

The complaint

Mr and Mrs H complained that MyClaimSolved Ltd (“MCS”) pursued a claim against their bank for mis-selling a packaged bank account – even though they’d told MCS they wanted to deal with that themselves.

What happened

In early 2018, Mr and Mrs H instructed MCS to act for them in claims around various financial products. They told MCS they had a packaged bank account. But they wanted to pursue any claim relating to that themselves and asked MCS not to take any action on it.

However, a couple of months later, Mr and Mrs H received a letter from their bank, declining a claim for mis-selling their packaged bank account on the basis that it was brought too late for the bank to have to consider it.

Mr and Mrs H raised their own complaint with the bank a few months later. They told us the bank rejected it because MCS had previously made a claim.

Mr and Mrs H were unhappy their instructions had been ignored and complained to MCS. MCS investigated. They didn’t uphold the complaint as they said the bank made it clear they’d declined the claim because it has been brought outside the relevant time limits. But they acknowledged they’d taken too long to investigate the complaint and offered Mr and Mrs H £50 compensation for this.

Mr and Mrs H weren’t satisfied with MCS’s response and brought their complaint to us. Our investigator asked MCS to provide their business file. MCS didn’t respond, so the investigator came to a view based on the information Mr and Mrs H sent us.

He concluded MCS hadn’t made it clear they’d submitted a claim in relation to the packaged bank account – and early correspondence had confirmed they wouldn’t do that. So he understood why Mr and Mrs H were confused and frustrated when the bank wrote to them rejecting the claim.

While the investigator noted Mr and Mrs H felt they’d lost the opportunity to pursue their claim, he didn’t think that was the case, as the bank had said MCS’s claim was too late. So any later claim from Mr and Mrs H would also have been out of time.

Although the investigator noted Mr and Mrs H would have been in the same position, he did think MCS should pay them £100 compensation for not clearly telling them what claims they were pursuing.

Both Mr and Mrs H and MCS agreed with the investigator’s view. So he asked MCS to pay Mr and Mrs H and closed the complaint.

At the start of 2022, Mr and Mrs H contacted us to say they’d never received payment from MCS. The investigator contacted MCS, who told him they’d issued a cheque. But they’d re-issue it if Mr and Mrs H hadn’t received it.

Despite Mr and Mrs H confirming they'd never received the compensation, MCS haven't provided evidence to the investigator or to me that they sent a cheque. So I've been asked 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.

Having done that, I'm upholding Mr and Mrs H's complaint. I'll explain why.

Our investigator explained he'd relied on the information provided by Mr and Mrs H to reach his view because MCS didn't provide their business file. That's not changed. And, having considered that information, I agree with his conclusions (which I summarised above).

Putting things right

I agree with our investigator that MCS's actions made no difference to Mr and Mrs H's own claim to the bank, because the bank's letter makes it clear the claim was made out of time.

But – like him – I think MCS should have clarified which claims they were pursuing. I agree that £100 is a fair amount of compensation for not doing that.

My final decision

For the reasons I've explained, I'm upholding Mr and Mrs H's complaint about MyClaimSolved Ltd and directing MCS to pay them £100 compensation for not clarifying which claims they'd submitted to the bank.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H and Mrs H to accept or reject my decision before 15 April 2022.

Helen Stacey
Ombudsman