

## **The complaint**

Miss H complains about Lowell Portfolio I Ltd's actions when trying to recover debts in her name.

## **What happened**

Lowell acquired six debts in Miss H's name that were closed at default. The debts related to five mobile phone accounts and a utilities account.

In January 2023, Miss H emailed Lowell and asked it to send her an income and expenditure form. The relevant form was sent to Miss H to complete.

Miss H has explained that she suffers with long term health issues that can impact her memory. Lowell was made aware of Miss H's vulnerabilities and had previously removed her email address from its systems at her request. But the email address was added back onto Lowell's systems after Miss H emailed it in January 2023. The income and expenditure form was sent back to Miss H by email.

Lowell says that despite sending Miss H letters requesting contact, no response was received and the income and expenditure form wasn't returned to it. Miss H has explained that due to her health, her memory is impacted. And whilst Miss H had completed the form, she's explained she forgot to return it to Lowell.

Lowell referred four of the accounts it holds in Miss H's name to a firm of solicitors. The accounts included three mobile phone accounts (references ending 1909, 0473 and 3443), and the utility account (reference ending 2541). The two remaining mobile phone accounts (references ending 0095 and 4626) acquired from a business I'll refer to as O were not passed to D to collect.

D began legal action against Miss H on Lowell's behalf to try and collect the accounts it had been assigned. No legal action was taken in respect of the debts Lowell acquired from O that hadn't been referred to D to collect.

Miss H has explained that she returned an income and expenditure form to D with an offer of £10 a month. Miss H also added that she wanted her mother to act as her advocate when returning the form to D. Towards the end of March 2023, Miss H's contacted Lowell. But Miss H's mother wasn't authorised to discuss her account with Lowell so it couldn't provide any information to her. Lowell recorded that Miss H was suffering with her mental health and disabilities and that she was vulnerable. The accounts with D were subsequently returned to Lowell and the legal action was stopped.

Miss H went on to raise a complaint about Lowell and D's actions. Lowell issued its final response to Miss H by email on 11 August 2023, using the email address provided in January 2023. But Miss H has explained she lost access to that email address so was unaware that Lowell had issued its final response. Miss H has explained D was given this information when it was handling accounts on Lowell's behalf.

A further complaint was made and Lowell issued another final response on 9 October 2023. Lowell said it had used the email address provided by Miss H in January 2023 when responding to her previous complaint. Lowell accepted it had previously been asked to remove Miss H's email address but reapplied it at her request when she asked for an income and expenditure form to be issued. Lowell confirmed Miss H's email address had been removed from its systems again and agreed to place the collection attempts on hold.

Miss H referred her complaint to this service and it was passed to an investigator. The investigator explained that the Financial Ombudsman Service can only consider complaints about Lowell's actions in relation to debts that weren't originally approved by way of a credit agreement. I recently issued a decision that confirmed the Financial Ombudsman Service can't consider Miss H's complaint about the accounts referred to D as the original debts didn't come about by way of a credit agreement. I confirmed we could only look at Miss H's complaint about Lowell's actions in relation to the two accounts it acquired from O (references ending 0095 and 4626) as they were approved under credit agreements.

The investigator wasn't persuaded Lowell had treated Miss H unfairly. They noted Lowell had sent Miss H income and expenditure assessments by email after she requested it in the same way. The investigator noted Lowell agreed to apply collections holds at various points to provide breathing space. The investigator also noted that when D returned accounts to Lowell, including Miss H's income and expenditure form, it contained a reference to her mother acting as her advocate. But the investigator noted that request was sent to D and that Miss H would need to arrange separate authority for her mother to discuss her accounts with Lowell. The investigator also noted the offer of £10 a month was made in respect of the debts D was managing, not the accounts from O that this service can consider a complaint about. The investigator wasn't persuaded Lowell had acted unfairly by responding to Miss H's original complaint by email as she'd reauthorised its use in January 2023.

Miss H asked to appeal and said Lowell had used her email address to issue its final response despite being repeatedly told not to. Miss H explained that the situation had impacted her health and caused an unreasonable level of distress. Miss H pointed out she'd made an offer of £10 a month to D that Lowell ignored and continued to harass her for payment. Miss H said she wanted Lowell to apply a 75% discount to all the accounts it holds in her name and accept a payment arrangement of £10 a month.

As Miss H asked to appeal, her complaint has been passed to me to make a 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.

I'm aware I've summarised the events surrounding this complaint in less detail than the parties involved. No discourtesy is intended by my approach which reflects the informal nature of this service. I want to assure all parties I've read and considered everything on file. I'm satisfied I don't need to comment on every point raised to fairly reach my decision. And if I don't comment on something, it's not because I haven't considered it. It's because I've focused on what I think are the key issues. My approach is in line with the rules we operate under.

In my previous decision, I explained the Financial Ombudsman Service cannot consider Miss H's complaint about the accounts referred to D as they weren't authorised under a credit agreement. As a result, I'm not going to comment on those accounts or D's actions here. This decision is going to focus on the two debts that were acquired from O only.

I can see that when Miss H contacted Lowell by email in January 2023 it was quick to respond with an income and expenditure form. I understand that medical issues outside of Miss H's control meant she forgot to return the completed form to Lowell. But I haven't seen anything that shows Lowell went on to take unreasonable steps to recover the debts. The accounts acquired from O appear to have remained largely on hold while D contacted Miss H about the other accounts Lowell holds in her name. It was only after the accounts were returned by D to Lowell that it appears to have contacted her again.

I can see Miss H's mother called Lowell in May 2023 but I agree with the investigator that there was no existing third party authority on file for it to be able to discuss her accounts. Whilst I understand Miss H had asked D to treat her mother as her advocate, Lowell is a separate business. And I'm satisfied Miss H needed to make a separate arrangement with Lowell for it to discuss her accounts with a third party.

Miss H has explained she repeatedly told Lowell not to contact her by email. And I can see that Lowell had previously removed Miss H's email from its systems at her request. But I think Lowell makes a reasonable point when it says Miss H contacted it by email in January 2023 and completed verification questions which meant her email address could be reapplied to its systems. Lowell sent Miss H the income and expenditure forms by email as requested. I understand Miss H later told D not to use her email address as she'd lost access to the account. But I haven't seen any evidence this was communicated to Lowell before its final response was issued. Lowell has since confirmed Miss H's email address has been removed and it will contact her by post. Whilst I don't doubt how upset Miss H was to find the final response was sent to her email address, I haven't been persuaded that Lowell acted unfairly by doing so. As far as I've been able to see, Lowell was using the most up to date means of communication when issuing its final response.

Lowell placed collections holds on Miss H's accounts at various times since January 2023. In my view, Lowell was reacting to Miss H's circumstances and provided reasonable forbearance at a difficult time. I understand Miss H wants Lowell to accept a reduced settlement for her debts and accept a £10 a month payment arrangement. But I can't force a business to accept less than it's owed. And I'm satisfied that Lowell is willing to discuss affordable payment options with Miss H. Lowell has confirmed its collections attempts have been placed on hold whilst Miss H's complaint has been with this service. Lowell has also provided information about how Miss H can set up a payment plan online and confirmed its Specialist Support Team is available to assist her. Whilst I understand the depth of Miss H's feeling, I haven't been persuaded that Lowell treated her unfairly in relation to the debts it acquired from O. And Lowell will be obliged to ensure it treats Miss H positively and sympathetically when discussing her circumstances and take any vulnerabilities into account.

I'm very sorry to disappoint Miss H but as I haven't been persuaded that Lowell made mistakes in terms of the accounts it acquired from O or treated her unfairly, I'm unable to uphold her complaint.

### **My final decision**

My decision is that I don't uphold Miss H's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss H to accept or reject my decision before 13 October 2025.

Marco Manente  
**Ombudsman**

