

The complaint

The estate of Mr A complains about Aviva Life & Pensions UK Limited's (Aviva) handling of their claim under a life assurance policy, following the passing of Mr A.

The complaint is brought by Mrs S, as administrator and beneficiary of the estate and she is being represented by her son.

What happened

Aviva were notified of the passing of Mr A in November 2021. They made Mrs S aware of documentation they required to pay the proceeds of the policy, including claim form and death certificate. This was provided in December 2021.

It was at this point that Aviva say they realised that they would need authorisation from the late Mr A's other two children. Mrs S provided their contact details but Aviva were only able to get authorisation from one of them over the subsequent months. Mrs S says she wasn't informed of this until April 2022, despite several chasers for an update.

Aviva confirmed in April 2022, they would proceed on the confirmation they had received. However, they then said that as Mrs S resided abroad, they would need further certification of documents.

Mrs S complained to Aviva. She was unhappy with how long it had taken to this point, correspondence not being acknowledged and Aviva giving what she felt was false information over what documentation and certification was required. Aviva agreed they could have handled the claim better and offered her £250 compensation.

The complaint was brought to our service for an independent review. An investigator looked into and felt £350 was a fairer figure for the errors and inconvenience they caused. Aviva accepted this and said that Mrs S was now aware what documentation was required.

Whilst this was initially accepted by Mrs S on behalf of the estate of Mr A, this was later rejected following further confusion and delays in receiving the claim proceeds. As no agreement was reached the case has been passed 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.

Having done so, I agree with the outcome reached by the investigator and offer made by Aviva. Let me explain why.

Firstly, I would like to make clear that part of this complaint is about how much time Mrs S's son has spent in trying to resolve the matter. However, he isn't an eligible complainant and so I can't award any compensation to him for that. I am considering the impact only on Mrs S

as a beneficiary and not in her role as representative of the estate.

Aviva have already agreed to increase their offer of compensation to £350 and I think it is important to note that at the time of this decision, I believe the claim has just been resolved in November 2023. This is almost two years after Aviva were notified of Mr A's passing.

However, I appreciate some of this time has been due to chasing authority from Mrs S's sister and receiving incorrect documentation. Although I believe Aviva are responsible for the majority of delay in this time, I think the offer already made is fair.

I think progress could have been quicker between December 2021 and April 2022. Mrs S wasn't kept up to date and whilst I appreciate Aviva were seeking authority, ultimately this wasn't necessary. I also think progress was slow and communication could have been better between then and June 2022, when Aviva finally explained their certification requirements.

A large part of the time seems to be from the date of Aviva's final response in June 2022 to the date of our initial assessment in May 2023. However, I can't see from the evidence provided to me that Aviva are responsible for any delays here. No further claim documentation was provided and The estate of Mr A seem to have chosen to wait for our view on the matter instead. I can't hold Aviva responsible for that.

There has been further delay between May 2023 and November 2023. However, I also don't hold Aviva primarily responsible for this. It seems like it was due to not having the correctly certified documentation and the estate was aware of the requirements from June 2022 and I don't think this has changed.

In summary, whilst Aviva could have handled this claim better, I think the offer they have already made is fair in the circumstances. It has taken far too long, but some of this was due to a lack of documentation between June 2022 and May 2023 and then incorrect documentation being provided after this point. I don't hold Aviva responsible for that.

My final decision

My final decision, for the reasons set out above, is that the offer made by Aviva Life & Pensions UK Limited of £350 to put things right, is a fair one. They should pay that if they haven't already done so.

Under the rules of the Financial Ombudsman Service, I'm required to ask the estate of Mr A to accept or reject my decision before 5 January 2023.

Yoni Smith
Ombudsman