

## **The complaint**

Mr J complains Capquest Debt Recovery Limited have contacted him to repay a debt which isn't his.

## **What happened**

Mr J received a letter from Capquest dated 3 August 2023 talking about an outstanding debt. Sadly, Mr J has been dealing with these issues since 2003, where someone with the same name as him has taken out credit, seemingly not repaid it, and it's him who gets contacted. Mr J has explained in detail about the extreme impact this issue has had on his life and on those of his family members.

On 7 February 2024 Capquest replied to Mr J. They said sorry for contacting him, and said a system issue had caused this but since been fixed so it wouldn't happen again. They sent Mr J a cheque for £100.

Unhappy with this Mr J asked us to look into things, saying he thought compensation should be awarded for the 20 years he's been dealing with this issue.

One of our Investigators did so. They found Mr J had brought a previous complaint to us, which we'd decided on 6 April 2020 – so, although Mr J wanted compensation for 20 years of dealing with this, he explained we'd only be able to look back to 6 April 2020. And, as far as he could tell, the first letter was 3 August 2023. So, thinking about the impact since then, he felt £350 compensation was fair.

Mr J didn't accept this, he said this had impacted his ability to get credit since 2003 and he'd previously rejected an offer of compensation of £300 so why did we think he'd accept £350 for it happening again.

Our Investigator reiterated our service won't consider what happened previously – which Mr J didn't accept. Capquest also said they thought the £350 was too high and were prepared to make an offer of £200. Given both Mr J and Capquest didn't think the compensation was fair 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'd like to reiterate to Mr J the limitations on me in terms of the review I can carry out here. Because we issued a previous decision in April 2020 I can only look at what's happened after that time.

The first evidence of contact after that date is the letter of 3 August 2023 when Capquest next wrote to Mr J. After his complaint, Capquest accepted they'd made an error.

As Capquest have accepted they made an error, I only need to consider the impact of this error. I realise Mr J will say the impact is the last 20+ years, but as I've mentioned above I'll need to limit my consideration to the letter dated 3 August 2023 and what's happened since then.

Given that, it seems the issues are Mr J has unfortunately had to deal with this recurring issue yet again, had his credit file impacted again, and had to spend time to sort everything out. In addition, I'm aware this problem has had an impact on his health and ability to get credit.

I understand it must be incredibly frustrating for Mr J, and I understand he doesn't think £350 is fair. But, I think overall this is a fair figure to reflect the distress he's been caused for the period I can consider. I don't doubt the extreme frustration of receiving yet another letter, and it's incredibly disappointing Capquest can't do better. But if I take a step back and just focusing on the relevant time period, it's one letter Mr J has received, and he's had to make a number of contacts with various parties to get the issues Capquest have created sorted.

I want Mr J to know he really does have my sympathy for these issues. He's talked in detail about the impact they've had on him over the years. I won't go into them for his privacy as this final decision is published on our website. But, overall and within the constraints of what I can look at – I think £350 compensation is fair.

### **My final decision**

I uphold this complaint and require Capquest Debt Recovery Limited to pay Mr J £350 compensation.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr J to accept or reject my decision before 25 February 2025.

Jon Pearce  
**Ombudsman**