

The complaint

Miss C has complained that Capquest Debt Recovery Limited chased her for a debt that she thought was statute barred.

What happened

In 2007, Miss C took out a debt. In 2010, the debt was defaulted. In 2012, it was sold on, and in 2016 it was passed to Capquest to manage as debt collectors.

In August 2019, Miss C argued that the debt was statute barred – that it had been more than five years since she'd paid towards the debt and so it was too old for Capquest to continue chasing her for. Capquest said they'd look into this. Then they said they were passing the debt back to the debt purchasers, and they closed the file on their end.

In January 2020, Capquest got back in touch with Miss C, letting her know they'd reopened things on their end. They said while she'd told them the debt was statute barred, after looking into it they could see she'd last made a payment in May 2015. So it hadn't been more than five years since she'd paid towards the debt. Capquest paid Miss C £100 compensation for misinforming her before.

Miss C wasn't happy with this. She disputed making that payment in 2015. And she felt that since Capquest had effectively agreed the debt was statute barred before, they should write it off in any case.

Our investigator looked into things independently and didn't uphold the complaint. He explained only a court could decide if the debt was really statute barred, but the records did show that Miss C had paid towards it in 2015. He agreed it was unfortunate that Capquest had given Miss C the wrong impression, but ultimately she took out the debt and hadn't paid it all back, so it was fair for them to chase it. He didn't agree they should write it off just because they made a mistake.

Miss C didn't agree, 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.

Having done that, I've come to the same conclusions as our investigator, and for much the same reasons.

As our investigator explained, our service can't decide whether this debt is statute barred or not – only a court can do that.

With that said, according to the electronic records of the debt from the previous debt collector, Miss C did indeed make a payment towards it in May 2015. So at the point she complained in August 2019, it would have been less than five years since she'd made a payment to the debt.

I can understand Miss C's frustration at being told the wrong thing. But I don't agree that Capquest needed to have written off the debt just because they initially made that mistake. Indeed, it seems that both sides had been mistaken about the status of the debt at the time.

I do think it's right for Capquest to pay Miss C compensation for the trouble and upset their mistake caused – and I think the £100 they've already paid her is fair for that.

I think it was reasonable for Capquest to continue chasing the debt at the time of Miss C's complaint, and I don't find that they did anything wrong there.

Of course, since then, further time has passed. Capquest have explained that as things stand *now*, they would not look to chase payment on the debt anymore due to the time that's now passed.

My final decision

For the reasons I've explained, I don't uphold Miss C's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss C to accept or reject my decision before 1 October 2020.

Adam Charles
Ombudsman