

## **complaint**

Mr E says that Cabot Financial (Europe) Limited chased him for a credit card debt it owned and that it failed to promptly provide him with the information about the debt when he had requested it. Mr E says this delay meant he could not challenge the debt sooner (he told Cabot it was a fraudulent transaction and the debt was eventually written off) and this has caused him unnecessary distress and inconvenience which he should be compensated for.

## **background**

Our adjudicator recommended this complaint be upheld. He noted that Mr E had requested details of the debt from Cabot's collection agent in late 2011 but did not receive full details for around two years. He was satisfied that this delay caused Mr E unnecessary distress and inconvenience and that Cabot should pay him £200 compensation.

Cabot disagrees with our adjudicator's recommendation. It says it is willing to offer Mr E £100, which is fair as he has not suffered any financial loss.

## **my findings**

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

I am satisfied from the information on file that Cabot (and agents working on its behalf) took around two years to provide Mr E with relevant information about the debt. I am also satisfied from the information on file that Mr E had made reasonable and specific requests for such information soon after Cabot's agent first contacted him about repayment.

I find that had Cabot (or its agents) promptly provided Mr E with sufficient detail about the nature of the debt (such as original transaction dates and amounts) he would have been able to successfully challenge it sooner. Instead he has had to repeat himself to Cabot (and its various agents) to eventually obtain the information he had requested at the outset.

In this case I find there has clearly been an error by Cabot. While it has pointed to responsibilities of the originator of the account, I consider that it was responsible for adequately answering Mr E's queries as the owner of the debt at the time. I understand that the debt was eventually written off after Mr E submitted further evidence in response to receipt of the information he had originally requested. And I understand that Cabot has now amended his credit file to ensure there are no adverse credit implications. However, this service also considers appropriate awards for non-financial loss, such as distress and inconvenience caused by the actions of a financial business such as Cabot.

I have considered Mr E's credible and persuasive submissions which satisfy me that he found this whole experience (including the ongoing collections activity) to be stressful, frustrating and distressing. The letters on file show that Mr E has suffered notable inconvenience from having to write at length to Cabot and its representatives on several occasions about this matter. Taking these factors into account, and considering the considerable time this matter went on for, I believe that a higher award of £350 is appropriate compensation in these particular circumstances.

**my final decision**

I uphold this complaint and direct Cabot Financial (Europe) Limited to pay Mr E £350 for the distress and inconvenience he has been caused by its actions.

Mark Lancod  
**ombudsman**