

## **complaint**

In summary Mrs P has complained that as a result of Barclays Bank UK PLC not setting up a fraud claim when she contacted it, in December 2017; she lost the ability to pursue a debt for £12,000 on behalf of her late husband's company.

## **background**

In October 2017 Mrs P applied to Companies House for an extension of time to enable her to file accounts for her late husband's company. She wanted to keep the company in place so that she could pursue a substantial debt owing to it in the sum of £12,000.

In the same month Mrs P instructed C, a debt recovery firm to recover the debt. She paid it £1,500 and became concerned when no progress was made. So she contacted Barclays on 4 December 2017 and explained her concerns.

Barclays didn't take any further action until Mrs P contacted them again in January 2018. Barclays then contacted C's bank who informed them that the monies wouldn't be returned.

Mrs P complained to Barclays. It apologised that her concerns hadn't been raised with C's bank in December 2017. It paid her £1500 in respect of the fee she had paid to C and £500 for the inconvenience and upset she had been caused.

Mrs P remained dissatisfied and complained again to Barclays. It reviewed her complaint and accepted she hadn't been provided with good service from it. It paid her £6,000 in compensation which was half of the debt she was looking to recover on behalf of her late husband's company. Mrs P subsequently complained to Barclays again about this issue. It reviewed her concerns again and said that the payment it had made was generous - and it wouldn't be making any further payments.

Mrs P's complaint was looked into by one of our investigators. In summary she thought Barclays could have provided a better service to Mrs P, but she believed it had paid Mrs P very reasonable compensation for the poor service she received. And she didn't think Barclays was responsible for her not being able to recover the debt. So she didn't think Barclays needed to do anything else. Mrs P didn't agree so the case has been passed to me for review.

## **my findings**

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 not going to uphold Mrs P's complaint. I'll explain why.

Having considered all of the evidence provided to me including the phone calls Mrs P had with Barclays, it's clear that she has been through a very difficult time over the last few years. And the contact she has had from Barclays and the service received from it, hasn't always been of a standard she might be entitled to expect.

Having listened to the call recordings provided by Barclays, I'm satisfied Mrs P raised with it in December 2017, her concerns about a payment of £1,500 she had made to C; to recover the debt owing to her late husband's company. And I think from what I've heard that taking

into account what Mrs P told its call handlers, Barclays should have registered her fraud concerns when she first contacted it in December 2017.

Barclays accepts it should have acted sooner in registering Mrs P's request. It offered her compensation which I think was more than enough to compensate her for the delays it caused and the poor service it gave her. I say this because it in effect paid her the fee she had paid to C which she was trying to recover - and an additional £500 compensation for the inconvenience and upset caused by its delays.

Mrs P has also complained that as a result of the delays in registering her fraud claim, she was prejudiced in pursuing the £12,000 debt on behalf of her late husband's company. Barclays also looked at this complaint. And it agreed to pay her a further £6,000 in compensation. But having accepted this figure Mrs P didn't think it was enough and looked to Barclays to pay her the remaining £6,000 she was looking to recover.

I've thought very carefully about the deadline Mrs P says she was facing to keep her late husband's company open so she could pursue the debt on its behalf. It seems the problem Mrs P was facing was that she had an extended deadline of 28 February 2018 to file accounts for her late husband's company with company's house. And the e-mail of 17 January 2018 from Companies House provided by Mrs P confirms this.

It doesn't appear to me that Mrs P's late husband's company would necessarily have been dissolved when the deadline expired if accounts weren't filed. But penalties may have applied if they weren't. And I think if Mrs P was having difficulties in preparing a final set of accounts, the e-mail did explain that accounts based on estimated figures could be provided with a suitable explanatory note. So that was an option open to her.

In a document sent to our service on 3 October 2018, Mrs P has said that filing of the accounts wasn't the issue as the company had no accounts to submit. She went on to say the company was only open to pursue the debt and that once the company was closed the debt couldn't legally be pursued.

I've checked the records on Companies House register for her late husband's company. This shows that Mrs P was a director of the company and it wasn't dissolved until 5 June 2018. And the application to strike off the company was made by Mrs P. So it seems to me that Mrs P had time to pursue the claim before the company was dissolved. As a result I don't think Barclays was responsible for Mrs P not being able to pursue the claim.

Also given Mrs P's difficult financial circumstances, I can't safely say that she would have been in a financial position to pursue the claim through the courts on behalf of her late husband's company. And even if she had been able to do so, I simply don't have enough evidence to conclude that any claim for the debt owing to her late husband's company would have been successful. Or, even if a claim had been successful; that she would have been able to enforce any court order.

I do understand that Mrs P will be very disappointed with my decision. But for the reasons I've set out above I think Barclays has been very generous in paying her the compensation that it has. So I don't think it needs to do any more.

### **my final decision**

For the reasons I've set out above, my final decision is not to uphold Mrs P's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs P to accept or reject my decision before 18 October 2019.

Simon Dibble  
**ombudsman**