

The complaint

The estate of Mrs D complains Freemans Plc trading as Bon Prix was told the catalogue shopping account in Mrs D's name would be closed – but was then asked to repay the balance.

Mr D is representing Mrs D's estate.

What happened

After Mrs D sadly passed away, Mr D contacted Freemans and was told the account in Mrs D's name would be written off.

Freemans said Mr D was told on 15 February 2023 the balance had been written off, but this was a mistake. Freemans said they 'apologise for any distress caused by this' and upheld the complaint. They didn't pay any compensation.

Unhappy with this Mr D referred the matter to our service. As part of our standard approach, we asked Freemans for further information – writing to the email address on our system. They replied with a copy of their final response letter, and some account notes. Once allocated to one of our Investigators he looked into things, and felt he needed more information. He asked Freemans for this information on several occasions, and when the last deadline expired, he upheld the case. He told Freemans to write off the balance and pay £100 to recognise the inconvenience caused. Those contacts were to the same email address as before.

Mr D accepted this outcome, Freemans didn't reply – so the complaint's been passed to me to decide.

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.

Our Investigator asked Freemans for a copy of the terms and conditions of Mrs D's account, and how much was outstanding. None of the information provided shows the current outstanding balance. This is important because we've been told by Mr D the estate is a small estate.

I can see our Investigator contacted Freemans on multiple occasions:

- 13 November 2023 asking for the above information and setting a deadline of 23 November 2023
- 23 November 2023 with a deadline of 30 November 2023, and he said if no reply is received by then he may go ahead and assess the case – as the rules by which we operate allow us to
- 4 December 2023 he upheld the case, and set a deadline of 18 December 2023

- 3 January 2024 he chased Freemans for a response as none had been received with a deadline of 10 January 2024 otherwise he'd progress the matter forward for an Ombudsman's decision
- 15 January 2024 with no reply he put the case forward to our Ombudsman queue, giving Freeman's a deadline of 22 January 2024 if they had anything they wanted to add

Each of those five contacts by our Investigator were sent to the same email address we'd previously sent emails to Freemans which had received a reply. So, I'm satisfied Freemans have had a fair opportunity to provide any further information they wanted me to consider – and I don't think it'd be fair to give them more time and prolong the outcome for Mr D.

Generally, when someone passes away what happens to the debt depends on a number of circumstances. Most relevant in Mrs D's case is that the debt, as I understand it, was in her sole name – meaning it wouldn't automatically now be Mr D's responsibility.

Debts in someone's sole name are usually paid out of the estate. As this is a catalogue debt, it'd be a lower priority than a number of other debts that'd need to be paid from the estate.

As things stand, I don't know how much the debt is, because Freemans haven't told us when we asked. And Mr D has told us the estate is a small estate. In the circumstances, I've no idea whether the estate itself could afford to repay Mrs D's catalogue debt – because I don't know how much it is. I've also not been provided with anything to show Mr D knows how much the debt is in the information he's given our service.

Ordinarily, our service wouldn't look to make incorrect information true. Freemans have accepted they gave Mr D the wrong information when they told him the debt would be written off. But, in the circumstances I've outlined above, I think it'd be fair and reasonable for Freemans to write Mrs D's catalogue debt off.

Separately, I do also think compensation is fair. I can't award compensation to Mr D directly – I can only award compensation to the estate, as this is the estate's complaint. But, like our Investigator I'm satisfied £100 is fair compensation for the inconvenience the estate has been put to as a result of the incorrect information given to Mr D.

Putting things right

I require Freemans to:

- Write off Mrs D's debt
- Pay the estate of Mrs D £100 compensation for the inconvenience of the incorrect information

My final decision

I uphold this complaint and require Freemans Plc trading as Bon Prix to carry out the actions in the 'Putting things right' section above.

Under the rules of the Financial Ombudsman Service, I'm required to ask the estate of Mrs D to accept or reject my decision before 15 March 2024.

Jon Pearce
Ombudsman