

The complaint

Ms B complains about the way in which Capquest Debt Recovery Limited (which I'll call CDR) has chased her for payment of a debt bought from Halifax.

What happened

In or about June 2013 Halifax, part of Lloyds Banking Group, sold to Capquest Investments Limited (CIL) a debt which it said Ms B owed. CIL told Ms B that it had bought the debt and that CDR had been appointed to manage it. The total balance sold by Halifax was nearly £8,300.

Ms B says she had asked Halifax to write off the debt in 2013, but it hadn't done so. Her representative had explained even before that that she was unable to deal with the debt. CDR says it sent letters chasing the debt for some years, but it doesn't appear that Ms B received them. She wasn't aware until about May 2019 that she was being pursued for the debt.

In July 2019 CIL began court proceedings for the recovery of the debt, since neither it nor CDR had received any contact from Ms B in response to correspondence about it. Ms B filed a defence to the court action, but also complained to this service about how she'd been treated.

One of our investigators considered what had happened but didn't think Ms B had been treated unfairly. He noted that Halifax wouldn't have passed on any details about the difficulties Ms B was experiencing when it sold the debt and that it had been some years before she had got in touch.

Whilst Ms B had complained about letters chasing the debt after Ms B had complained, the investigator noted that only one had been sent – and that was necessary to comply with regulatory requirements. Overall, the investigator didn't consider that CDR had acted unreasonably in the way it had chased Ms B for repayment of the debt but noted that now Ms B had explained her situation in more detail, it should be possible to consider appropriate options. Ms B didn't accept that she had been treated fairly and asked that an ombudsman review the case.

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, however, I've reached broadly the same conclusions as the investigator did, and for similar reasons.

I should explain that I've considered here only the actions of CDR in pursuing payment of the debt, not the actions of CIL as assignee of it. Indeed, I have no power to consider CIL's actions here, since it didn't lend the money to Ms B and appointed CDR to try to recover it on its behalf.

As the investigator noted, CDR doesn't appear to have been told by Halifax what Ms B's situation was in 2013 and so couldn't be expected to respond to it. But in any event, it contacted Ms B in an attempt to discuss appropriate arrangements but received no meaningful response.

Ms B and her representative have explained her financial and health situations, and I don't need to repeat them here. She has my sympathy, however, and I would expect her to be treated positively and sympathetically. But I also share the investigator's view that CDR hasn't acted unreasonably and so I won't be recommending any further action on its part.

My final decision

My final decision is that I don't require Capquest Debt Recovery Limited to take any further steps to resolve Ms B's complaint. Under the rules of the Financial Ombudsman Service, I'm required to ask Ms B to accept or reject my decision before 9 November 2020.

Mike Ingram

Ombudsman