

The complaint

Mr S complains on behalf of the estate of the late Mrs S, about Pacific Financial Claims Ltd's ("Pacific Financial") delay in dealing with complaints for mis-sold Payment Protection Insurance ("PPI") and their lack of updates.

What happened

Mr S says he instructed Pacific Financial to look into PPI complaints on behalf of his late wife, Mrs S. Mr S says he received two letters from Pacific Financial and he also spoke with them in May 2019. He says Pacific Financial started looking into the complaints but then stopped communicating with him. Mr S says the last time he heard from Pacific Financial, they said the complaints were being progressed. Mr S says he tried calling Pacific Financial but there's no answer and he says there's a message saying the number isn't recognised.

I can see our service referred the complaint to Pacific Financial and asked them to respond to Mr S direct. Mr S returned to our service and said Pacific Financial hadn't responded to the complaint. Our service contacted Pacific Financial to ask for information but there has been no response from Pacific Financial.

Our investigator looked into things for the estate of Mrs S. Pacific Financial haven't provided the information requested so our investigator recommended they pay compensation for the loss of opportunity to the estate of Mrs S in pursuing a complaint for PPI. Pacific Financial haven't responded so the matter has come to me for 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 so, I've decided to uphold the complaint. And, I think the investigator's recommendation is a fair way to resolve matters.

I think it's important to stress I've made my decision based on the information I have. I can see our investigator has provided Pacific Financial with details of the complaint being made against them and allowed them a number of opportunities to provide information. It's important that we get an account from all parties in order to consider the complaint fully. In this case, while Pacific Financial haven't provided any information to our service, I'm satisfied we've taken sufficient steps, and given sufficient time, to enable them to respond. I must be fair to both parties and don't feel it's reasonable, in this case, for the estate of Mrs S to have to continue waiting for an answer to the complaint.

I've seen two letters from Pacific Financial to Mr S. One was sent in April 2018 and thanks Mr S for sending a document and asks for a copy of the late Mrs S's Will or Grant of Probate. Pacific Financial say Lender S will require this. Mr S confirms this was sent to Pacific Financial. The second letter is undated but refers to Pacific Financial enclosing a pre-paid envelope. Taking this into account, I'm satisfied Pacific Financial were acting on instructions from Mr S to pursue PPI complaints.

Pacific Financial haven't provided any evidence to show they submitted any PPI complaints relating to the late Mrs S. I can see our investigator has contacted Lender S direct and asked them for any correspondence with Pacific Financial. They've responded and confirm they don't have any information relating to this complaint.

Pacific Financial haven't provided any evidence to show they submitted the complaints prior to the PPI deadline of 29 August 2019. Lender S have confirmed they don't have any information relating to these complaints and Mr S hasn't received any communication from any lenders, against who the complaints were being made, with an outcome. Once a lender reaches an outcome, they generally write to the customer direct as well as the claims management company acting on behalf of the customer. Given that Mr S hasn't received any communication from any lenders, I think it's reasonable to conclude that no complaints have been submitted. And, the PPI deadline has now passed so this means the estate of Mrs S has lost the opportunity to claim for any PPI complaint. In these circumstances, I think Pacific Financial should pay compensation to the estate of Mrs S. This compensation isn't a speculative assessment on what compensation might've followed a successful complaint against the lenders – rather it's to reflect the lost opportunity to the estate of Mrs S to pursue the complaints to a final outcome. So, for this, Pacific Financial should pay £250 compensation to the estate of Mrs S.

Putting things right

I've taken the view that Pacific Financial haven't taken reasonable steps to progress the late Mrs S's PPI complaints and this has led to a lost opportunity to the estate of Mrs S to pursue these to a final outcome. So, Pacific Financial should pay the estate of Mrs S compensation of £250.

My final decision

My final decision is that I uphold the complaint. Pacific Financial Claims Ltd must pay the estate of the late Mrs S compensation of £250.

Under the rules of the Financial Ombudsman Service, I'm required to ask the estate of Mrs S to accept or reject my decision before 29 April 2022.

Paviter Dhaddy
Ombudsman