

## **The complaint**

Mrs M complains that Resolveall tried to collect debts that were included in her bankruptcy.

## **What happened**

Mrs M was declared bankrupt in 2018 and discharged in 2019.

In February and March 2020 Resolveall was instructed by a third party business to try and collect two debts in Mrs M's name. Resolveall wrote to Mrs M, sent her text messages and took the step of sending field agents to visit her property.

Mrs M's representative says that each time Resolveall got in touch they sent it an email to confirm the debts formed part of her discharged bankruptcy.

In March 2020 Resolveall sent a field agent to visit Mrs M. Mrs M's husband told the field agent the debts Resolveall was trying to collect formed part of a discharged bankruptcy. A few days later, an email was sent to Resolveall asking it to stop collections activity as the debt formed part of Mrs M's bankruptcy.

Mrs M referred her concerns to this service and we contacted Resolveall. It didn't uphold Mrs M's complaint. An investigator at this service upheld Mrs M's complaint and said Resolveall could've contacted the third party business that instructed it to check on the status of her debts in March 2020 and asked it to pay her £100. Resolveall asked to appeal, so Mrs M's complaint has been passed to me to make 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.

I've been reasonably brief in setting out the background above as all parties broadly agree about the key dates and events of Mrs M's complaint. From the information I've seen, I can see Mrs M is upset that despite being discharged from her bankruptcy she's still being chased for debts that were included. And Resolveall says Mrs M hasn't sent evidence to verify her claim she's been discharged from the bankruptcy or that the debts it's trying to collect were included.

Whilst I can see Mrs M didn't send information to verify her identity and didn't discuss her accounts with the field agent, I agree with the investigator that Resolveall hasn't treated her fairly. Resolveall's responses have explained Mrs M failed to provide evidence of her identity or that she was discharged from her bankruptcy. But Resolveall could've taken the step of contacting the third party debt owner to check the basis of its instructions. I can see no reason why that step wasn't taken and can understand why Mrs M has become frustrated that she's been pursued by Resolveall despite explaining the situation.

I also think it's reasonable to consider the situation from Mrs M's perspective. She doesn't have a relationship with Resolveall beyond collections activity it carried out on behalf of a

third party *before* her bankruptcy. And she's explained the debts in question were included in her bankruptcy arrangements so I can understand why she didn't want to engage further with any attempts to collect them.

I agree with the investigator that Resolveall should've done more when it was told the debts in question formed part of her bankruptcy. As I've said above, I can see no reason why Resolveall didn't contact its client for clarification and none has been provided. I agree the nature of the contact and length of time the situation has gone on for has caused an unreasonable amount of trouble and upset for Mrs M. As a result, I'm going to uphold Mrs M's complaint and direct Resolveall to pay her £100.

### **My final decision**

My decision is that I uphold this complaint and direct Resolveall to pay Mrs M £100.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs M to accept or reject my decision before 10 August 2021.

Marco Manente  
**Ombudsman**