

The complaint

The estate of Mr M complains that Link Financial Outsourcing Limited failed to supply accurate account statements.

What happened

The background to this complaint and my initial conclusions were set out in my provisional decision. I said:

The late Mr M had a credit card with a business I'll call N that was opened in February 2018. The credit card was ultimately closed at default by N. In March 2020 Link acquired the debt and went on to attempt to collect the outstanding balance from Mr M.

In March 2022 Ms M, the late Mr M's partner and executor of his estate, contacted Link to advise he had passed away. A copy of the death certificate was supplied along with a request for details of the outstanding balance. Ms M has explained that she asked for credit card statements that could be used to verify how the debt came about so she could settle the estate.

Link contacted N and it sent some credit card statements which were forwarded to Ms M on the estate of Mr M's behalf. But Ms M contacted Link again as the statements were incomplete with pages missing and only went back to August 2019, so didn't show how the debt had come about. Ms M asked Link to forward full statement evidence going back to when the late Mr M opened his credit card in February 2018. Link didn't go back to N for further statement evidence and said Ms M had been given sufficient information to show there was a balance outstanding.

On the estate of Mr M's behalf, Ms M raised a complaint and Link issued a final response on 12 June 2023. Link said the statements related to when the account was owned by N and said it wasn't responsible for missing pages or information. Link said the statements provided sufficient explanation to show how the outstanding balance accrued. There was no offer to go back to N to request a more complete set of statements for Ms M.

Ms M referred the estate of Mr M's complaint to the Financial Ombudsman Service and it was passed to an investigator. They thought Link had dealt with the complaint fairly and didn't ask it to do anything else. Ms M has confirmed that after Link's final response she was able to obtain a full set of credit card statements from N directly, at some inconvenience. The investigator thought Link had dealt with the estate of Mr M's case fairly and didn't ask it to do anything else.

Ms M asked to appeal and said Link had failed to act in line with industry regulations and that it was obliged to provide post sale information to respond to reasonable requests for information. Ms M added that the way Link had handled her enquiries had caused an unreasonable level of inconvenience and that she'd incurred costs sending special delivery post. As Ms M asked to appeal, the estate of Mr M's complaint has been passed to me to make a decision.

What I've provisionally 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'm aware I've summarised the events surrounding this complaint in less detail than the parties involved. No discourtesy is intended by my approach which reflects the informal nature of this service. I want to assure all parties I've read and considered everything on file. I'm satisfied I don't need to comment on every point raised to fairly reach my decision. And if I don't comment on something, it's not because I haven't considered it. It's because I've focused on what I think are the key issues. My approach is in line with the rules we operate under.

Ms M has explained she wanted to verify the outstanding balance as part of the process of dealing with the estate of Mr M. I agree with Ms M that she should reasonably have been able to request information, like statements, from Link as the owner of the debt at the time of the late Mr M's death. And I think it should've been reasonably straight forward for Link to request full statement evidence from N and send it to Ms M as requested.

I've reviewed the statement evidence Link obtained from N and forwarded to Ms M. The statements begin in August 2019 and appear to be incomplete. There are pages missing from the statements Link forwarded. But more importantly, the statement evidence only goes back to August 2019 when there was already an outstanding balance of £532.43 and don't show how the balance built which is what Ms M specifically wanted to see.

I note that Link's final response says that statements it forwarded were sufficient to show how the outstanding balance accrued but I disagree. The overwhelming majority of the outstanding balance had already been accrued before the period covered by the statements Link forwarded. It's not clear to me why Link didn't simply go back to N to request a full copy of the statements Ms M requested on the estate of Mr M's behalf after she went back to it. Instead, Link raised a complaint and issued a final response.

I'm pleased Ms M was able to obtain the statements she needed directly from N. But I think Link should've been able to obtain these on the estate of Mr M's behalf as it was the owner of the debt at that time and had an existing relationship with it. And I'm satisfied that by declining to go back to N to obtain the full statements (which were ultimately available) has caused an unreasonable level of inconvenience to the estate of Mr M. Before N would've released the late Mr M's credit card statements Ms M would've had to provide evidence of his death and that she was entitled to represent the estate in her role of executor. I'm satisfied Ms M had already done that with Link.

In addition, a delay was caused as Ms M had to go back to N to obtain the statement evidence directly. So I'm satisfied the way Link responded to Ms M is likely to have caused delays in dealing with the estate of Mr M.

I'd like to explain that the estate of Mr M is the complainant in this case and Ms M's role is that of representative who's bringing the complaint on its behalf. Our rules only allow me to award compensation to the complainant, not a representative. That means that whilst I acknowledge the situation has caused Ms M a reasonable level of distress and frustration, the rules don't allow me to make an award on that basis. But I'm satisfied the process of dealing with the estate of Mr M was made more complicated by the way Link dealt with Ms M's requests. I can award compensation for the inconvenience caused to an estate as the complainant. And I'm satisfied Link has unfairly inconvenienced the estate of Mr M. So based on the information I've seen so far I intend to uphold the estate of Mr M's complaint and direct Link to pay it £200 for the inconvenience caused.

I invited both parties to respond with any further comments or information they wanted me to consider before I made my final decision. Both Ms M and Link responded to confirm they were willing to proceed in line with the settlement I reached.

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.

As neither party has supplied new information for me to consider and both have confirmed they're willing to proceed, I see no reason to change the conclusions I reached in my provisional decision. I still think this complaint should be upheld, for the same reasons.

My final decision

My decision is that I uphold the estate of Mr M's complaint and direct Link Financial Outsourcing Limited to pay it £200 for the inconvenience caused.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms M on behalf of the estate of Mr M to accept or reject my decision before 29 November 2023.

Marco Manente
Ombudsman