

## **The complaint**

Ms H complains Capquest Debt Recovery Limited have

- Reported inaccurate or unverified information to the credit reference agencies (CRAs) without legal justification
- Provided no meaningful updates or responses regarding the alleged debt despite multiple contacts
- Failed to complete a Subject Access Request (SAR) within the one-month timeframe allowed and didn't provide a Deed of Assignment (DOA) when they should have
- Not acknowledged her financial hardship or given her an opportunity to agree a realistic payment plan
- Pursued a County Court Judgment (CCJ) against her without telling her about how to dispute the debt or provide the personal information they hold on her

## **What happened**

As I understand it, an account in Ms H's name was taken out with a company I'll refer to as V. On 7 September 2023 V sold the account to a debt purchaser. That debt purchaser asked Capquest to service the account.

Ms H has raised all of the above concerns to Capquest in a complaint.

Capquest said they were still investigating Ms H's complaint at the eight week stage, so if she remained unhappy she could ask us to look into things.

Ms H did that, and as part of that process we asked Capquest for their file. They provided it, said any legal action was on hold for now but otherwise didn't think they'd done anything wrong on any of the above points.

In a separate decision I clarified what our service could and couldn't look into. In brief, we can look into all of the above points against Capquest. But, I said we can't look into any of Ms H's concerns about the solicitor's firm who were involved who Ms H had also raised some concerns about.

One of our Investigators reviewed everything – and while investigating received an offer from Capquest of £100 in relation to the delay in processing the SAR. Our Investigator felt this offer was fair to resolve the SAR issue and otherwise didn't think Capquest had done anything wrong.

Ms H didn't accept this, saying the full context of what she was experiencing at the time hadn't been taken into account. She explained:

- There was nothing in the SAR to show how Capquest had verified the CRA reporting was accurate – and given the SAR required intervention from the Information Commissioner's Office (ICO) she didn't think £100 properly reflected the impact.
- She didn't receive any communication until Capquest's solicitors got in touch. She'd recently moved and the property was uninhabitable leading to major renovation

works. She says this meant post was unreliable and often didn't reach her. Although Capquest may have called her these all came from unknown numbers and no messages were left explaining the reason for the call. Capquest had her email, the only reliable contact method, but never used it. She felt this meant Capquest didn't exhaust all reasonable measures to contact her which impacted her ability to understand what was going on.

- In respect of financial difficulties, she couldn't engage because she hadn't received contact from Capquest. And once she became aware, she tried to agree a way forward and asked for call backs which didn't happen.

Overall, Ms H felt Capquest haven't provided information to verify the accuracy of what's being reported, and her wider circumstances weren't being taken into account.

As a reminder, I can only consider the actions of Capquest in this complaint – I can't consider anything to do with the solicitors who contacted Ms H.

### **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 think it's important to explain I've considered all of the information provided by both parties in reaching my decision. If I've not reflected or answered something that's been said it's not because I didn't see it, it's because I didn't deem it relevant to the crux of the complaint. This isn't intended as a discourtesy to either party, but merely to reflect my informal role in deciding what a fair and reasonable outcome is.

#### *CRA reporting*

Ms H says Capquest haven't done anything to verify the information they're reporting to the CRAs is accurate. And this information isn't included in the SAR which she says it should be.

Capquest have explained V are the party who reported a default to the CRAs – and all they're doing is continuing to report it. So, if Ms H disputes the CRA reporting is correct, then they think she should contact V.

In terms of the default Capquest are correct – if V have told them they reported a default, then I'd just expect Capquest to continue reporting the same information.

Having checked, I've seen in the notes provided by Capquest that V were reporting a default from August 2023. This is before Capquest took over the servicing of the account. There is no expectation Capquest would need to verify the information was correct, but they would need to consider it if disputed. As they've shown V told them the account defaulted then I think that's a fair answer. So, in the circumstances of Ms H's case, I don't think they've done anything wrong on this point.

#### *Provided no meaningful updates about the alleged debt*

Ms H says despite multiple attempts to contact Capquest about this alleged debt, she's had no meaningful updates or responses about it. She's said this has hindered her ability to resolve or dispute the issue.

Capquest provided their notes to our service – and said they'd tried to reach her but couldn't.

Ms H has explained she'd moved, didn't answer any calls from Capquest or their agents, and didn't reply to any messages. I understand from Ms H's perspective she had a lot going on – and moving into a property which is uninhabitable has clearly added to that.

But, this complaint is considering Capquest's actions – and whether they've acted fairly or not. I can't fairly say Capquest should have taken account of Ms H's circumstances if they simply didn't know about them.

In reviewing Capquest's notes, I can see they did write out to Ms H and attempt to contact her using the phone number they held for her. I've not seen anything to show they did use her email, and they could have. But, equally, I can't ignore they wrote to Ms H, called her multiple times and never got a reply. In the circumstances, I'm judging whether Capquest have acted fairly or not – and I think they have. I don't think Capquest could have given Ms H any updates on the debt she disputes if they can't reach her.

*Failed to complete the SAR within one month and didn't provide the DOA as part of it*

Ms H made a SAR to Capquest, asking for a DOA, full account history, all personal data held as well as internal and external correspondence regarding the alleged debt. Ms H says Capquest didn't complete the SAR within one month as allowed by the ICO – and didn't provide the DOA which they should have. Ms H has shown she did reply to Capquest's identification requests when they made them.

Ms H submitted her SAR in March 2025. It was our involvement which led to Capquest saying on 15 August 2025 they could see there had been a delay and then making an offer of £100.

It's unclear to me why Capquest needed our involvement to recognise this. I say that both because Ms H had been complaining about this since March 2025, but also she'd contacted the ICO in May 2025. On 25 June 2025 the ICO told Ms H they'd be contacting Capquest who should process the SAR within 28 days.

Capquest have told us the SAR was sent by email to Ms H on 11 September 2025.

After receipt of the SAR, Ms H said she wanted to continue with the complaint – because it didn't contain all of the information she felt it should.

I can't comment on this – as it's not for our service to decide if Capquest have complied with a SAR in terms of whether they've provided all the documents required. But, we can consider the customer service aspect.

In thinking about this, I do think it's disappointing it's taken so long for Capquest to provide this to Ms H. But, in saying this, I need to consider the impact of it. Although there has been a long delay, I'm satisfied the impact on Ms H is fairly reflected in a £100 payment.

If Ms H wanted to complain about the data not included in the SAR, she can contact Capquest and the ICO further if she hasn't already.

I also wanted to explain my thoughts on Ms H's request for the DOA – she quoted the Law of Property Act 1925. Ms H understands this law to say she's entitled to the DOA.

There have been court cases saying consumers are entitled to a DOA – but there have also been court cases saying a consumer isn't entitled to a DOA.

I can't decide if Capquest have followed the law. But the Financial Conduct Authority (FCA) – the financial regulator – set out some information about this. It's contained in their Consumer Credit Sourcebook (CONC).

CONC 6.5.2 says a Notice of Assignment (NOA) must be sent when the rights of a lender are transferred. The FCA make no reference to the DOA.

I think it's likely if the law required a DOA to be sent whenever asked, then debt companies would do this and it'd be reflected in the FCA's guidance – but it's not. The FCA's guidance only refers to the NOA.

The NOA was sent to Ms H on 20 September 2023 explaining V had sold the account to the debt purchaser, and they were asking Capquest to service the account.

I appreciate Ms H may say she didn't receive this – but it was sent to her, which is all I can require of Capquest.

So, I'm satisfied Capquest have done what they were required to do on this point.

#### *No acknowledgement of her financial hardship*

Ms H says Capquest never discussed her financial hardship with her, and because of this she was never given the chance to agree a realistic payment plan.

I agree with this – she wasn't given the chance to discuss any financial hardship with Capquest. But, in line with my findings about Capquest's contact, I can't hold them responsible for this because they did try and reach her but couldn't.

I can see Ms H only got in touch with anyone when Capquest's solicitors contacted her. Following this contact, any request for repayment of the debt was paused. So, I don't think Capquest have done anything wrong on this point.

#### *Pursued a CCJ against her without explaining her rights to dispute matters*

Ms H says she wasn't told by Capquest about her rights to dispute the debt or defend the CCJ against her. She says this omission left her unable to defend herself.

I can understand it may have been frustrating for Ms H to find Capquest had instructed a solicitor to pursue legal action.

The information I have shows this was done only after multiple attempts to contact Ms H without any response from her. So, I don't think Capquest did anything wrong in instructing legal action.

In doing so, I don't think there would be any expectations on Capquest to have provided her with any information or advice about her rights and / or disputing matters. It'd be down to Ms H to seek her own advice about the steps available to her.

Ms H has also linked Capquest's failure to provide the SAR as preventing her from defending herself successfully. My understanding is when Ms H got in touch with Capquest the legal action had already commenced, and they placed any further action on hold following her dispute and subsequent referral to our service. Ms H's defence is dated 9 April 2025 – less than one month from her SAR. So, at the time, Capquest weren't out of time to have provided the SAR. As a reminder – the filing of the claim itself would be considered litigation by the solicitors, so isn't something we can look at. In the circumstances, I think they've treated her fairly by placing any further action on hold following her complaint.

### **My final decision**

I partially uphold this complaint and require Capquest Debt Recovery Limited to pay Ms H £100 compensation.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms H to accept or reject my decision before 25 February 2026.

Jon Pearce  
**Ombudsman**