

The complaint

Mrs M complains that Quickly Finance Limited, trading as Fast Track Reclaim ("FTR") charged her success fees for payment protection insurance ("PPI") complaints brought on behalf of her late husband.

What happened

In August 2019, Mrs M completed a request for a free online PPI check for accounts relating to herself and her late husband. FTR sent Mrs M some paperwork to complete, but she didn't return it. She says her daughter helped her pursue the PPI complaints another way.

Mrs M says she didn't hear anything further from FTR until August 2021, when it wrote to her about offers from a lender. FTR sent Mrs M invoices for its fees which totalled almost £4,000.

Mrs M phoned FTR who said it had only received notification from the lender about PPI compensation, even though it had been paid to her about a year before. Mrs M acknowledged that she had received a settlement from the lender and agreed to pay the fee. But a few days later, Mrs M called FTR and said she couldn't remember signing any forms giving FTR authority to pursue the claim.

FTR sent Mrs M a copy of a letter of authority (LOA) with an electronic signature at the bottom. Mrs M raised a complaint with FTR. She said the signature on the form wasn't hers. She said FTR wouldn't have been able to progress a claim for her late husband's PPI without a certified copy of his Will and a Grant of Probate. Mrs M said she hadn't signed and returned paperwork FTR had sent her following her online enquiry and suggested it had submitted the claim without her authorisation. She also raised concerns about the service she'd received from FTR including how she'd been spoken to over the phone.

FTR said that it had received an online enquiry in August 2019 with Mrs M's details provided as the joint applicant. Signatures were provided for both her and Mr M and FTR had acted in good faith with the details provided. FTR said Mrs M's electronic signature was accepted by the lender. It hadn't received a request to cancel, so the claim was progressed in line with FTR's terms and conditions. FTR acknowledged that Mrs M was dissatisfied with the level of service Mrs M had received during a phone call, but it was satisfied the employee she spoke to was professional and wasn't threatening towards her.

I issued a provisional decision on 1 April 2022 where I explained why I intended to uphold Mrs M's complaint. In that decision I said:

"I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint."

Having carefully considered Mrs M's comments and the additional information she's provided I'm persuaded to uphold her complaint. I'll explain why."

I'm satisfied, from what I've seen, that Mrs M completed a free PPI check on FTR's website on 19 August 2019. FTR has sent us a screenshot to show the information Mrs M supplied at the time. While Mrs M disputes signing for herself or her husband, I think that the electronic signatures FTR added to the LOAs were likely to have been provided by her as part of the online process.

The LOA with Mr M's details and a signature for the "Policy Holder" doesn't mention that Mr M was deceased. Nor does it mention anyone acting as executor for his estate. I don't think FTR would have been aware that Mr M was deceased at the time of the application. And I acknowledge that FTR submitted the claim to the lender in good faith.

However, as Mr M died in 2015, a PPI claim made in August 2019 would need to have been made on behalf of the estate of Mr M. And for FTR to be authorised to pursue a PPI claim for Mr M it would have needed to provide an LOA to the lender that correctly reflected the claim being made. The LOA would need to have shown both Mr M's name and that of the person acting for the estate, in this case Mrs M, as she has grant of probate.

Mrs M has provided evidence to show that she submitted a PPI claim to the lender via a free online tool on 22 August 2019. I can also see that she provided documents to show she was authorised to pursue the claim on behalf of her late husband's estate to the lender after they had requested these directly from her. The lender went on to pay the settlement to Mrs M in respect of PPI sold to Mr M in mid-2020. So, I think the lender is likely to have acted in response to the submission Mrs M made via the online tool. And, I'm satisfied that they settled the claim after she supplied the relevant documentation to show she was authorised to bring the claim on behalf of the estate of the late Mr M.

I appreciate my answer will be disappointing for FTR who appear to have carried out the PPI check in good faith, without being aware that it was in relation to a deceased consumer. I don't think it was likely to have been aware of this until it received a copy of the settlement offer letter from the lender in mid-2021. However, as I don't believe that FTR was authorised to pursue a PPI claim for Mr M, I don't think it's entitled to charge a success fee for it."

I set out what I intended to direct FTR to do to put things right. And I gave both parties the opportunity to send me any further information or comments they wanted me to consider before I issued my final decision.

Responses

Mrs M said she accepted my provisional decision.

FTR said that whilst it didn't agree with my decision, it did accept it. It said it would like it to be noted that if it had been provided with truthful information from the outset, it would not have proceeded with the claim and it would not have reached the stage it had with our service.

FTR also expressed concerns about how my decision might impact the behaviour of other clients wishing to make claims on behalf of deceased people. It asked for its comments to be forwarded to senior management within our organisation.

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 appreciate that FTR is disappointed with the outcome of this complaint. I don't doubt it acted in good faith when it carried out the PPI check. I have shared FTR's comments with senior management in the Claims Management Ombudsman service as requested. But these comments haven't made a difference to the conclusions I've reached. As I don't think FTR had authority to pursue the PPI claim on behalf of the late Mr M, I don't think it's entitled to charge a success fee.

Putting things right

FTR should waive the success fee it's charged Mrs M in relation to the claim for PPI sold to the late Mr M.

My final decision

For the reasons I've explained, I uphold Mrs M's complaint and direct Quickly Finance Limited, trading as Fast Track Reclaim to put things right by doing as I've said above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs M to accept or reject my decision before 25 May 2022.

Anne Muscroft
Ombudsman