

The complaint

Mrs S complains that Ascent Performance Group Limited trading as Ascent Legal attempted to collect a debt that had already been settled.

What happened

Ascent was administering a debt Mrs S held with a business I'll refer to as R. Mr H, Mrs S' husband, was authorised to act as her representative with Ascent.

In January 2023 Ascent agreed to accept a settlement of £4,000 towards an outstanding balance of £14,502.11. The payment was made to Ascent and on 2 February 2023 it emailed to say it would be issuing a letter to confirm the debt was settled which it did the following day.

On 20 September 2023 at 10:28 Ascent called Mr H. Mr H has told us Ascent demanded further payment towards an outstanding balance that didn't exist. Ascent says that Mr H was unable to answer security questions to access Mrs S' account so the call wasn't continued.

Mr H called Ascent back on 20 September 2023 at 15:01. During this call, Mr H raised concerns about being asked to make further payments to a debt that was already settled. Ascent went on to confirm the balance had been settled and the call Mr H received in relation to Mrs S' debt had been made in error. A complaint was recorded by Ascent.

Ascent sent a final response on 18 October 2023 and confirmed the debt had been settled. Ascent also confirmed the call Mr H received on 20 September 2023 had been made by mistake. Ascent explained one of its agents had failed to correctly close Mrs S' account on its systems which meant a call to Mr H was made. An offer of £50 in recognition of the distress and inconvenience caused was made.

An investigator at this service looked at Mrs S' complaint. They thought it was reasonable to note that no call had been made to Ascent's customer, Mrs S, and that the contact made on 20 September 2023 had been made with her representative, Mr H. The investigator explained that Mrs S is the eligible complainant in this case and that our service can't award compensation to a third party who isn't a customer of the respondent business. The investigator agreed Ascent had made a mistake by contacting Mr H on Mrs S' behalf but felt its offer of £50 was a fair and reasonable way to resolve her complaint.

On Mrs S' behalf, Mr H asked to appeal and said he'd been asked to pay £10,000 that he didn't owe. Mr H said the issue had caused significant distress and raised serious concerns about R's data handling practices. Mr H also told us they didn't agree the offer of £50 was fair. As Mrs S didn't accept the investigator's view of her complaint, it's 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'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.

I think the investigator made a reasonable point when he explained that as the debt that forms the basis of Ascent's contact with Mr H was in Mrs S' name, she's the customer in this case which means she is the eligible complainant. I understand Mr H was an authorised third party who was able to represent Mrs S' dealings with Ascent. But our rules don't allow me to award compensation for the distress and inconvenience caused to someone who isn't a customer of the business being complained about and who isn't an eligible complainant. So my decision is going to focus on how the issues raised have impacted Mrs S who is the eligible complainant here.

All parties agree that Ascent accepted a payment of £4,000 in January 2023 to settle Mrs S' debt. Ascent issued a letter to confirm the debt was satisfied in February 2023 and I can understand why Mrs S thought that was the end of the matter. Ascent has accepted that an error made when recording the settlement of Mrs S' debt meant her account wasn't fully closed on its system. As a result, an agent called Mr H on Mrs S's behalf on 20 September 2023 about an outstanding balance.

I think it's fair to note that the first contact Mr H received from Ascent on 20 September 2023 was at 10:28. The call notes provided by Ascent explain Mr H wasn't able to pass the verification questions and was advised he could call back. I understand Mr H found the call to be upsetting and that he felt harassed. Mr H called back at 15:01 on the same day and the agent he spoke with confirmed the previous call had been made in error. So whilst I agree Ascent made a mistake by calling Mr H, I'm satisfied it quickly acknowledged its error on the same day when he called back. And I'm satisfied that meant the impact of Ascent's mistake was limited.

As noted above, Ascent has explained how the error was made and confirmed Mrs S's account has now been correctly closed down so no further contact will be made in relation to the debt.

I've considered the level of compensation offered by Ascent in its final response. Whilst I understand my decision is likely to come as a disappointment to Mrs S, I'm satisfied that a settlement of £50 fairly reflects the impact of Ascent's mistake and the level of distress and inconvenience caused. I agree a mistake was made but I'm satisfied it was quickly resolved when Mr H called back and Ascent explained what had happened. I'm satisfied that limited the overall impact of Ascent's error. Whilst I don't doubt what Mr H has told us about the issues raised have impacted him as well, as noted above, I have no power to make an award for compensation to someone who isn't an eligible complainant.

I'm aware Mr H has raised concerns about the way R handled Mrs S's data. In this case, we're only looking at Ascent's actions. If Mrs S is concerned about the way R administered her data, she has the right to raise those issues with it directly.

I'm very sorry to disappoint Mrs S but as I'm satisfied Ascent has already agreed a settlement that is fair and reasonable in all the circumstances, I'm not telling it to increase its offer or do anything else.

My final decision

My decision is that Ascent Performance Group Limited trading as Ascent Legal has already agreed a settlement that is fair and reasonable in all the circumstances.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs S to accept or reject my decision before 4 September 2024.

Marco Manente
Ombudsman