

The complaint

Mr B complains Cabot Credit Management Group Limited trading as Cabot Financial (Europe) Limited are harassing him to repay two debts with them.

What happened

I understand the two debts relate to credit card accounts with the same company – one has an outstanding balance of £2,209.88 - I'll refer to this as Acc1, and the other has an outstanding balance of £3,518.02 - I'll refer to this as Acc2.

Mr B says these debts occurred more than 25 years ago when he suffered a major loss of income. He was making token payments towards the accounts, but then COVID-19 meant he couldn't keep up with the repayments. Mr B says since 2020 he's written to Cabot many times telling them his situation, but they keep harassing him. He also says he's asked them to only contact him by letter, but they keep phoning him instead. Mr B also says he's been threatened with an in-person visit and would like the debts written off.

Cabot said the last time they heard from Mr B was in January 2022. Because of that, they'd been trying to contact him to gather an understanding of his current circumstances. They added they're the legal owners of the account, so have an obligation to tell him about the status of his accounts and help him settle them. In relation to phone contact, they said when they've not heard from their customers for some time, they access third party data sources to try and get up to date contact details. Cabot added their contact across both accounts to Mr B amounted to 12 calls, 14 texts and four letters across a six-month period – which they didn't think was excessive. In respect of the in-person visit, this wasn't meant to be a threat – it was simply meant to reconnect Mr B and Cabot. Overall, they didn't think they'd done anything wrong.

Unhappy with this, Mr B asked us to look into things. One of our Investigators did so, but overall found Cabot had acted fairly in trying to contact Mr B.

Mr B strongly disagreed. In summary he said:

- The outcome leaves Cabot to do whatever they like to harass helpless people
- The calls never should have taken place as he asked for no contact by phone
- He didn't mention that Cabot tried to contact a family member of his, who is nothing to do with these debts
- Sending someone to the doorstep is as low as you can get

Our Investigator asked Mr B for evidence about contact with Mr B's family member, but he ultimately said he wasn't able to provide anything.

As Mr B didn't accept our Investigators outcome, 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 did just want to explain the basis on which I'll be deciding this case. Mr B has talked about 'harassment' – but I can't decide if he's been harassed. The reason for that is because harassment is a criminal offence, so only a court could decide that. Instead, I'll be looking to see whether I think Cabot have treated Mr B fairly and reasonably.

I also won't be looking into the issue Mr B mentioned regarding his family member being contacted, as he wasn't able to provide us with any details regarding that.

To address this complaint, it seems simplest to split it into different time periods.

May 2020 to January 2022

Mr B wrote to Cabot to explain he couldn't afford repayments anymore due to the COVID-19 Pandemic. He asked for the debts to be written off.

During this period Cabot contacted Mr B on a number of occasions, explaining it's not their policy to write off a debt purely on financial grounds, but if he had any medical evidence from the last 12 months to submit alongside his financial situation then they'd consider this.

Each time Cabot contacted Mr B he replied explaining he couldn't afford to pay anything. His last letter dated 7 January 2022 repeats a request for no phone calls, and for the debt to be written off, from previous letters he sent Cabot.

During this period, while it's clear Mr B isn't happy about being contacted, he replies to all but seemingly the last letter from Cabot dated 13 January 2022.

I've also checked the information Cabot have provided about phoning Mr B – and there are no calls during this time. So, overall, I don't think Cabot have treated Mr B unfairly during this time.

January 2022 to May 2024

As I said above, Mr B's last letter to Cabot about the outstanding debts was 7 January 2022 – with Cabot's being after this asking Mr B for an update.

Following this, Cabot began calling Mr B on the accounts in December 2022. And the records I have showed they stopped trying to call in January 2024.

During this time around 127 calls were attempted – none of which connected. The time period we're referring to is around 13 months – so around ten calls a month for two different accounts.

It's important to reiterate that, at this point, Mr B isn't disputing he owes Cabot £2,209.88 for Acc1, and £3,518.02 for Acc2 which is a substantial amount of money.

By April 2024, Cabot haven't heard from Mr B for over two years – and all other attempts to contact him haven't worked. So, they instructed two field visits. Both took place in April 2024, and in themselves were seemingly unsuccessful in reaching Mr B directly – but this did have the effect of encouraging Mr B to get in touch with Cabot – albeit with a complaint about Cabot's actions.

I'm required to judge whether I think Cabot have acted fairly. In summary they have two outstanding debts, neither are in dispute, their customer hasn't been in touch for over two years, they aren't satisfied the debts can be written off and there is no plan in place for these debts to be repaid.

I have a significant amount of sympathy for the situation Mr B has found himself in regarding these debts. The way he's explained it it's not his fault at all he's ended up in such a difficult financial position. But, when I look at the actions Cabot have taken in an attempt to arrange repayment of a legitimately owed debt, I can't say they've done anything wrong.

I realise Mr B would like Cabot to write off the debt, but as long as there is 'some' prospect of the debts being repaid then I don't think it's unreasonable for Cabot to say they won't write off the debt. And, as of May 2024 when Cabot's final response letter was issued (which is the latest I can consider things), I think there could have been.

That said, it's possible recent developments for Mr B may mean Cabot can consider writing off his debt. To find out about this, he'd need to contact Cabot again. I'd encourage Mr B to co-operate with any reasonable requests Cabot makes for information regarding his health and financial circumstances – but also if Mr B has other evidence he thinks could support his request for the debt to be written off (such as the council tax document he's provided us / current situation regarding his home ownership) then he should proactively offer this to Cabot. If Mr B does this, and he remains unhappy with Cabot's response, then our service may be able to look into things further.

Overall though, for the reasons I've explained above, I'm satisfied Cabot have acted fairly in their contact with Mr B up to May 2024.

My final decision

I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr B to accept or reject my decision before 1 July 2025.

Jon Pearce
Ombudsman