

## The complaint

Mr S complains about the service he received from Phoenix Life Limited, referred to as “Phoenix Life” or “the business”.

## What happened

According to the investigator’s summary, Mr S received a statement from Phoenix Life containing a number of errors which he queried. Mr S explained that he needed an accurate tax certificate for tax planning purposes, so it was important for him to have all the correct information.

Phoenix Life responded with the relevant information but did so only days before the deadline. Mr S didn’t want to leave matters until the last minute and said this caused him distress and inconvenience.

Phoenix Life also confirmed that it doesn’t send tax certificates for this type of account/policy – Mr S disagreed and thought it would’ve made sense for it to do so. He explained that although he was able to make the correct calculations, others might not have been able to do so without the tax certificate.

Overall, Mr S was unhappy with the service provided. He spent a lot of time chasing information and didn’t like the way he was treated by staff, with one staff member suggesting that there was “*bad blood*” between him and Phoenix Life.

Phoenix Life upheld the complaint. In short, it acknowledged that it sent Mr S incorrect information and that there’d been unnecessary delay. So, to put things right it offered (and later paid) Mr S £150 compensation for the distress and inconvenience caused. But unhappy with the business’s response Mr S referred his complaint to our service.

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

- As the business upheld the complaint, the key issue to consider is redress and whether or not it’s reasonable in the circumstances.
- The issue with the statements and tax information no doubt caused Mr S stress. However, the business has done nothing wrong by not providing a full tax certificate in this instance because it wasn’t obliged to.
- That said, the incorrect information on the letter/statement would’ve caused Mr S some distress and inconvenience.
- Despite the difficulties faced, Mr S was still able to make the correct calculations in time, so the mistake didn’t impact him completing his tax planning. Despite Mr S’s concerns about other customers, in this instance we’re considering the actions of the business against Mr S only.
- In any event, given that distress and inconvenience was caused – by the delay and incorrect information – the compensation paid is broadly fair and reasonable.
- Having listened to the relevant call, she can’t say that the business treated Mr S unfairly or blamed him for anything. She’s unable to say there was any ill intent from

the business.

Mr S disagreed with the investigator's view and asked for an ombudsman's decision. In summary, he made the following key points:

- There's no recognition for wasted time.
- The pace at which things were done was so slow.
  - Phoenix deadlock letter was sent on 5 May 2022.
  - £150 compensation sent on 12 September 2022.
  - Phoenix response letter 21 October 2022.
- Insufficient weight was given to the phone operative's unprofessional behavior. He felt humiliated and degraded – if the investigator had been in his shoes, she wouldn't say he was treated fairly.
- He'll need to keep a hold of the file in case he can carry back provision for future pension contributions.
- Despite his complaints there's been no improvement in the service from the business.
- The investigator may have mistaken his request for figures, in relation to his request for different figures.
- The correspondence dated 29 March 2022 – received 1 April 2022 – still contained errors. It was only after the conversation with the operative in May 2022 that it agreed with his figures. Therefore, the investigator has mis-stated the facts upon which it has derived its conclusion.
- Overall, Phoenix's correspondence has been opaque over a number of years. It seems it can waste his time, delay matters, degrade and humiliate him with impunity. And the investigator's findings are partial, incomplete, and mistaken.
- He may contact the Information Commissioner's Office in due course regarding other separate matters.

The investigator having considered the additional points, wasn't persuaded to change her mind. In summary, she made the following key points:

- She's sorry that her comment about request for figures wasn't clear. She was specifically referring to amounts of compensation Mr S had requested at different points as the issues went on:
  - 22 February 2022 – Mr S requested £250 compensation.
  - 14 March 2022 – Mr S requested £500 compensation.
  - 4 April 2022 – Mr S requested £750.
- She made clear that she couldn't give an undertaking.

As no agreement has been reached the matter has been passed to me for review.

### **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 investigator's conclusions for much the same reasons. I'm not going to uphold this complaint.

Because the business upheld the complaint, the key issues for me to consider is redress, and whether (or not) it's fair and reasonable in the circumstances. On the face of the evidence, and on balance, despite what Mr S says, I think the redress paid (in September 2022) is broadly fair and reasonable.

Before I explain why this is the case, I think it's important for me to recognise the strength of feeling Mr S has about this matter. He 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 under a separate subject heading, or undertake a forensic analysis of the evidence, it's not what I'm required to do in order to reach a decision in this case. I appreciate this can be frustrating, but it doesn't mean I'm not considering the pertinent points in this case.

My role is to consider the evidence presented by Mr S and the business, and reach what I think is an independent, fair, and reasonable decision based on the facts of the case – I'm not here to take sides.

In deciding what's fair and reasonable, I must consider the relevant law, regulation, and best industry practice, but perhaps unlike a court or tribunal I'm not bound by this. It's for me to decide, based on the information I've been given, what's more likely than not to have happened.

In summary, I don't uphold this complaint for the following reasons:

- In this instance the business accepts that it made some errors – in terms of delays and incorrect information – as a result of which it offered Mr S redress for the distress and inconvenience caused.
- On balance, I think the £150 compensation paid is broadly fair and reasonable.
- Whilst it wasn't pleasant for Mr S to receive the necessary information only days before he had to send it off – and he had to chase the business to get this information – he was nevertheless furnished with the relevant and correct information in time, and he was able to perform the relevant calculations without any adverse consequences.
- Notwithstanding the distress and inconvenience caused, I'm aware that Mr S wasn't prevented from submitting the correct information on time.
- In other words, despite the situation being a little 'touch and go', and Mr S having to chase the business to receive the correct information, he still got the information that he needed, and in time, in order to perform the relevant calculations for tax planning purposes - thankfully, it didn't interfere with his tax planning.
- I'm aware Mr S says that not having a tax certificate is an aggravation. But I can't say that this (or the delays) were deliberate and intentional – because it doesn't offer that service for this policy, so hasn't done anything wrong by not doing so.
- I appreciate Mr S is concerned that he was able to perform the tax calculations but others in a similar position might not be, without an actual tax certificate. Be that as it may, I can't consider a complaint against the business about how, theoretically, its actions might affect customers other than Mr S.
- Despite what Mr S says, I'm afraid I don't agree that the adviser didn't deal with him reasonably. Having listened to the relevant call, I'm satisfied that the complaint handler was informative, patient, polite and courteous.
- Regardless of how previous complaints have been dealt with, whether or not they were upheld, and compensation paid, doesn't mean that this complaint should be upheld and/or a greater sum of compensation offered.
- The current complaint is new and separate, and has been dealt with based on its individual merits.

- For the reasons set out above, in this instance, and on balance, I can't say that £150 compensation paid is unreasonable in the circumstances.

Overall, and on balance, I think the redress paid by the business is broadly fair and reasonable.

That said, I appreciate Mr S will be thoroughly unhappy I've reached the same conclusion as the investigator, and I realise my decision isn't what he wants to hear. I note Mr S believes he's due around £750 compensation. Whilst I appreciate his deep frustration and anguish, I'm not going to ask the business to do anything.

On the face of the available evidence, and on balance, I'm unable to uphold this complaint and give Mr S 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 S to accept or reject my decision before 14 August 2023.

Dara Islam  
**Ombudsman**