

## Ombudsman's Determination

Applicant	Mr S
Scheme	K.W. Pattern Co. Ltd (1974) Pension and Assurance Scheme ( <b>the Scheme</b> )
Respondent	Aviva

## Outcome

1. I do not uphold Mr S' complaint and no further action is required by Aviva.

## Complaint summary

2. Mr S complains that Aviva is now responsible for paying him a pension in respect of his Scheme entitlement and that it has refused to pay him the benefits that he is due. The Scheme has now been wound up.

## Background information, including submissions from the parties

3. Mr S joined the Scheme, then administered by Provident Life, as part of his employment with K W Pattern Company Limited in the 1970's. The Scheme was terminated in August 1981 after the company went into liquidation. An annuity was purchased for Mr S and he was issued with a Policy Schedule (**the Schedule**) stating that he was entitled to a pension of £2,556.36 a year at his normal retirement date (**NRD**) of 16 May 2022.
4. On 4 February 2018, Mr S instructed a financial adviser to obtain further details about his Scheme entitlement from Aviva.
5. On 13 March 2018, Aviva wrote to Mr S' adviser stating that the only policy he held with Aviva (which was not his Scheme pension) was cancelled on 12 May 2015.
6. On 5 April 2018, Mr S' representative complained to Aviva and said that, based on online research Mr S had undertaken, he considered it likely that Mr S' Scheme entitlement was now administered by Aviva. Mr S' representative provided details of the Schedule in support of his complaint.

7. On 14 May 2018, Aviva responded and did not uphold Mr S' complaint. Aviva maintained that it did not administer Mr S' Scheme entitlement and it could not assist him further in locating it.
8. In response to the complaint made to The Pensions Ombudsman Aviva said that:-
  - It had undertaken an exhaustive review of its records and could not trace Mr S' Scheme entitlement.
  - Aviva did not administer the Scheme and was not responsible for administering the Scheme entitlement of any other member.
  - The Scheme was originally administered by Provident Life, then by Winterthur Life and Axa. Aviva's records indicated that part of Winterthur Life's business was sold to Friends Life (later Aviva) and another part was sold to another provider. However, it could not determine which provider was currently responsible for administering the Scheme.

### **Adjudicator's Opinion**

9. Mr S' complaint was considered by one of our Adjudicators who concluded that no further action was required by Aviva. The Adjudicator's findings are summarised below:-
  - The Adjudicator had seen no evidence to suggest that Mr S' pension was administered by Aviva.
  - Aviva said that it does not administer the pensions of any other members of the Scheme. In the Adjudicator's view, there was no possibility that Mr S' pension was administered by Aviva if it was not responsible for the Scheme.
  - The Adjudicator had considerable sympathy with the position in which Mr S found himself and could not speculate with any certainty about which provider Mr S' Scheme pension was administered by.
10. Mr S did not accept the Adjudicator's Opinion and the complaint was passed to me to consider. Mr S provided his further comments which do not change the outcome. I agree with the Adjudicator's Opinion and I will therefore only respond to the main points made by Mr S for completeness.

### **Ombudsman's decision**

11. I appreciate that Mr S has undertaken independent research and that he believes his entitlement was transferred to Aviva. However, I have seen no compelling evidence from a definitive source that would lead Mr S to that conclusion. Mr S' Scheme entitlement did not include a guaranteed minimum pension (**GMP**) entitlement and consequently the Department for Work and Pensions will not hold a record for a

corresponding GMP liability. An exhaustive register of Administrators for pension scheme liabilities is not currently available to members of schemes in the UK. I agree with the Adjudicator's view that based on the facts it is not possible to speculate with any certainty on where Mr S' pension is administered.

12. Mr S' Scheme entitlement has been administered by several insurance companies since he last had any engagement with it. In view of the time that has elapsed it is understandable that Aviva and Mr S have retained limited records. The circumstances in which Mr S finds himself are unfortunate and I have considerable sympathy for him. However, no evidence has been presented which persuades me that Aviva now administers the Scheme.
13. I do not uphold Mr S' complaint.

**Anthony Arter**

Pensions Ombudsman  
26 November 2019