

## **The complaint**

Mr D complains that Pastdue Credit Solutions Limited (PCSL) contacted him about a debt that is part of a trust deed. Mr D also complains that PCSL placed the account on hold despite receiving information that showed it was part of his trust deed.

## **What happened**

In 2019 Mr D entered into a trust deed in relation to debts in his name. A business was appointed to act as trustee.

In December 2020 PCSL was appointed by a third party to contact Mr D about an outstanding debt. But the debt was included in Mr D's trust deed.

In January 2021 Mr D contacted PCSL and complained. Mr D referred PCSL to his trustee. The trustee contacted PCSL a short time later and provided a copy of Mr D's trust deed.

PCSL contacted the debt owner to check for guidance on how to proceed.

PCSL responded to Mr D's complaint and referred Mr D to the debt owner to raise concerns about its instruction. PCSL said his account would remain on hold until the debt owner responded. The account was passed back to the debt owner a short time later. PCSL issued a follow up response and said it had sent Mr D two emails and two letters concerning the account in question and didn't uphold his complaint.

Mr D referred his complaint to this service and it was passed to an investigator. They thought PCSL had dealt with Mr D's complaint fairly and didn't ask it to do anything else. Mr D asked to appeal and said PCSL had unfairly placed his account on hold instead of closing the matter. Mr D also said PCSL had contacted him about a debt that was protected by law. Mr D's case has been passed to me to make a decision.

## **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.

I'd like to thank Mr D for explaining why he feels PCSL's actions were unfair. I've seen the trust deed documents and agree the debt PCSL contacted him about was included. Under the trust deed, Mr D agreed to make payments to his creditors and I haven't seen any evidence that shows he fell behind. So I can understand Mr D's distress and frustration at being contacted by PCSL.

Mr D has told us he felt harassed by PCSL's contact. PCSL sent Mr D two letters and two emails. I've reviewed the correspondence but didn't find the tone or contents to be threatening or harassing. As I've said above, I can appreciate why Mr D was concerned to be contacted about a debt that was included in his trust deed. But, the correspondence he received sought contact from Mr D in order to discuss an account that PCSL had been told

was outstanding. Where correspondence included requests for payment, they also invited Mr D to get in touch and discuss the matter which is what he went on to do.

Mr D complained to PCSL and his trustee also sent documents showing the debt was included in his trust deed. When PCSL received that information, it reverted to the debt owner to check the position. Mr D has said he believes the account should've been referred back to the debt owner immediately as the account in question was covered by his trust deed. Whilst I agree the information from the trustee showed the status of the account and that Mr D is subject to a trust deed, I don't agree it was unreasonable for PCSL to refer to the debt owner to check how it wanted to proceed. Ultimately, PCSL was acting on behalf of another business so I think it was a reasonable step to check for guidance once the information provided by Mr D and the trustee was received.

I've considered how the decision to place the account on hold impacted Mr D. Once PCSL received Mr D's complaint and the trust deed information, it ceased contact with him. So beyond the two emails and two letters PCSL sent, there were no further requests for payment or contact. In my view, the impact on Mr D from this point was very limited. I can see Mr D was distressed by the contact he received but I'm satisfied PCSL acted reasonably by referring the matter back to its client's guidance on how to proceed.

In this decision, I'm only able to look at PCSL's actions. I'm satisfied that, when it was instructed, PCSL was unaware the debt formed part of Mr D's trust deed. Once Mr D got in touch and his trustee forwarded the relevant documents, PCSL stopped contacting him about the debt and referred the matter to the debt owner. PCSL then passed the account back to the debt owner once it received confirmation of how to proceed. I haven't found PCSL treated Mr D unfairly in this case.

I'm sorry to disappoint Mr D but I haven't been persuaded to uphold this complaint. I'm satisfied that once Mr D and his trustee raised concerns over the debt it was contacting him about it ceased correspondence and collections activity. As I've said above, I think it was reasonable for PCSL to check its instructions with the debt owner and I haven't found this step meant Mr D was treated unfairly. As I'm satisfied PCSL dealt with Mr D's complaint fairly, I'm not telling it to take any further action.

### **My final decision**

My decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr D to accept or reject my decision before 29 July 2021.

Marco Manente  
**Ombudsman**