

The complaint

The estate of Mr S complains that Phillips & Cohen Associates (UK) Limited sent a letter to collect a balance that was higher than the settlement agreed by the debt owner. The estate of Mr S also complains that Phillips and Cohen failed to send confirmation of outstanding balances and tried to collect a payment for an account that had been written off.

What happened

Phillips & Cohen were managing various debts for different businesses when Mr S passed away. Executors for the estate were appointed and contacted Phillips and Cohen to ask for information to help settle the estate.

In May 2020 the estate asked for confirmation of the outstanding balances owed. Phillips & Cohen issued figures relating to one account in October 2020 and April 2021. But the responses didn't contain details of another debt in Mr S' name that Phillips & Cohen was managing.

In October 2020 the estate received an email that a debt C had been approved for a partial settlement. In January 2021 Phillips & Cohen contacted the estate on C's behalf and sought to collect the full balance.

The estate raised further concerns after Phillips & Cohen attempted to collect a debt that was originally a credit card. The estate says the original lender had agreed to write off the outstanding balance. Phillips & Cohen checked with the current debt owner and didn't agree that was the case.

The executors of Mr S' estate complained about various issues with Phillips & Cohen and went on to refer the matter to this service. Our investigator reviewed the case but explained some of the issues raised were out of time because they weren't referred to us within the time limits noted in our rules.

The investigator thought Phillips & Cohen had caused some delays in sending information about outstanding balances which was inconvenient for the estate. The investigator asked Phillips & Cohen to pay the estate of Mr S £100 for the inconvenience caused. Phillips & Cohen didn't accept and sent in a copy of its contact log to show correspondence with the representatives of Mr S' estate.

As Phillips & Cohen didn't accept the investigator's view, this complaint 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've been reasonably brief in setting out the background above as our investigator has already explained why we can only consider some of the issues raised. But I want to assure

all parties that I've read and considered everything that's been provided. I'm aware of the full circumstances behind this complaint, including those that don't fall within the jurisdiction of this service.

I've looked at the correspondence between the executors of Mr S' estate and Phillips & Cohen. I'm not going to mention every letter, email or call I've seen. But it's clear there was a lot of back and forth between the parties involved. Whilst I'm not saying all the issues raised were caused by Phillips & Cohen's actions, I do think it could've handled the estate of Mr S' accounts better.

I note that Phillips & Cohen sought to collect the full debt on one account, despite a partial settlement being agreed. I think the estate of Mr S could reasonably expect Phillips & Cohen to attempt to collect the most up to date settlement figure. In addition, I agree with the investigator that it took longer than necessary to respond with the requested information at times.

I'm satisfied the estate of Mr S was caused some inconvenience due to the way Phillips & Cohen handled its accounts. As a result, I'm going to uphold this complaint and direct Phillips & Cohen to pay the estate of Mr S £100. In my view, that figure fairly reflects the inconvenience caused.

My final decision

My decision is that I uphold this complaint and direct Phillips & Cohen Associates (UK) Limited to pay the estate of Mr S £100.

Under the rules of the Financial Ombudsman Service, I'm required to ask the estate of Mr S to accept or reject my decision before 5 May 2022.

Marco Manente
Ombudsman