

## **The complaint**

Mr F complains Capquest Debt Recovery Limited have unfairly reported missed payments to the credit reference agencies (CRAs) about a debt.

## **What happened**

Mr F has said from May 2021 Capquest were reporting missed payments on his credit file for a debt he says he didn't know about. Mr F says he first noticed it in June 2023, contacted Capquest on several occasions before one of their agents eventually found the account, and he then paid it off at this first opportunity. Mr F says he got himself into debt and entered into a Debt Management Plan (DMP) with a company I'll refer to as S – but this debt wasn't included.

Capquest said they were receiving £5 from S in line with the DMP, but the last payment received was for £3.73 and after this no further payments were received. Capquest suggested Mr F ask S why they stopped the payments. Capquest added they'd sent statements to Mr F's home address – and these statements made him aware of the missed payments. Capquest added they hadn't defaulted Mr F's account, which was a benefit to him. But, they could see at times they hadn't replied to his correspondence, said sorry for this, and sent him a cheque for £150.

Mr F said he'd accept the £150 compensation for their communication, but this didn't resolve the real issue of the missed payments and asked us to look into this.

One of our Investigators did so, and found Capquest hadn't done anything wrong, as payments stopped from S for the account, and Mr F had been told by virtue of letters and statements being sent to his home address.

Mr F strongly disagreed with the outcome, saying if he'd received the letters then he'd have paid the debt and doesn't appreciate being called a liar. So, 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 can only uphold this complaint if I'm satisfied Capquest have made an error. They have accepted they did in their correspondence with Mr F, and sent him a cheque for £150. Mr F has only asked us to look into the missed payments on his credit file – so that's what I'll focus on.

Mr F set up a DMP with S to repay his debts, and he's told us S have no record of this account – so he's concerned about how the missed payments have happened.

The last payment received to the account was on 12 April 2021 for £3.73 – which Capquest said S paid to them. And I can see £5 per month payments were being made from

October 2017 up to March 2021 before the final payment of £3.73 in April 2021. Capquest's records show it was S making these payments. I can't say with any degree of certainty if S have made an error, but Mr F may wish to discuss this matter with them further.

So, given the above, I'm satisfied this account of Mr F's was included in his DMP with S, and S were making his monthly payments until these stopped after April 2021.

The next question to consider is if Capquest told Mr F about these missed payments and gave him an opportunity to avoid the missed payments being reported on his credit file.

In the evidence Capquest have provided, they've sent monthly statements covering April 2021 (the date of the first missed payment) to July 2023 (when Mr F paid off the debt). These statements are all addressed to Mr F's home address and Capquest have provided system notes to show the statements were sent to Mr F. There are also a further three letters referencing the missed payments – also showing Mr F's home address sent by a company working on behalf of Capquest (I'll refer to them as N).

I've noted Mr F's comments that he never received these letters. And I don't doubt what Mr F is telling us – and I want to be clear in no way am I saying he's lying to us as he's suggested. But, I am required to decide things on a more likely than not basis – where evidence is contradictory as it is here. Capquest say they sent lots of correspondence, Mr F says he didn't get any of it.

In the circumstances, I've got statements and system notes showing these were sent, as well as letters from N correctly addressed. To side with Mr F on this point, I'd have to be satisfied either:

- None of this correspondence was sent
- All of this correspondence was sent but none of it arrived

As I said earlier, Capquest have also provided system evidence which shows all of the statements were sent. So, I'm satisfied they were as I've seen nothing in the system notes to reasonably question this. And it seems unlikely to me that correspondence from N, another company, would also not be sent for some unknown reason.

On balance, it seems more likely than not if over 30 pieces of correspondence were sent then most if not all of it would arrive at the address it was sent to. Why Mr F didn't receive this correspondence I don't know, but taking everything into account I think it's more likely than not Capquest did send correspondence about the missed payments.

Overall then, I've found no grounds to say Capquest have made any error – and because of that I can't reasonably ask them to remove the missed payments from Mr F's credit file.

As I mentioned earlier, if Mr F does contact S, and if they accept they've made an error (which, for clarity, I have no idea if they have or not as we haven't investigated a case against them) – then Mr F could ask Capquest if they'd consider amending his credit file. At that point, it'd be Capquest's choice on whether they do or not.

### **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 Mr F to accept or reject my decision before 19 June 2025.

Jon Pearce  
**Ombudsman**