

## **The complaint**

Ms C complains Capquest Debt Recovery Limited are asking her to repay a debt she says was taken out fraudulently.

A charity has supported Ms C in bringing this complaint, but for simplicity I'll just refer to her in this decision.

## **What happened**

I issued a provisional decision setting out what'd happened, and what I thought about that. I've copied the relevant elements below, and they form part of this final decision.

*Ms C says a former friend of hers took out two accounts in her name without her knowledge or permission with a company I'll refer to as S. She's unhappy Capquest are asking her to repay the debt which she says is nothing to do with her.*

*My understanding is S sold these two accounts to another company who I'll call A. They then asked Capquest to collect the debt on their behalf.*

*Capquest said they contacted Ms C with a number of questions, but didn't hear back, so based their decision on the information available to them. And, they said having done so, felt fraud hadn't been committed, so asked Ms C to arrange a repayment plan.*

*Unhappy with this Ms C asked us to look into things further. One of our Investigator's did so, and ultimately felt there wasn't enough evidence suggesting she wasn't responsible for the debt to say Capquest should stop asking her to repay it.*

*Ms C didn't accept this, so the complaint's been passed to me to decide.*

## **What I've provisionally 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 think it's important to firstly explain the differing roles of the parties being referred to in this decision.*

*S are the company who the accounts were originally opened with, A are the debt purchaser and now own the accounts, but asked Capquest to collect the debt. In this decision, I can only make findings about Capquest's actions, rather than anything S may or may not have done. I should add I can see in May 2021 Capquest said A had taken Ms C's account back, and Capquest said the account was on hold with A until an outcome is received from our service. I can also see we asked Capquest for an update more recently, but no reply was received, so I'm unclear if that's still the position.*

*Given this relates to Ms C disputing the accounts themselves, in effect all I can decide is whether Capquest have acted fairly when she raised her concerns.*

*Generally, I'd expect a debt collector to be satisfied they have enough information the debt is likely to belong to the person they're contacting. Here, I think they do. Capquest have evidence from S which shows the account was opened in Ms C's name, at her address, payments were made and so on. So, at face value, there is probably enough information to say Capquest have acted fairly in asking Ms C to repay the balance.*

*But, as the accounts in question were opened with S, this means Capquest are unlikely to be best placed to carry out the investigation into Ms C's concerns the account is fraudulent. I can see it's been suggested on several occasions to Ms C she take her concerns to S, but each time she said she wanted to wait for the outcome of this complaint before doing so.*

*Ultimately, I think Capquest have tried to be helpful in carrying out the investigation they have when Ms C raised her concerns – and I'm satisfied there is enough information for them to have reasonably contacted her and ask her to repay the debt. So, I don't think they've done anything wrong.*

*If Ms C subsequently contacts S now, and they ultimately decide the account was taken out fraudulently, then I wouldn't expect Capquest to get back in touch regarding this debt.*

### **Responses to my provisional decision**

Neither party replied to my provisional decision by the deadline with further information for me to consider.

### **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.

As neither party provided any new information, I've seen no reason to depart from the outcome I reached, and I don't think Capquest need to do anything.

### **My final decision**

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

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms C to accept or reject my decision before 26 October 2022.

Jon Pearce  
**Ombudsman**