

## **complaint**

Mr A would like the tax, which he has not claimed since he started his pension in 1983, returned to his pension. He believes The Prudential Assurance Company Limited didn't tell him that he was responsible for claiming the tax benefit.

## **background**

Mr A took out a private pension with Prudential in August 1983. In August 2016 he increased his contributions. It was at this point Mr A realised that he was responsible for claiming the tax benefit on this pension policy. Confirmation of Mr A's increased contribution was accompanied by a letter and a certificate in 2016 and it was these documents that made him aware of his responsibility.

## **my findings**

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances and I am not upholding this complaint.

Whilst neither Mr A's original pension application nor the accompanying 'Guide to the Prudential Personal Retirement Plan' make it clear that it was his responsibility to claim the tax relief on his pension, the forms are likely to have been accompanied by a certificate. The certificate was for Mr A to reclaim the tax on his pension from HMRC. An example copy was provided to the Ombudsman Service and states Mr A's responsibility to claim the tax.

Unfortunately there isn't a copy of the certificate with the original documents from 1983. In Mr A's conversation with the adjudicator he said that he didn't receive this certificate in 1983 and it was in receiving the certificate in 2016 that he realised he should claim the tax. It was 34 years ago that Mr A took out his pension and it will be very difficult to prove that a certificate was or wasn't sent. However, in 1983 it was standard that tax benefits were claimed by the customer. Also, the certificate would have been part of the standard documents as they were in 2016.

Between 1983 and 2016 Mr A will have received annual statements but unfortunately Prudential only have example statements from 2015. On page 3 of 7 under 'Important Notes' it states: '*You should use your yearly tax assessment to claim any tax relief on your payments from the Revenue.*' Whilst this is clear it is worth noting this was under the section for increasing contributions.

Mr A has said that Prudential refer to him as self-employed. It is clear in his original application that this was not the case. The example copy of the certificate Mr A received was the Self-Employed Pension Contributions (SEPC) certificate. Whether Prudential have made a mistake this wouldn't have impact on Mr A's responsibility to claim the tax. This product is one that requires customers to claim the tax benefit.

**my final decision**

I am not upholding this complaint

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr A to accept or reject my decision before 4 May 2017.

Rachel Lam  
**ombudsman**