

## **The complaint**

Mrs B complains that Capital One (Europe) plc (“Capital One”) misinformed her of the status of her account and unfairly sold it on to a debt collection agency.

## **What happened**

Mrs B held a credit card with Capital One that had included a payment protection insurance (“PPI”) policy. Following a complaint about this, Capital One wrote to her to say she was due a sum of around £425 which it used against an outstanding balance on her account. Within this letter it said the account in question was closed and partially settled with an outstanding balance which it was no longer requesting any further payments for.

Mrs B took this to mean she didn’t have to make any payments to the remaining debt. But Capital One has since explained the information it gave about the account was incorrect. And instead there was still a balance that she owed. It says it sent statements to Mrs B showing what was owed after this, and asked her to arrange a payment plan. And as it didn’t hear from her it sold the debt to a debt collection company (Company A) in February 2019.

Mrs B was contacted by Company A so she complained to Capital One. It apologised for the incorrect information in the letter, but said no arrangement had been made by Mrs B to settle the remaining debt. Our investigator considered the complaint and didn’t uphold it. He acknowledged the incorrect information in the letter, but Mrs B should’ve been aware of what was left to pay by the statements being sent. As the amount has remained the same, he didn’t think Mrs B had been financially impacted by its error.

Mrs B disagreed with our investigator’s view of the complaint. She said she hadn’t received any statements from Capital One, and from what she knew, the account had been settled and she didn’t owe anything further. So, the complaint has been passed to me for a final 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’ve reached the same conclusions as our investigator, and for broadly the same reasons.

As part of her complaint, Mrs B has raised concerns about irresponsible lending. These points have already been considered by this service so I’m not going to revisit them again within this decision.

It’s not in dispute that Capital One’s letter of February 2018 incorrectly advised Mrs B that the account had been settled. But this wasn’t the case and there was an outstanding balance owed by Mrs B, which she remains liable for.

I've seen Capital One sent statements to Mrs B in 2018 and 2019 *after* it gave her the incorrect information. She's said she never received these statements, but they were correctly addressed and dated, and sent to the same address as the previous letter she did receive. So I'm satisfied Capital One did send them. And I wouldn't expect it to take responsibility for any post issues Mrs B may have experienced.

I understand Mrs B is frustrated after being given incorrect information. But the error simply doesn't change facts of the situation or what she owed. And from what I've been provided, Mrs B is still responsible for this outstanding debt. As it didn't hear from her it sold the debt to Company A. Overall, while I recognise Capital One made a mistake, I'm satisfied its apology is sufficient and this hasn't disadvantaged Mrs B. It follows I'm not asking it to do anything further.

### **My final decision**

For the reasons above, I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs B to accept or reject my decision before 8 March 2021.

Jack Baldry  
**Ombudsman**