

## complaint

Mr H primarily complains about the response he's received from Aviva Life & Pensions UK Limited, in relation to his request about the charges he's paid on his investments since inception.

To put things right Mr H would like Aviva to comply with all its regulatory and statutory obligations of disclosure to its customers/policyholders.

## background

One of our investigators considered the complaint but didn't think it should be upheld. In summary he said:

- It's the role of the industry regulator to decide how a business should conduct itself, and whether or not it complies with the relevant rules and regulations, not us as we're a dispute resolution service.
- He was satisfied Aviva had provided all the information it could in relation to the charges associated with Mr H's investments.
- Where it was unable to, to the level expected by Mr H, it explained why – such as specific figures and future costs.
- Aviva acknowledged it had made an error in relation to its first response, but then provided details of the remaining investments, including those held by Friends Life, which it had acquired.
- Although Aviva hadn't addressed Mr H's subsequent query from October 2017, in which he asked *"Is there a requirement upon Aviva to provide a much wider range of information? (e.g. details of your regulator and company registration reference)"* – it confirmed that it was satisfied with the existing wording on its letters.

Mr H remains thoroughly unhappy with Aviva's response. In summary he said:

- He's unhappy about the *"belated acknowledgement and correction"* by Aviva.
- He's unhappy about Aviva saying *"We refute (sic) Mr H's assertion that he hasn't had a response to his letters..."* in light of what he considers a catalogue of delays and errors.
- Six months after Aviva was given court approval it picked up on the fact that it had acquired Friends Life, before bringing it to our attention. Eight months on he's still waiting for Aviva to bring it to his attention.
- Nine months after his initial request his questions remain unanswered. And any suggestion that Aviva *has* answered his queries is incorrect.
- He's concerned about Aviva issuing material to *"to external regulators, directly or indirectly, which it knew or should have known was inaccurate, incomplete or misleading"*.

As no agreement has been reached the matter has been referred to me 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.

Having done so, I agree with the investigator's conclusions for much the same reasons. I'm not going to uphold this complaint. On the face of the evidence, and on balance, I'm not persuaded that Aviva has behaved unreasonably.

But before I explain further why this is the case, I think it's important for me to note I recognise Mr H's strength of feeling about this matter.

Mr H has provided detailed submissions to support the complaint, which I've read and considered carefully. However, I hope he won't take the fact my findings focus on what I consider to be the central issues, and not in as much detail, as a discourtesy.

The purpose of my decision isn't to address every single point raised. My role is to consider the evidence presented by Mr H and Aviva, and reach what I think is an independent, fair and reasonable decision based on the facts of the case.

In deciding what's fair and reasonable, I can take into account the relevant law, regulation and best industry practice. But it's for me to decide, based on the information I've been given, what's more likely than not to have happened.

It's not for me to get Aviva to comply with all its regulatory and statutory obligations of disclosure to its customers/policyholders.

Aviva accepts that its initial response to Mr H on September 2017 was inadequate, and it hadn't provided the information Mr H had requested in relation to all his investments. So in addition to the information regarding the charges applied to a classic investment bond (CIB), Aviva provided information relating to two further CIBs and three with-profit bonds.

In a final response letter (FRL) dated late November 2017, Aviva provided further details including information relating to three additional investments held with Friends Life, that had been raised by Mr H in October 2017. By then Friends Life had been acquired by Aviva making it a part of the Aviva Group.

Because Mr H hadn't specifically asked about Aviva's acquisition of Friends Life, I don't think it was necessarily required to provide specific details about it, other than where it was relevant to Mr H's request. On balance I'm satisfied it has, and within a reasonable amount of time. Despite what Mr H says, I don't think Aviva needs to officially notify him about something he's already aware of. That said I'm mindful there is a separate complaint against Friends Life.

In the FRL, Aviva gave details of investment amounts, up to date valuations, and what charges were applied. And where it was unable to – in terms of specific amounts or future charges, it explained why this was the case. So I don't agree that overall it hasn't responded to Mr H, within a reasonable amount of time.

Aviva's response to Mr H's query dated October 2018 is reasonable. It confirmed it was happy with the existing wording displayed on its letters, and that this was compliant with current regulations. Aviva also doesn't feel there's any requirement to provide any more information on its letters.

I'm mindful of Mr H's comments about how he feels Aviva has behaved, but on the face of the evidence, and on balance, I'm not persuaded that Aviva's overall conduct has been woeful, or vexatious.

I also don't think the response by the business was unreasonable, even though Mr H remains dissatisfied with it. I don't think Aviva deliberately sought to mislead Mr H or take its time over matters. And despite Mr H's concerns I've seen no evidence that Aviva has been unlawfully issuing materials to external regulators.

I'm mindful Mr H says that previous and ongoing failings by Aviva are being progressed with the Information Commissioner's Office.

I appreciate Mr H will be unhappy I've reached the same conclusion as the investigator. Furthermore, I realise my decision isn't what he wants to hear. But on the face of the available evidence, and on balance, I'm unable to uphold this complaint and give him what he wants.

**my final decision**

For the reasons set out above, I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 9 August 2018.

Dara Islam  
**ombudsman**