

The complaint

Mr J is complaining on behalf of the trustees (Mr B, Mrs J and Ms L) of a trust, about the poor service provided by Aviva Life & Pensions UK Limited (Aviva) when responding to Mr J's information requests on behalf of the settlor, Mr B. The trust held his whole of life with-benefits policy.

What happened

On 20 January 2021, Mr J wrote to Aviva to ask them a number of questions about trust assets settled by Mr B and held by Aviva. Mr B was elderly and had asked Mr J to help him clarify and tidy up his assets. Mr J's questions to Aviva were aimed at helping with that process, and related to two different products – the whole of life policy, and a separate bond. The request for information was dealt with by two different teams – one for each product, so the complaints have been dealt with separately and this decision deals only with the correspondence about the whole of life policy.

Around three weeks after his first letter, Mr J had heard nothing from Aviva so sent them a reminder. At around the same time, Aviva wrote to Mr B, asking him for some details to help them identify Mr J. Mr B sent the relevant information to Aviva around the end of February and Mr J wrote to them at around the same time. Aviva treated Mr J's letter at the end of February as a complaint.

After several months of further correspondence, Aviva sent a final response to the complaint on 2 July 2021, apologising for the delays and saying they'd send a payment of £200 to Mr B for the trouble and upset caused. Mr J remained unhappy with Aviva and continued to raise questions. On 26 August 2021, Aviva wrote again to Mr J. They answered some more of Mr J's questions but didn't increase the amount of compensation they were willing to pay.

Mr J was still unhappy so he came to our service. He thought Aviva should have offered significantly more compensation for their failures. Mr J said an additional £500 across the two products would be a reasonable reflection of what had happened and the distress it had caused Mr B in particular. Aviva declined to pay this amount and so our investigator considered the case. His view was that Aviva should pay an additional £100 – so a total of £300 compensation in relation to this product.

Aviva didn't respond to our investigator's view – so it's come to me.

What I've decided – and why

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

The correspondence on this file is lengthy. Mr J has set out in great detail all of his exchanges and frustrations with Aviva. I've considered everything that's been sent to us from both parties but I've focussed here on the key points. And I've only considered the correspondence relating to the whole of life policy – not the bond.

It's clear Aviva could have done some things better – and they've apologised for that. Specifically, they've said they could have provided the information Mr J asked for in early March – but didn't do so until late May. They've not been able to explain the delay except to say they missed some correspondence. So it's clear there was a delay of two and a half months during which Aviva did nothing.

I'm satisfied Aviva answered most of Mr J's questions in late May. I know Mr J wasn't completely satisfied with all the answers – he wanted more guidance on taxation and on the Trust Registration Service ("TRS") than Aviva gave him. But Aviva's letters were clear that Mr J would need to seek advice elsewhere on these matters – which isn't unreasonable. Finally, Mr J wanted to clarify whether Aviva held any other assets for Mr B. But Aviva said they'd only release this information to Mr B – which again isn't unreasonable.

Aviva continued to attempt to address Mr J's questions. I can't see that there were any significant delays after late May – there was regular correspondence between both parties with Aviva making reasonable efforts. Quite a bit of this was about new questions or about issues in relation to the bond which I don't consider relevant to this decision.

So I'm satisfied that the delays caused by Aviva in relation to the whole of life policy were limited to two and a half months – from early March to late May. I'm aware Mr J would contest that and say that it ran until late August at the earliest. But as I've outlined above, I'm persuaded Aviva had answered most of his questions by the end of May and the correspondence that followed was dealt with promptly.

Putting things right

Having decided that Aviva should have dealt with Mr J's request two and a half months earlier, I have to think about the impact this has had on the trustees. I'm aware Mr B is elderly, and was very keen to get this resolved – he was worried he might pass away before it was all sorted. It's completely understandable that an elderly customer would be upset about a two and a half month delay in sorting out his financial affairs and about the effort Mr J was having to go to in chasing Aviva and getting to the bottom of things. I don't think Aviva's payment of £200 does quite enough to recognise this. Instead, I'm satisfied our investigator's recommendation of an additional £100 is fair.

As our investigator explained to Mr J, our service can only award compensation to an eligible complainant – not their representative. So although I realise how much time and energy Mr J has spent on this matter, this doesn't form part of my decision.

My final decision

As I've explained above, I'm upholding the trustees' complaint. Aviva Life & Pensions UK Limited need to pay an additional £100 to Mr B in recognition of the distress their delays caused him.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr B, Mrs J and Ms L to accept or reject my decision before 14 December 2022.

Clare King
Ombudsman