

The complaint

Mr D complains about Consumer Credit Justice Limited ("CCJL") and the service they've provided since being instructed to pursue a claim for mis-selling centred around his pension.

What happened

In or around 2021, Mr D instructed CCJL to pursue a mis-sold pension claim, completing what he felt was the necessary paperwork. But by June 2023, Mr D's claim remained incomplete. And he was unhappy about this, so he contacted our service.

Our service raised a complaint with CCJL on Mr D's behalf in August 2023. And by November, no response had been provided by CCJL. So, as they hadn't responded to the complaint within the eight-week time frame they are afforded, our service continued to investigate Mr D's complaint.

Having done so, our investigator upheld the complaint. They explained CCJL had failed to supply any evidence to assist our investigation. So, based on the limited information we had available, our investigator didn't think they could be satisfied a claim was submitted, despite updates being sent to Mr D in 2022, and 2023. So, because of this, our investigator thought CCJL should pay Mr D £250 to recognise the delays he'd faced, and the loss of opportunity to submit a claim in 2021 when he wanted to do so.

Mr D accepted this recommendation. But CCJL didn't respond. As CCJL didn't respond, our service must assume they rejected this recommendation and so, the complaint has been passed 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'm upholding the complaint for broadly the same reasons as the investigator. I've focused my comments on what I think is relevant. If I haven't commented on any specific point, it's because I don't believe it's affected what I think is the right outcome.

First, I think it would be useful for me to explain exactly what I've been able to consider, and how. I note CCJL stated to our service they didn't feel they had been given a chance to look into Mr D's concerns before our service accepted the complaint. But this isn't the case, as our service relayed Mr D's concerns to CCJL, and gave them the eight weeks they are afforded to respond. As they didn't respond, our service is able to continue our investigation under the rules set by the industry regulator.

And I note that despite repeated requests from our investigator, CCJL have failed to provide any evidence that shows the work they completed on the claim. So, in situations such as this, it is our service's standard approach to make adverse inferences to this failure to comply with our request and so, where evidence hasn't been made available, I will rely on

the testimony provided by Mr D, alongside any other evidence we have on file.

And, while I note CCJL say they never received or processed a claim from Mr D, I've seen two emails from CCJL sent to Mr D directly in both 2022 and 2023, where they explain Mr D's claim is on hold whilst they wait for a response on some test cases that had already been submitted.

And specifically, in one of the e-mails, CCJL state "*I would also like to remind you that we are still working on a no win, no fee basis so it is in all our interests that we can achieve a successful pay-out in compensation for you*". So, while I don't have evidence of the initial authority Mr D provided to CCJL, I think this statement is enough to satisfy me that Mr D did engage the services of CCJL in some way. And, that CCJL led Mr D to believe they were continuing to work on his behalf, when I've seen nothing to satisfy me that the claim has been submitted, or that any work of value has been completed.

So, when I consider the above alongside CCJL's testimony that they don't have an open claim for Mr D, I think it's reasonable for me to assume CCJL have failed to submit, and progress, Mr D's claim. And I'm satisfied that this contradicts the information CCJL gave to Mr D in the limited updates he's received since 2021. So, I'm satisfied CCJL have acted unfairly here and because of this, I've then turned to what I think CCJL should do to put things right.

Putting things right

When thinking about what I think CCJL should do to put things right, any award or direction I make is intended to place Mr D back in the position he would've been in, had CCJL acted fairly. In this situation, I think CCJL would've submitted and progressed Mr D's claim.

But had they done so, I'm unable to say for certain that the claim would've been successful. Nor can I say for certain that Mr D is now unable to pursue a claim either directly, or through another company. So, I don't think I'm able to say that Mr D has definitively incurred a financial loss here.

But had CCJL acted fairly, I think it's likely Mr D would've received a response to his claim sooner than he will. And I do think it would've been both frustrating and inconvenient for Mr D to have to chase CCJL for updates, and then receive updates that I can't be satisfied were true and accurate. So, I do think he should be compensated for the above.

Our investigator recommended CCJL pay Mr D £250 to recognise this emotional impact, and his loss of opportunity to have his claim considered sooner. And having considered this recommendation, I think it is a fair one, that falls in line with our services approach and what I would've directed, had it not already been put forward.

I think it fairly recognises the delays and frustration Mr D has suffered, whilst also taking into consideration the fact I have no way of knowing if a claim would be successful, or whether Mr D still has an opportunity to pursue a claim through other avenues. So, this £250 recommendation is one I'm directing CCJL to pay.

My final decision

For the reasons outlined above, I uphold Mr D's complaint about Consumer Credit Justice Limited and I direct them to take the following action:

- Pay Mr D £250 to recognise the loss of opportunity he's suffered alongside the delays and emotional impact he's experienced.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr D to accept or reject my decision before 18 March 2024.

Josh Haskey
Ombudsman