

The complaint

Miss M complains about Brazier Consulting Services Ltd (“BCS”) and their continued contact, despite her asking them to remove her details from their system in 2019.

What happened

Miss M asked BCS to remove her details from their system to prevent further contact in 2019, and BCS accepted this request. But despite this, BCS have continued to contact Miss M with texts and emails being received in 2024. Miss M was unhappy about this, so she raised a complaint. BCS failed to respond to Miss M’s complaint within the eight-week time period they are afforded. So, Miss M referred her complaint to us.

Our investigator looked into the complaint and upheld it. They noted BCS had failed to engage with our service or respond to any requests for information. So, they based their investigation solely on the information and testimony supplied by Miss M. And having done so, they were satisfied BCS had continued to contact Miss M after 2019, despite confirming her details had been removed from their system. And they thought this was unfair. So, they recommended BCS pay Miss M £150 to recognise the distress and inconvenience this continued contact caused, as well as ensuring Miss M’s details were now removed.

Miss M accepted this recommendation. But BCS didn’t reply. As BCS didn’t reply, our service must assume they rejected the 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 how I’ve considered the complaint. I note BCS have failed to engage with our service and provide any information, despite repeated requests. So, my decision focuses solely on the information and testimony supplied by Miss M and where necessary, I will make adverse inference to BCS’ lack of engagement.

And having reviewed what evidence I do have, I’m satisfied that on 5 July 2019, BCS confirmed to Miss M by email that her details had been removed from their systems at her request and so, she shouldn’t receive any further contact.

But despite this, I’ve seen Miss M received marketing emails and texts from BCS in February 2024. So, I’m satisfied based on this evidence that BCS failed to honour their agreement

with Miss M made in 2019, and that this is evidence of them acting unreasonably, and unfairly.

I've also seen further texts and calls which Miss M believes are from BCS although I can't be certain, as there isn't a direct link between the numbers or websites and BCS'. So, I haven't considered these when making my decision.

As I'm satisfied BCS have acted unfairly, I've then turned to what I think BCS should do to put things right.

Putting things right

Any award or direction I make is intended to place Miss M back in the position she would've been in, had BCS acted fairly in the first place. And had BCS acted unfairly, they would've ensured Miss M's details were removed from their system, so she received no further contact.

This didn't happen. And this has left Miss M receiving contact years later, which I've no doubt would've been upsetting and frustrating to receive. And this has caused Miss M to take time from her usual daily life to try and contact BCS about this. As BCS hasn't responded to this contact, this has left Miss M in a position where she's worried she'll continue to receive further contact, when I think it's been made reasonably clear this is what she wanted to prevent. So, I think she should be compensated for the above.

Our investigator recommended BCS pay Miss M £150 to recognise the impact their failures have created. And I think this payment is a fair one, that falls in line with our services approach and what I would've directed, had it not already been made. I think it fairly reflects the emotional impact Miss M has been caused, alongside the inconvenience of trying to ensure she receives no further contact. But I think it also fairly reflects the fact that the contact I can be satisfied from BCS to Miss M was minimal when considering the number of contacts over the length of time since 2019. So, this is a payment I'm directing BCS to make.

BCS should also ensure Miss M's personal details are removed from their system, so she receives no further contact.

My final decision

For the reasons outlined above, I uphold Miss M's complaint about Brazier Consulting Services Ltd and I direct them to take the following action:

- Pay Miss M £150 compensation; and
- Remove Miss M's personal details from their system so she receives no further contact.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss M to accept or reject my decision before 6 June 2024.

Josh Haskey
Ombudsman