

The complaint

Mr H complains about the handling of his With-profit Bonds invested with The Prudential Assurance Company Limited (Prudential). His complaint relates to administrative errors made and his previous complaints not being fully addressed.

What happened

Mr H has raised several complaints in relation to the With-profit Bonds ending in 383B held with Prudential. He says many of his complaint points from previous complaints have not been fully and properly addressed. He contacted Prudential on 23 January 2024 to discuss his existing complaint in relation to the same policy. They were unable to resolve his complaint and he raised a formal complaint about the call handler being unprofessional, giving him incorrect information and mishandling of his legitimate concerns. He says Prudential failed to follow legal and regulatory obligations for the ongoing protection of his personal data and refers to administrative failings he has encountered in raising his complaints.

He says he has not been adequately or fairly compensated for the ongoing stress and upset caused as well as the disruption to his personal and financial affairs. To resolve his complaint, he would like all outstanding complaint points to be fully and properly resolved and to be given fair and reasonable monetary compensation.

Prudential issued a final response letter on 13 February 2024 apologising for the long hold times, the lack of apologies for delays and for the call dropping. They confirmed full details of when the cheque was issued and how it was sent along with timescales for receipt. They awarded Mr H £75.

When they wrote to Mr H again on 6 March 2024, they said there was no data protection breach when the call handler returned the call after a short period due to a dropped call and didn't expect a further security check to be made. They apologised about an incorrect complaint reference on their letter dated 13 February 2024 and being placed on hold more than once on 23 January 2024. They awarded him an additional £75 compensation.

Mr H didn't think this remedied the complaint and brought his complaint to this service.

An investigator here reviewed the complaint and said Prudential had offered Mr H a total of £150 compensation for the errors noted. She found this offer to be fair and reasonable and wouldn't ask them to do anything differently.

Mr H didn't agree so this has come to me to decide.

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.

I've assessed all information available from both parties and having done so, I've reached the conclusion that I will not be upholding this complaint and for broadly the same reasons as the investigator.

My role here is to consider whether any wrongdoing has occurred and put the consumer back in the position they would have been had the error not occurred. It is not within my remit to punish a business for any errors or to dictate how a business should operate. That is the role of the regulator the Financial Conduct Authority.

I've considered Mr H's concerns about the lack of data protection on the return call on 23 January 2024. When the first call was made, data protection security process was followed. The return call was made within a short time after the original call dropped. Prudential have been explained, in this situation, their internal processes do not require the data security questions to be repeated again. As such, they don't consider this to be a data breach.

Similarly, it is not for me to tell Prudential to send cheques via first class post. Prudential's decision to send cheques via second class post is a business decision which they are entitled to make.

As I've explained above, it is not my role to tell a business how it should operate, and if the business is satisfied that there has been no breach of their policies it is not for me to tell them to change their policy. Whilst I note Mr H's concerns, I do think Prudential's explanation is reasonable. Upon review I am satisfied that no breach has occurred, and no further action is necessary. If Mr H continues to have concerns in this regard, he can refer his complaint to the Information Commissioners Office (ICO).

There is no dispute that Mr H did experience long wait times, his call was dropped and that he was given incorrect information on the call on 23 January 2024. They also acknowledged an incorrect reference number was added to their communications. So, my focus has been on considering whether the resolution and compensation awarded is fair and reasonable.

While there was no financial detriment as a result of the issues Mr H faced in his dealing with Prudential, it is clear Mr H was inconvenienced by the long waiting times. Trying to progress his complaint and being given incorrect information added to his concerns about his complaint not being dealt with. In recognition of the above errors, Prudential have apologised and offered Mr H a total of £150. Given the period this complaint relates to is less than two months and Prudential did seek to resolve his issues promptly, I'm satisfied this a fair and reasonable outcome to reflect the distress and inconvenience he has suffered. I would expect Prudential to honour its offer to pay £150 (if this has not already been paid) and Mr H accepts this. I know Mr H will be disappointed with my decision, but I will not be asking Prudential to do anything further.

My final decision

For the reasons given above, I do not uphold this complaint against The Prudential Assurance Company Limited.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 14 January 2025.

Naima Abdul-Rasool
Ombudsman

