

The complaint

Ms G is complaining that Barclays Bank UK PLC is asking her to repay debts that she says it previously wrote off.

What happened

The facts of this complaint are well known to all parties, so I won't set them out in detail. But, in summary, Ms G is complaining Barclays are chasing her for a number of debts that she says it told her it had written off. Barclays disputes that it told her it had written these debts off as it says she still owes this money and says the debts had been passed to its recovery team.

Our investigator didn't uphold this complaint as he said he hadn't seen anything to show Barclays had written the debts off. He acknowledged Ms G had provided detailed testimony and call recordings. But he said a lot of the information Ms G had provided was in regard to her mortgage account which wasn't subject to this complaint. However, he said, even if Barclays had incorrectly told Ms G the debts were written off, it doesn't mean that it can't require her to repay the money as she does owe what it was asking her to pay. He said our role is to put things right where things go wrong – i.e. put Ms G in the position she'd be in if Barclays hadn't said the debts were written off (if it had actually said this). And he thought Ms G would still have owed this money had it not given her incorrect information.

Ms G didn't agree with the investigator and provided a detailed response about why. In summary, she said she'd provided a lot of evidence to show that she'd been told the debts were written off and she thought the investigator had ignored this. She maintained that Barclays had clearly told her it had written off all of her debts and that it would clear her credit file of records of the debts. She provided detailed testimony about when and how she believes she was told this. So she maintains it shouldn't be chasing her for them now.

As Ms G didn't agree with the investigator, 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.

I acknowledge Ms G feels strongly about what's happened and that Barclays shouldn't be chasing her for the debts. She's provided a lot of information and testimony in support of this. I assure her that I've read and considered everything she's provided – including listening to the call recordings she's provided. However, in this decision I've not commented on everything she's provided, but my decision focuses on what I consider to be the key points. Our rules entitle me to do this and it simply reflects the informal nature of this service.

I've decided to not uphold this complaint and I'll now explain why:

- As the investigator set out, this service's role is to assess whether a business has done what it should, or, where it hasn't, to see if it's taken reasonable steps to put things right.

We wouldn't expect a business to honour an incorrect statement, but we would expect it to put the consumer in the position they'd be in if they hadn't been told something wrong.

- Barclays internal records show it hasn't written off the debts in question, but have referred them to its recovery department. I'm satisfied Ms G does still owe the money Barclays is asking her to repay.
- Ms G feels strongly she was told the debts were written off. I don't dispute she feels they were and I have considered her detailed testimony regarding this. But, other than her testimony, I haven't seen anything to support this. I've listened to the telephone calls that she's provided, but this doesn't support that *all* her debts were written off. I understand she was given certain assurances regarding her mortgage debt. But I haven't seen anything to show Barclays have written off the debts in question or told her it had done so.
- Ms G has provided a text message showing one of the debts were paid off. I agree that this was misleading, but it was an automated message which was sent when the account was transferred over to Barclays' recovery department. The alleged payment was for over £17,000 and I'm satisfied Ms G would reasonably have known this payment wasn't made. So I think she should have been reasonably aware that this was sent in error and didn't mean the debt didn't exist any longer.
- Even if I was to accept that Barclays did tell her the debt was written off, which I don't, this would have been incorrect information. I need to think about what the situation would be had she not been told this. Ms G owes this money and would owe it whether Barclays told her it was written off or not. So, even if she was provided with misleading information, Barclays isn't bound by this and can require Ms G to repay the money.

I recognise Ms G feels strongly about what's happened. But I haven't seen enough to show that she was told she would never have to pay these debts back. If she was told anything, it's possible she may have been told there would be a pause in chasing her for the money, although I haven't seen anything to support this either. But, ultimately, I'm not persuaded I've seen enough for me to say Barclays had written the debts off or told her that they were.

My final decision

For the reasons I've set out above, it's my final decision that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms G to accept or reject my decision before 9 January 2023.

Guy Mitchell

Ombudsman