

## **The complaint**

Mrs J complains that Link Financial Outsourcing Limited trading as Link Financial did not write off her debt due to her medical issues and took too long to notify her of this.

## **What happened**

Mrs J and her husband Mr J, though this decision will focus on Mrs J's account only, have asked Link on multiple occasions over the years to write off their debts due to their medical issues. They have explained that they are on a debt management plan arranged by a third-party debt management company and are unlikely to pay off the debt in their lifetime. And they do not want to have any debt remaining when they pass due to religious reasons.

Mrs J does not think Link have fully considered her medical issues when they declined to write off the debt and says it took them over seven months to reach the decision, which she feels is too long. During that time, Mr J had to chase Link for updates. Also, Mr J, on behalf of Mrs J, wanted to know how much their debt had been bought for by Link but they refused to share this information. And Mrs J asked for copies of their original credit agreements which Link could not produce.

Mrs J referred her complaint to our service and an Investigator looked into it. They explained that they felt it was reasonable that Link declined to write off Mrs J's debt due to her medical issues and that they were therefore able to continue collecting the debt. They also felt it was reasonable that Link asked Mrs J for information about her medical conditions and for evidence of other firms writing off her debts to see if they had missed anything. They explained Link was under no obligation to tell Mrs J how much they bought her debt for and that Link not having the original credit agreements means the debt may be unenforceable, but Link is still able to fairly collect on the account.

However, the Investigator felt that it took Link too long to reach a decision about writing off Mrs J's debt. They explained that seven months did not feel reasonable and recommended £100 compensation in recognition of this.

Link disagreed with the recommendation. They said there was no set timescale for responding to a write-off request and that it will differ with each request. Mrs J also disagreed with the outcome and still felt Link had not acted reasonably.

As an informal agreement could not be reached, 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 agree with the Investigator for largely the same reasons. I think it was reasonable for Link to decline Mrs J's request for a medical write-off of her debts, but I think it took too long to reach this decision and should pay Mrs J £100 compensation in

recognition of this.

Mr and Mrs J have raised a number of complaint points and I trust that they will not take the fact that my findings focus on what I consider to be the central issues as a discourtesy. The purpose of my decision isn't to address every point raised, but is to set out my conclusions and reasons for reaching them.

I firstly considered Link's decision not to write off Mrs J's debt. I can see Mrs J has made multiple requests for this over the years, but I will only be focussing on the October 2021 request. Ultimately, the decision to write off a debt is a commercial one for Link to make. But Link does have an obligation to ensure that a debt is affordable to be repaid, that continuing to pursue the debt is reasonable and that they are helping vulnerable customers appropriately.

I've considered Mrs J's circumstances and reviewed the evidence provided to Link in October 2021. Mr J has said she was suffering from a history of depression, as well as hearing loss which she could not wear hearing aids for due to her vertigo. I've considered whether it was reasonable for Link to continue to pursue the debt without it being unaffordable or unfairly impacting Mrs J's health.

On balance, taking into account the doctors notes, there's nothing to suggest the conditions are so serious as to either stop Mrs J from working or to indicate that collection would be inappropriate. And Link has explained its own internal criteria came to the same conclusion. I can see Link assessed the affordability of the payment plan at that time for Mrs J and they deemed it to be affordable. Considering the payment plan had been agreed with a debt management company that was working on behalf of Mrs J, I think it's more likely it was affordable. With this in mind, I think Link's decision not to write off Mrs J's debt was reasonable in the circumstances.

I appreciate Mr J, on behalf of Mrs J, is frustrated that he was asked to provide medical evidence at a time when it was more difficult to get doctor appointments. But I don't think it is unreasonable for Link to request evidence prior to considering a medical write off as they have to make a decision based on the relevant facts. And it appears this is something Mr J has had to do in the past when asking Link for a write-off, so he was aware of the process. On balance, I think Link asked for the information it required to come to a reasonable decision relating to the write-off request.

I understand Mr J has complained that Link will not tell him and Mrs J how much they purchased their debt for. While I can understand why they would want to know this information, I have to agree that Link is not obliged to provide it. So, I can't agree they have made an error by not divulging this to Mr and Mrs J.

Mr and Mrs J have also asked Link to provide the original credit agreements for their debts. As Link were not the original creditors, they had to contact the original creditors to request this information. However, due to the age of the accounts, these are no longer available. It appears that Link has attempted to get hold of these documents and kept Mr and Mrs J informed when they were unable to locate them.

I've considered the length of time it took Link to provide Mrs J with a response to her write-off request. I can see Mrs J's medical documents were received by Link's offices on 27 October 2021. And they've evidenced these were reviewed on 18 November 2021. However, a response was not provided to Mrs J until 14 May 2022 when Mr J telephoned the offices.

I've considered Link's comments that there is no set timescale for a review and this will vary

case by case. And I can see that Mr J was told in early November 2021 that it could be over three months before he received a response. Having done so, I don't agree six months from the documents being reviewed to a decision being reached and communicated is reasonable in these specific circumstances. I can see no reason for the prolonged delay, especially as previous requests had been considered in a matter of days or couple of months.

On balance, I do think the recommendation of £100 compensation is fair in the circumstances and is broadly in line with what I would have recommended.

### **My final decision**

I uphold Mrs J's complaint in part and instruct Link Financial Outsourcing Limited trading as Link Financial to pay her £100 compensation.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs J to accept or reject my decision before 6 June 2023.

Rebecca Norris  
**Ombudsman**