

## **complaint**

Mr B has complained that The Prudential Assurance Company Limited (“Prudential”) acted negligently when failing to contact him when he reached his selected retirement date. As a result, he is now unable to take the benefits of the policy as a cash lump sum under ‘triviality’.

## **background**

One of our adjudicators investigated the complaint and wrote to Mr B in November 2012, concluding that the complaint should not be upheld. In summary, the adjudicator said that Prudential had made a reasonable attempt to contact Mr B. This was evidenced by a copy of a tracing letter that Prudential sent through the Department of Work and Pensions (DWP) in 2007 but had been returned as ‘gone away’. The adjudicator explained that, whilst Mr B may not have received this letter, Prudential cannot be held responsible for him not receiving it.

Mr B did not agree with the adjudicator’s findings, stating in summary that the DWP held his correct address in 2007. He sent a copy of a letter he had received from the DWP dated June 2007 which was correctly addressed. He therefore considered that, if a tracing letter had in fact been sent, he would have received it.

As agreement has not been reached on the matter, it has been referred to me for review.

## **my findings**

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint. Having done so, I have come to the same conclusions as the adjudicator and broadly for the same reasons.

I acknowledge that Mr B received correspondence from the DWP in 2007, which confirms it held his correct address at that time. I also appreciate that Mr B has said he did not receive the tracing letter Prudential sent via the DWP in 2007. However, whilst it is unclear as to why the tracing letter was returned to Prudential as ‘gone away’, I do not consider that it would be reasonable to conclude that Prudential should be held responsible for this.

It appears that Mr B forgot about this particular policy, but it would nevertheless be the policyholder’s responsibility to update the business when they change addresses. Had this been done, Prudential would have been able to contact Mr B directly at his selected retirement date, and it may have been possible to take the full value of his pension as a lump sum at that time.

In my view, Prudential cannot be held responsible for the tracing letter not being delivered to Mr B and I am satisfied that Prudential made a reasonable attempt to contact Mr B as his retirement date was approaching. As a triviality payment cannot now be made, it is for Mr B to decide how he wishes to otherwise receive the benefits from the policy, within the parameters set by the business and HM Revenue & Customs legislation.

**my final decision**

My final decision is that I do not uphold the complaint.

Philip Miller  
**ombudsman**