

## **The complaint**

Mrs C and Mr C, who are joint owners of investment bonds, complain that Phoenix Life Limited wrote to Mrs C to ask that she confirm her current address and that the letter was upsetting and rude. Mrs C and Mr C are unhappy that Phoenix Life Limited insists on jointly signed letters from Mrs C and Mr C, unlike other companies.

## **What happened**

In June 2022, Phoenix asked the Department of Works and Pensions (DWP) to forward correspondence to Mrs C as it hadn't received a response to a letter it had previously sent Mrs C. In late 2022, the DWP sent the communication from Phoenix to an address it held for Mrs C.

Mrs C and Mr C complained the letter Phoenix sent C was rude, offensive, irresponsible, unnecessary, and unacceptable. Mrs C and Mr C said they had issues contacting Phoenix by telephone and when Phoenix called them in June 2023, it hung up when the call was answered. Mrs C and Mr C were unhappy that Phoenix did not return their call despite the voicemail message they left.

Phoenix apologised the letter it sent caused Mrs C and Mr C upset and explained why it had sent the letter, and also said that at the time Mrs C and Mr C left the message, it was experiencing a high volume of calls.

Mrs C and Mr C brought the complaint to the Financial Ombudsman Service and one of our Investigators looked into things. The Investigator thought that Phoenix had not done anything significantly wrong and that the apology for the upset the letter may have caused was a fair and reasonable remedy to resolve the complaint.

Mrs C and Mr C asked that an Ombudsman decides the complaint.

## **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.

Mrs C and Mr C have strong views about the level of service Phoenix provided to them. I want to reassure them that I have reviewed and read all of the comments and evidence provided. I may not make reference to everything Mrs C and Mr C have said in their comments, but I have taken them into account when making my final decision. And I will address what I consider to be the key comments relating to the complaint Mrs C and Mr C raised with Phoenix. Where there is insufficient evidence, and where testimonies differ, I am able to make my decision based on what I consider is likely to have happened.

I am sure Mrs C and Mr C will be disappointed, but for very much the same reasons as our Investigator, I have decided the apology and explanations Phoenix has already provided is a fair and reasonable remedy to resolve the complaint. I will now explain why.

### *Letter to Mrs C*

In 2007, Mr C wrote to Phoenix to advise of his new address. Around the same time Phoenix wrote to Mrs C at the address Mr C had provided and asked that Mrs C confirm she lives at the same address. Mrs C and Mr C say they may have sent a response but are unsure, and Phoenix says it has no record of receiving a response. As this event happened 16 years ago, I can't be certain whether a response was sent or received. However, based on the testimonies of Mrs C and Mr C and Phoenix, it seems more likely than not Phoenix didn't receive a response to the letter it sent to Mrs C in 2007.

Phoenix has been unable to explain why it took as long as it did to follow-up correspondence it sent to Mrs C in 2007. I am satisfied that Phoenix acted reasonably when it asked the DWP to assist it in confirming Mrs C's address. If Phoenix had received a claim or had a request to pay out the investment, it is likely this missing information would have resulted in a delay. In this case there has been no such delay, so I am satisfied I do not need to address this in my decision. Mrs C and Mr C think Phoenix acted unfairly, and that Phoenix should have written to Mrs C at the address it held. I am persuaded that Phoenix took reasonable steps to ensure the records it held for the investment were correct by using a recognised third-party that provided a secure tracing service. It was reasonable that Phoenix asked the third-party to write to Mrs C on its behalf to confirm her address was the same as the address it held for Mr C.

I acknowledge that the letter Phoenix sent to Mrs C, via the DWP, asked questions about Mrs C and Mr C's marital status, but I do not think this was unreasonable. Phoenix needed to be satisfied Mrs C had not changed her name. If Mrs C had changed her name, this could have delayed any claim or pay-out of the investment. Mrs C and Mr C have explained that this upset them, and I empathise that they felt this way, but I do think Phoenix's apology that the letter made them feel this way was reasonable in these circumstances.

In respect of Phoenix requesting signed letters from Mrs C and Mr C, I acknowledge that other businesses may take a different approach. I cannot tell Phoenix what it must do to protect jointly held investments as that is a matter for Phoenix, but I am persuaded that Phoenix has not treated Mrs C and Mr C unfairly in this regard.

### *Telephone contact*

Phoenix says that it attempted to contact Mrs C and Mr C on 18 April 2023, but when it called the line was engaged. Mrs C and Mr C say there were no incoming calls on their telephone that day. The 18 April was the day that Phoenix issued a final response to Mrs C and Mr C's complaint, so it is possible that Phoenix did attempt a call to discuss the outcome, but it did not connect. It may be that Phoenix received an engaged tone, or that the call simply did not connect – but regardless of this I do not think this amounts to poor service.

Mrs C and Mr C say they called Phoenix and left Mr C's mobile number on an answering machine with no pre-recorded message. I am satisfied Phoenix called Mr C on his mobile on 16 June 2023 and that it is likely this call didn't connect. I wouldn't expect Phoenix to keep a copy of an unsuccessful telephone call and it seems more likely than not that Phoenix made a mistake when it said it had not made a call to Mr C that day. However, I do not think this amounts to poor service or is evidence that Phoenix was incorrect when it said it had no contact with Mrs C and Mr C after it issued a final response to the complaint.

During the investigation, Mrs C and Mr C mentioned to the Investigator that they had not received statements from Phoenix for the past two years. Our Investigator contacted Phoenix to obtain copies of the statements it had sent and in turn our Investigator sent these

on to Mrs C and Mr C. This was not a complaint raised by Mrs C and Mr C and is not something that Phoenix has responded to, so I can not comment any further in this regard. If Mrs C and Mr C are having problems receiving statements, they may wish to raise this matter with Phoenix directly to see if there are other ways in which they can access the statements., or whether they can be sent by alternative means.

### **My final decision**

I've decided the apology and explanation Phoenix Life Limited has already provided Mrs C and Mr C is a reasonable resolution to the complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs C and Mr C to accept or reject my decision before 18 March 2024.

Paul Lawton  
**Ombudsman**