

## **The complaint**

Mr W complains that Phoenix Life Limited (Phoenix Life) did not return his birth certificate that was requested as part of taking his benefits.

## **What happened**

Our investigator set out the background to the complaint in his recommendation letter, for ease of reference I have included an amended copy below.

On 8 May 2025, Phoenix Life received a completed claim form in relation to Mr W's pension, and he enclosed his original birth certificate as requested within the form. The claim form also confirmed that the original document would be returned to Mr W immediately.

On 19 May 2025, Phoenix Life generated a letter to return the birth certificate to Mr W. This was sent by second class post on 20 May 2025. Mr W did not receive this.

On 27 May 2025, Mr W called to chase his birth certificate and Phoenix Life raised an internal request to locate the document.

On 3 June 2025, Mr W called Phoenix Life again to chase his birth certificate. Following on from this call Mr W was told that the birth certificate had been sent on 20 May 2025 and a complaint was raised.

On 22 June 2025, Mr W also followed up his complaint by e-mail to Phoenix Life in which he expressed his dissatisfaction at the experience during the claim. Mr W set out a number of phone calls made to it during May and June 2025 in which inconsistent information had been given.

Phoenix Life wrote to Mr W with their final response to the complaint on 30 June 2025. In this letter they agreed that it said in the claim form pack that they send documentation back through the same method that it was received by. Phoenix Life apologised and confirmed a distress and inconvenience payment totalling £210 would be made to Mr W. This was made up of £150 as an apology, £50 to cover the cost of purchasing a new Birth Certificate and £10 to cover the cost of his phone calls to them.

Our investigator looked into matters but didn't think Phoenix Life needed to do any more to put matters right. He felt that the compensation already paid, was broadly in line with our guidelines and what he would have awarded. Mr W didn't agree, he had previously said to our investigator that it was the principle and that the birth certificate couldn't be replaced. It was something given to him by his mother and a replacement wouldn't be the original. It was hard to put a price on the loss and he felt Phoenix Life's apologies and responses to him was middle management going through the motions. He said he wanted them to offer something better and some dialogue, he said if he had to say a figure it would be £1000. Mr W also said that he didn't trust that it was ever sent and couldn't understand how they'd said it had taken so long to attempt to return it.

## **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.

And having done so I agree with the outcome reached by the investigator and for broadly the same reasons.

I appreciate Mr W feels very strongly about this but as he's said, nothing can be done to return the original birth certificate to him. So, we have to look at what is a suitable monetary award to reflect the trouble and upset caused as that is all that we reasonably can look to do here.

I've listened to the call Mr W had with our investigator and it's clear he is very upset about what's happened but said it was more the principle than the sentimental loss – but that was still clearly a factor for him. And I can appreciate a new birth certificate isn't a replacement for the original. But putting a figure to this in terms of the upset caused, I have to take into account this is an official document rather than say a family heirloom, which the losing of would be more impactful. So, I think it would be difficult to argue in these circumstances this error requires a large amount of compensation (like the £1,000 Mr W suggested) due to it being an immensely sentimental item.

I appreciate Mr W has also suffered inconvenience as well as upset and there's no doubt Phoenix Life has made an error here. I know he feels its apology isn't heartfelt but I think we have to be realistic that Phoenix Life is a large organisation not an individual, so an apology from the person looking into the complaint or a call handler is unlikely to feel particularly personal. In fairness to Phoenix Life the person who wrote the final response letter did apologise a number of times. And whilst it has shown a poor level of customer service in making this error (in not returning it by the same method and the lack of urgency to return the document before this), it has offered an apology and paid compensation. There isn't much more it reasonably can do here. Had its error had more serious consequences then you might expect more dialogue or an apology from a senior figure but I think its response has been appropriate for the level of error it made.

This is not to say that Phoenix Life hasn't done something wrong, it has, it didn't follow its own policies, nor did it act fairly towards Mr W. It undoubtedly should have taken more care with an original document.

So fairly resolving this case comes back to putting a figure on the trouble and upset caused to Mr W. We cannot go back in time and Phoenix Life has made an apology and given Mr W an offer it felt was fair and I've considered this in line with our guidelines for awards of this type.

Mr W has suffered a loss of sentimental value, this has caused him upset, and he has had the inconvenience of having to chase up Phoenix Life over the period of a couple of weeks. And the prospect of having to apply for a replacement birth certificate. But as I've said I don't think I can reasonably attach a lot of weight to the sentimental loss. And Mr W has said himself it is more the principle. Also it is my understanding that applying for a new birth certificate shouldn't be too demanding. Mr W said he didn't have any specific need at the time for a replacement, and I note the cost of a replacement at a standard service (so not immediate) is only £12.50 plus postage but Aviva gave Mr W £50 towards this cost.

In conclusion, the offer of £150 plus meeting the costs of the calls and replacement certificate is within the boundaries of what I would expect in these circumstances and in line with our guidelines. As this has already been paid by Phoenix Life, there is nothing further to

put right.

**My final decision**

For the reasons explained, Phoenix Life Limited does not need to do anything more to put things right.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr W to accept or reject my decision before 5 January 2026.

Simon Hollingshead  
**Ombudsman**