this instance Mrs E's late grandmother's policies were paid out in 1983, roughly 32 years ago. I don't think it would be reasonable to expect Prudential to maintain records other than the very basic information, for this period of time. I'm not persuaded that Prudential is under a legal duty to say who cashed in the policy.

I'm mindful Mrs E's grandmother died in 1982, but I think Mrs E has had plenty of time since then and her own father's sad death in 2012 to make any relevant enquiries. I'm mindful her father was the executor of her late grandmother's estate.

I note Mrs E says she still holds the policy book and I've taken that into account. But having done so I'm not persuaded this means the policies weren't claimed on, paid out legitimately and or have just expired.

Prudential has confirmed that Mrs E's late aunt had a "Prudential penny policy" but in spite of the name, it was with a separate policy provider. And Mrs E should contact it direct.

I appreciate this is not the outcome Mrs E was hoping for. But for the reasons I've explained, I don't think Prudential has done anything wrong.

my final decision

For the reasons that I've explained above, I don't uphold this complaint and make no award.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs E to accept or reject my decision before 14 April 2016.

Dara Islam
ombudsman